



# TITLE IX & ATHLETICS

HOT ISSUES



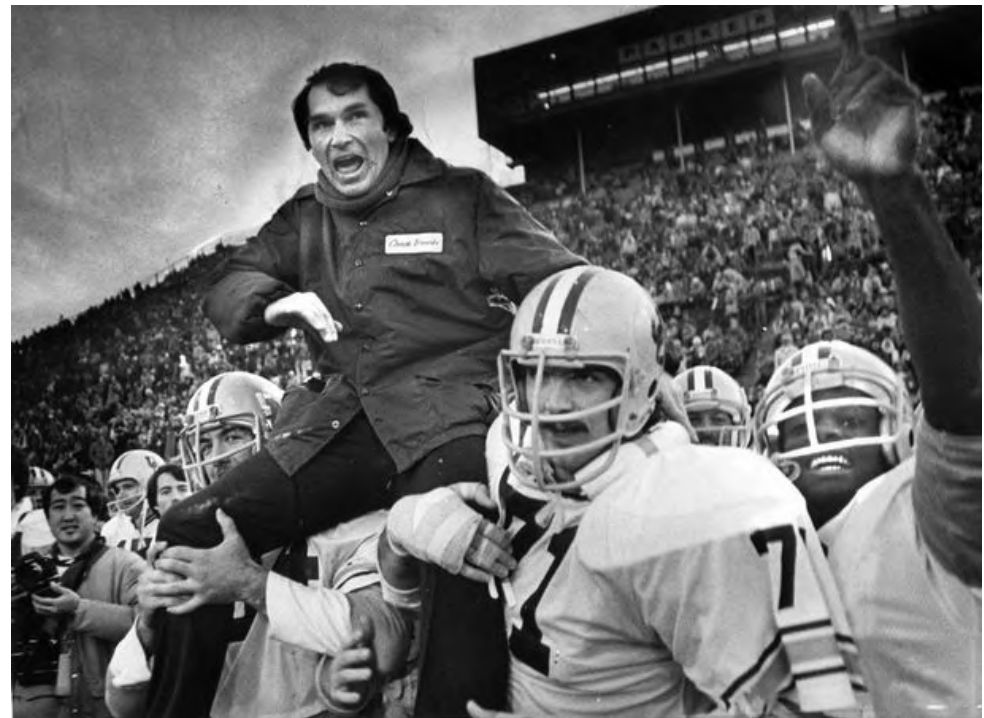
## Another College Blight: The Scandal at Oregon

- A Lane County grand jury handed down indictments against four members and former members of the football team, charging a variety of sexual assaults. Those indictments followed an investigation into complaints by more than 20 women, most students at the university or **high school students**, that they were forced to commit sexual acts, usually in dormitories or off-campus housing, by Oregon football players.
- Eight of the women, contacted independently by representatives of The Washington Post, described the incidents in which they said they were forced to commit sexual acts with one or more football players and their reasons for failing to report the incidents promptly. "I was scared he would kill me. I know he would have hurt me," said one of the women. Another said she received threatening telephone calls warning her against testifying before the grand jury investigating the complaints.

## Another College Blight: The Scandal at Oregon

- One woman complained she was raped twice by members of the football team in 1978 when she stopped off at the house where another player was living after a party. Being given a tour of the house, she said she found herself alone in a bedroom when one of the players entered, pushed her on the bed, tore off her clothes and raped her. When she screamed, she was slapped and raped by another player.
- Another woman, an 18-year-old freshman at the time, said she was watching television with some friends in the dormitory room of another player. Late in the evening, everyone else had drifted away, and she and a player were left alone in the room. The player started making unexpected sexual advances toward her, the woman said. "I told him to stop, but he kept on trying. Then I tried to run for the door, but he grabbed me by the shoulders and threw me against the wall. He told me there was no getting out, and I would have to accept it." The woman said she was raped twice before she was allowed to leave, and she didn't tell police, medical authorities or even close friends until months later. "I didn't tell the police because it happened in his room. That's the bad part. It sounds terrible but he did rape me, and that's a fact."

- Two women said they had complained to Brooks that they had been the victims of sexual assaults by one of his players and that Brooks had told them he recommended the player for psychological counseling.
- Chief Packard: "I will never understand why a member of the University of Oregon athletic department, when he became aware of the alleged sex offenses, felt no moral or ethical obligation to inform any law enforcement agency nor to encourage the alleged victims to do so. Had he reported the alleged offenses, additional alleged and reported sex offenses might well have been prevented. But even when these additional alleged offenses came to him, they went unreported."
- Brooks said he called the players in and heard them deny the charges and concluded that was as far as he personally should carry the matter.



## WHAT HAPPENED NEXT?

- University of Oregon Head Coach, 1977 – 1994
- University of Oregon, Athletics Director, 1992 – 1994
- Head Coach of the St. Louis Rams, 1995 – 1996
- University of Kentucky Head Coach, 2003 -- 2009









**BE  
EVERGREEN**



# UNIVERSITY OF MARYLAND



# FOUR HOT TITLE IX ATHLETICS ISSUES



1. Sex assault
2. Recruiting practices
3. Data integrity
4. Gender equity

# SEX ASSAULT RESPONSE

- On September 13 2013, Shillinglaw sent a text to Coach Briles about a player who got a massage and “supposedly exposed himself and asked for favors. She [masseuse] has a lawyer but wants us to handle with discipline and counseling.” Coach Briles’ first response was “What kind of discipline... She a stripper?” When Shillinglaw said the player made the request at a salon and spa while getting a massage, Coach Briles wrote, “Not quite as bad.”

- What were Shillinglaw and Briles supposed to do?
- Why didn’t they?

# THE NARRATIVE THAT MAKES US COMFORTABLE





# WHY DON'T PEOPLE DO THE RIGHT THING?

1. Knowledge deficits
2. Incentives are powerful predictors of human behavior (moment to change)



# 3 & 4. TOO MUCH GOING ON & ETHICAL FADING



## A Double Dutch Brain Game



National Geographic

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## Stumbling Into Bad Behavior

By MAX H. BAZERMAN and ANN E. TENBRUNSEL APRIL 26, 2011

IT'S easy to look at big names like Warren E. Buffett, and big companies like Ernst and Young, and be judgmental. Of course they overlooked ethical lapses. Why wouldn't they? That's business.

Regulators, prosecutors and journalists tend to focus on corruption caused by willful actions or ignorance. But in our research, and in the work of other scholars who study the psychology of behavioral ethics, we have found that much unethical conduct that goes on, whether in social life or work life, happens because people are unconsciously fooling themselves. They overlook transgressions — bending a rule to help a colleague, overlooking information that might damage the reputation of a client — because it is in their interest to do so.

When we are busy focused on common organizational goals, like quarterly earnings or sales quotas, the ethical implications of important decisions can fade from our minds. Through this ethical fading, we end up engaging in or condoning behavior that we would condemn if we were consciously aware of it.

# SIX TRAINING RECOMMENDATIONS

1. Don't overcomplicate
2. Create clear incentives
3. Stop! Pay attention!
4. This can happen to you
5. Be courageous
6. Measure outcomes, be flexible, and beware of backlash

# Indiana University policy bans athletes with history of sexual violence



By **Jill Martin**, CNN

🕒 Updated 1514 GMT (2314 HKT) April 21, 2017



## News & buzz



Trump's first 100 days on the global stage



Serena Williams slams Ilie Nastase 'racist' comments

SUPER CITY  
SINGAPORE





## **Former UA assistant track coach sues student he's accused of assaulting**

## **UC football player sues school over sex allegations**

Texas Tech athlete claims wrongful suspension for Title IX violation

**Former Ivy League athlete suspended for alleged sexual assault wins important – and surprising – court victory**

**OUTRAGEOUS** **'His Life Was Derailed': College Student Sues After Suspension for Consensual Sex**

**Yale hoops captain: Sex was consensual, and I'm suing school**

# Consent Communication: What Does it Mean for Student Athletes?

Jennifer McGovern and Patrick Murray  
Monmouth University

[Sex Roles](#)

July 2007, Volume 57, [Issue 1](#), pp 145–157

## Athletic Participation, Fraternity Membership, and Sexual Aggression Among College Men: A Meta-analytic Review

Authors

[Authors and affiliations](#)

Sarah K. Murnen , Marla H. Kohlman

### Sexual Coercion Practices Among Undergraduate Male Recreational Athletes, Intercollegiate Athletes, and Non-Athletes

[Belinda-Rose Young](#), [Sarah L. Desmarais](#), [Julie A. Baldwin](#), [Rasheeta Chandler](#)

First Published May 30, 2016

### Intercollegiate Athletes and Sexual Violence

*A Review of Literature and Recommendations for Future Study*

[Kristy L. McCray](#)

First Published June 4, 2014

## WE ALSO KNOW . . .

- Alcohol
- Off-campus parties
- Our youngest community members

The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

Document Title:	The Campus Sexual Assault (CSA) Study
Author(s):	Christopher P. Krebs, Ph.D. ; Christine H. Lindquist, Ph.D. ; Tara D. Warner, M.A. ; Bonnie S. Fisher, Ph.D. ; Sandra L. Martin, Ph.D.
Document No.:	221153
Date Received:	December 2007
Award Number:	2004-WG-BX-0010

This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this Federally-funded grant final report available electronically in addition to traditional paper copies.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

## University of Colorado Is a Study in Sports Scandal

*Rape allegations top the list of a wave of incidents jolting the college and other U.S. campuses.*

February 20, 2004 | David Wharton, David Kelly and Chris Dufresne | Times Staff Writers



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BOULDER, Colo. — In this picturesque town set against the Rocky Mountains, where conversation usually tends toward skiing this time of year, the talk has shifted abruptly to a scandal involving alcohol, rape and the local college football team.



## The New York Times

### Getting a Grip on Recruiting Parties

By MIKE FREEMAN NOV. 21, 2002





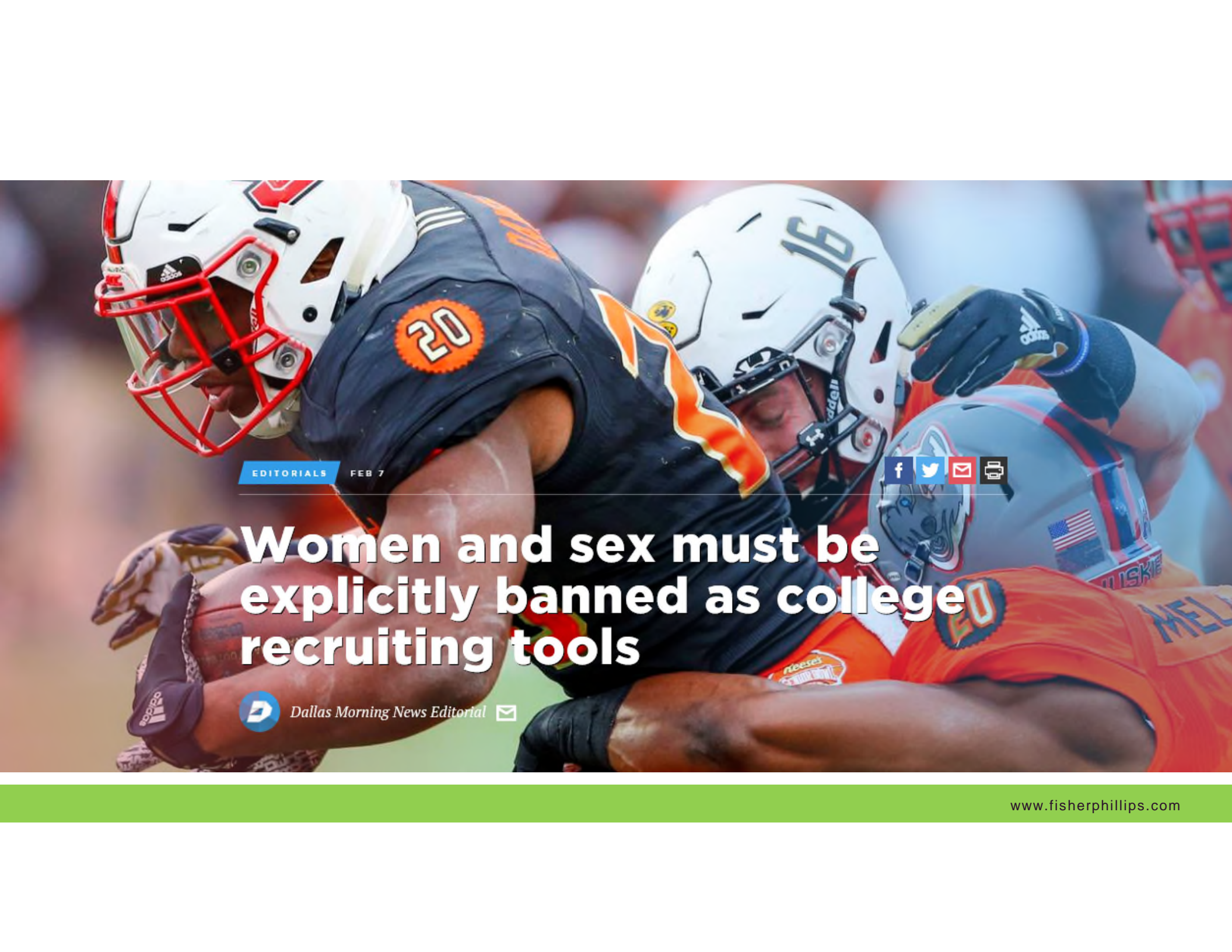
# **New lawsuit alleges 52 'acts of rape' by 31 Baylor players, sex used to sell recruits**



**Former escort says she was told Louisville coach Rick Pitino knew she was setting up sex parties basketball players and recruits**

## **Michigan State staff member suspended in wake of sexual assault investigation**

Curtis Blackwell is the program's director of football recruiting



EDITORIALS FEB 7



# Women and sex must be explicitly banned as college recruiting tools



Dallas Morning News Editorial



## 5 PRACTICAL TIPS

1. You have a role to play
2. Get buy-in early from institutional leadership
3. Be clear about institutional policies and expectations with coaches and AD administration (zero tolerance).
4. Know the player recruiting hosts and make sure they are appropriately trained.
5. Don't stick your head in the sand.



**D Perk** @DPerk\_15

7h

The recruit was 2funny at strip club tonight

[Expand](#)



**D Perk** @DPerk\_15

6h

@ICEem\_down hell yeahh ...u told the black stripper to get em a snow bunnie ...he was trippen

[View conversation](#)

# A MOMENT ON GENDER EQUITY





## Feds visit campus to investigate University of Iowa athletics

Jeff Charis-Carlson , [jcharisc@press-citizen.com](mailto:jcharisc@press-citizen.com) Published 3:02 p.m. CT April 10, 2016 | Updated 3:43 p.m. CT April 10, 2016



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A team of federal investigators on Monday will begin a weeklong, on-campus probe in response to a complaint that the University of Iowa athletic department does not provide equal opportunities for female athletics.

The Office for Civil Rights of the U.S. Department of Education is looking into [gender bias in a wide variety of areas](#), including practice facilities, locker rooms, publicity policies, scholarships, practice schedules, tutoring supports, medical services and housing.

The office enforces the law known as Title IX, which bars sexual discrimination in education programs receiving federal aid.

Based on similar OCR investigations at other universities, this week's on-campus interviews may be the first of several over the next few years. If discrimination is found, the investigation could result in a settlement requiring UI to change policies, to spend more money on women's athletics or even to add another women's sport.

TwinCities.com  
PIONEER PRESS

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## Gophers target of federal gender-equity investigation

By John Shipley  
[jshipley@pioneerpress.com](mailto:jshipley@pioneerpress.com)

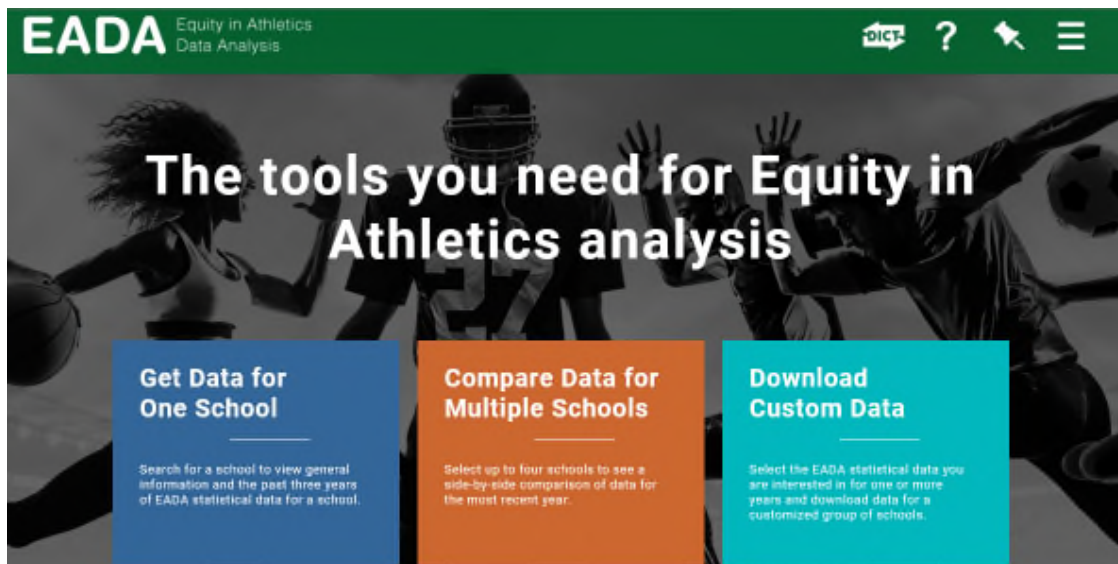
POSTED: 01/23/2015 12:01:00 AM CST | UPDATED: 6 MONTHS AGO

The University of Minnesota's athletics department is the target of a federal gender-equity investigation by the U.S. Department of Education's Office for Civil Rights.

According to several sources, the complaint is related to the U's Athletes Village project, specifically about a football "performance center" that will displace the men's and women's track and field teams.

A spokesperson for the Department of Education said the Office of Civil Rights has two Title IX investigations open at the University of Minnesota-Twin Cities, one involving athletics.

# A VERY SHORT HISTORY LESSON



1992: NCAA studies and finds widespread inequity in participation, athletics financial aid, and resources

1994: Equity in Athletics Disclosure Act is signed into law. The stated purpose is to determine whether schools are compliant or not

# SOME STATISTICAL ANALYSIS

- 46% of Power Five conference schools have a proportional athletic aid gap of two percent or more—a gap considered noncompliant under Title IX without additional explanation and justification.
- 18% of Power Five schools fail to come within ten percentage points of matching female athletes' participation to the proportion of women enrolled at the institution.
- Some schools appear to comply with Title IX at least in part by overstuffing the rosters of inexpensive sports such as women's rowing and counting the male practice player opponents used by many teams as female athletes.

School	Gap Between Women's Participation and Athletic Aid (%)	School	Gap Between Women's Participation and Athletic Aid (%)
Baylor	15	Boston College	5
Florida State	9	Pittsburgh	4
Kansas	8	Oregon	4
Kansas State	8	South Carolina	4
Vanderbilt	7	Wisconsin	4
Colorado	7	Michigan	4
Texas	6	Purdue	4
Northwestern	6	Notre Dame	3
Alabama	6	Arkansas	3
Oklahoma	6	Auburn	3
TCU	5	Duke	2
Oklahoma State	5	Washington	2
Miami	5	Minnesota	2
Michigan State	5	Clemson	2
Tennessee	5	Washington State	2

things  
change  
very  
quickly



# GENDER EQUITY



1. Do you know how you are hitting participation?
2. Do you know whether you are hitting your athletics financial aid number?
3. Ever audit your numbers?

# UW women's rowing-team numbers inflated, avoiding Title IX scrutiny

Originally published March 5, 2017 at 7:00 am | Updated March 5, 2017 at 2:01 pm



*The varsity women's crew team rows back to the shellhouse after a victory in the 2011 Windermere Cup. That year, the UW listed 181 participants on its report to federal officials but had 69 rowers on its roster on its website. (Steve Ringman / The Seattle Times)*

**Despite students never trying out for women's rowing, the UW counted them on the team in its report to the Department of Education for several years.**

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

Room: \_\_\_\_\_ Inv. No. **00001**

LAUNDRY			DRY CLEANING		
No.	ARTICLE	PRICE	No.	ARTICLE	PRICE
	Handkerchiefs			Blouses	
	Pyjamas, Cotton			Coat, rain	
	Pyjamas, silk/rayon			Coat, top or over	
	Shirts, dress			Dress	
	Shirts, silk/rayon			Dress, formal	
	Shirts, Tuxedo			Jackel or sport coat	
	Jeans, Trousers			Suit, 2-pc	
	Socks, press			Suit, 3-pc	
	Underwear Shorts			Jeans, Trousers	
	Underwear tops			Shirts/Dress/Tuxedo	
	Brassieres			Tie	
	Slips			Jumpsuit/Sport	
	Nightgowns/Robes				

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“As Title IX prepares to celebrate its 40th anniversary this year, we believe that many women of our generation are ready to move beyond the comforting fiction that equality of opportunity, and rough parity with boys, is enough for female athletes. It's time to stop celebrating the raw numbers and to start figuring out how to improve the quality of women's athletic experiences.”

www.fisherphillips.com

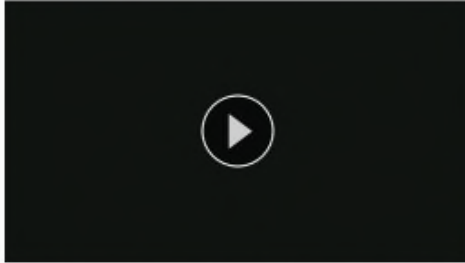
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## Is it fair for UC women's basketball, volleyball teams to play at St. Ursula?

Kate Murphy | kmurphy@enquirer.com Published 11:21 a.m. ET April 4, 2017 | Updated 2:11 p.m. ET April 4, 2017



The next time University of Cincinnati women's basketball team has a home game it will be in a high school gym. Meanwhile, the UC men's team will play in a college arena reality. Wochit!



(Photo: Sam Greene)

The next time the University of Cincinnati women's basketball team plays a home game, it will be in a high school gym.

The team, which drew 4,000 spectators for its matchup against the University of Connecticut Huskies this year, will play at St. Ursula Academy, which has about 1,000 seats. Fans won't be cheering from behind the bench because there's only one set of bleachers.

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## Athletics Department Begins Assessment of Program Culture

By BROTTANY N. ELLIS, CRIMSON STAFF WRITER April 3, 2017



The Muir Center houses several Harvard athletic facilities. THOMAS W. FRANCE

After a series of highly-publicized incidents last fall, Harvard Athletics has begun working with a team of consultants from the National Consortium for Academics and Sports to review the culture of the department's 42 varsity programs.

15

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Beverly Hills



# VULNERABLE (AND EXPENSIVE FIX)?





# SCOTT SCHNEIDER

EMAIL: [sschneider@fisherphillips.com](mailto:sschneider@fisherphillips.com)

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