

## 2003 Current Fiscal Year Report: The Secretary of Education's Commission on Opportunity in Athletics

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### 1. Department or Agency

Department of Education

### 2. Fiscal Year

2003

### 3b. GSA

### Committee

### No.

The Secretary of Education's Commission on Opportunity in Athletics

13864

### 4. Is this New During Fiscal Year?

No

### 5. Current Charter

07/25/2002 07/25/2004

### 7. Expected Term Date

03/15/2003

### 8a. Was Terminated During Fiscal Year?

Yes

### 8b. Specific Termination Authority

The Charter

### 8c. Actual Term Date

03/15/2003

### 9. Agency Recommendation for Next Fiscal Year

Terminate

### 10a. Legislation Req to Terminate?

No

### 10b. Legislation Pending?

### 11. Establishment Authority

Agency Authority

### 12. Specific Establishment Authority

### 13. Effective Date

### 14. Committee Type

Ad hoc

### 14c. Presidential?

No

### 15. Description of Committee

Non Scientific Program Advisory Board

### 16a. Total Number of Reports

1

### 16b. Report Date

02/28/2003

### Report Title

Open to All, Title IX at Thirty

### Number of Committee Reports Listed:

1

### 17a.

Open

4

17b. Closed0

17c. Partially Closed0

Other Activities0

17d. Total4

### Meetings and Dates

Purpose

Start

End

To hear testimony from over 30 expert witnesses and over 100 citizens in open microphone sessions.	10/23/2002 - 10/24/2002
To hear testimony from over 30 experts and 100 citizens in open microphone session.	11/20/2002 - 11/21/2002
To work on and develop the content of the Commission's report.	12/03/2002 - 12/04/2002
To work on and continue to develop the contents of the Commission's report to the Secretary.	01/29/2003 - 01/30/2003

**Number of Committee Meetings Listed: 4**

	<b>Current FY</b>	<b>Next FY</b>
<b>18a(1). Personnel Pmts to Non-Federal Members</b>	\$0.00	\$0.00
<b>18a(2). Personnel Pmts to Federal Members</b>	\$0.00	\$0.00
<b>18a(3). Personnel Pmts to Federal Staff</b>	\$66,646.00	\$0.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$0.00	\$0.00
<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$101,561.00	\$0.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$0.00	\$0.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$0.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$75,032.00	\$0.00
<b>18d. Total</b>	\$243,239.00	\$0.00
<b>19. Federal Staff Support Years (FTE)</b>	2.00	0.00

**20a. How does the Committee accomplish its purpose?**

The Commission collected information, analyzed issues, and obtained broad public input directed at improving the application of current Federal

standards for measuring equal opportunity for men and women and boys and girls to participate in athletics under Title IX of the Education Amendments of 1972. The Commission made recommendations in a written report to the Secretary on other steps that might be taken to improve the effectiveness of Title IX and to maintain and build upon the extraordinary progress that has resulted from the law's passage 30 years ago. In Fiscal Year 2003 the Commission held a total of four meetings. Two were town hall meetings in Colorado Springs and San Diego. At these meetings the Commissioners heard testimony from over 30 expert witnesses representing all points of view and described the impact of current Title IX enforcement on universities in various divisions of the NCAA as well as two-year institutions and high schools. Also at these meetings, the Commission heard from about 100 citizens in open microphone session. In addition to the town hall meetings, the Commission held two meetings, in Philadelphia and Washington, DC, to work on and develop the content of the Commissions report. The Commission also received thousands of submissions from a variety of concerned citizens and organizations, again representing all points of view on the relevant issues. Every thing that was sent to the Commission by email or mail was shared with each of the Commissioners. The Commission used all of the oral and written information to formulate the Commissions' report, which they presented to the Secretary on February 26, 2003. The Commission staff also produced a number of research documents for Commissioners describing Title IX litigation involving high schools, a digest of U.S. Court of Appeals cases involving Title IX and athletics, a report on national organizations' definition of

sports and various responses to ad hoc requests for information from Commissioners. Although the majority of the Commission's workload was related to the logistics of planning and executing the town hall meeting, this research and reporting component became more and more significant in terms of hours spent by staff.

**20b. How does the Committee balance its membership?**

The Commission was composed of not more than 15 members appointed by the Secretary from the public and private sectors, as well as up to three ex officios from the Department of Education. Members included representatives of colleges, university and school district officials, athletic directors, coaches, and other faculty, and representatives of intercollegiate and secondary school athletes. Members also included researchers, state and local officials, and other persons with special expertise in intercollegiate and secondary school athletics or issues of equal educational opportunity.

**20c. How frequent and relevant are the Committee Meetings?**

Estimated Number of Meetings per Year - 4

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The Secretary was interested in seeking public input and advice on how to improve and clarify the role of the Federal government in administering Title IX. Several groups had alleged that the Office for Civil Rights has failed to effectively enforce Title IX. Others claim that the manner in which the Department enforces the law needlessly results in the elimination of certain men's teams. All of the advocates were passionate and determined. The

Secretary was seeking advice and input from representatives of college, university, and school district officials. No other group has been established to answer questions related to this subject. The Secretary and this administration felt the timing of the 30th anniversary of the law was a perfect opportunity to seek answers to questions from the public and bring about improvements to this landmark legislation.

## **20e. Why is it necessary to close and/or partially closed committee meetings?**

No meetings were closed. Public comment and participation was very important in obtaining results for this Commission.

## **21. Remarks**

The Commission presented its report to the Secretary on February 26, 2003. FTE was reduced because staff only worked until March 2003.

## **Designated Federal Officer**

Deborah Price Executive Director & DFO

<b>Committee Members</b>	<b>Start</b>	<b>End</b>	<b>Occupation</b>	<b>Member Designation</b>
Bates, Percy	06/27/2002	03/15/2003	Director of Programs for Educational Opportunities, University of Michigan	Special Government Employee (SGE) Member
Bowlsby, Bob	06/27/2002	03/15/2003	Director of Athletics, University of Iowa	Special Government Employee (SGE) Member
Cooper, Cynthia	06/27/2002	03/15/2003	Former WNBA star	Special Government Employee (SGE) Member
DeFilippo, Gene	06/27/2002	03/15/2003	Athletic Director, Boston College	Special Government Employee (SGE) Member

Foudy, Julie	06/27/2002	03/15/2003	President, Women's Sport Foundation	Special Government Employee (SGE) Member
Griffith, Tom	06/27/2002	03/15/2003	Assistant to the President and General Counsel, Brigham Young University	Special Government Employee (SGE) Member
Groth, Cary	06/27/2002	03/15/2003	Athletic Director, Norther Illinois University	Special Government Employee (SGE) Member
Jones, Brian	06/27/2002	03/15/2003	General Counsel	Special Government Employee (SGE) Member
Keegan, Lisa	06/27/2002	03/15/2003	Chief Executive Officer, Education Leaders Council	Special Government Employee (SGE) Member
Leland, Ted	06/27/2002	03/15/2003	Director of Athletics, Sanford University	Special Government Employee (SGE) Member
McGraw, Muffet	06/27/2002	03/15/2003	Head Coach, Women's Basketball, University of Notre Dame	Special Government Employee (SGE) Member
Reynolds, Gerald	06/27/2002	03/15/2003	Assistant Secretary, Office of Civil Rights	Special Government Employee (SGE) Member
Simon, Rita	06/27/2002	03/15/2003	Professor, American University, Washington, DC	Special Government Employee (SGE) Member
Slive, Mike	06/27/2002	03/15/2003	Commissioner, Conference USA, Chicago, Illinois	Special Government Employee (SGE) Member
Spanier, Graham	06/27/2002	03/15/2003	President, Pennsylvania State University	Special Government Employee (SGE) Member

Stroup, Sally	06/27/2002	03/15/2003	Assistant Secretary, Office of Postsecondary Education	Special Government Employee (SGE) Member
Yow, Deborah	06/27/2002	03/15/2003	Director of Athletics, University of Maryland	Special Government Employee (SGE) Member
de Varona, Donna	06/27/2002	03/15/2003	Chairman, USOC Government Relations Committee	Special Government Employee (SGE) Member

**Number of Committee Members Listed: 18**

### Narrative Description

The Commission supported the agency's mission and its strategic plan by reviewing the implementation and interpretation of Title IX as it relates to athletics to gain understanding of how the agency could better implement the law and related regulations.

### What are the most significant program outcomes associated with this committee?

Checked if  
Applies

Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input checked="" type="checkbox"/>
Increased customer satisfaction	<input checked="" type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

### Outcome Comments

NA

### What are the cost savings associated with this committee?

Checked if Applies

None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

### **Cost Savings Comments**

NA

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

23

### **Number of Recommendations Comments**

Of the recommendations presented in the Commission's report, 15 were by unanimous vote, the remaining 8 received one or more votes of opposition to the recommendation.

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

0%

### **% of Recommendations Fully Implemented Comments**

The Secretary has determined that he will only consider the 15 recommendations that were passed by the Commission unanimously. The Secretary is carefully evaluating the recommendations, however, he has issued a letter of clarification addressing several of these 15 unanimous recommendations.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

0%

### **% of Recommendations Partially Implemented Comments**

The Secretary is carefully evaluating the recommendations no decisions have been made at this time. He is currently addressing clarification on several of the 15 recommendations.



**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

### **Agency Feedback Comments**

By personal conversation with each Commissioner.

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

### **Action Comments**

The Secretary has issued a letter of clarification regarding the implementations of Title IX as it relates to athletics.

**Is the Committee engaged in the review of applications for grants?**

No

### **Grant Review Comments**

NA

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO	<input type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

**Access Comments**

NA