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5/3/2021 by Carrie N. Baker

Forty-nine years ago, when Congress passed Title IX prohibiting sex discrimination in education, feminists hoped the law would mean equality in college athletics. Early on, the federal government interpreted the law to require that college athletics programs provide three things: equal opportunities for participation; equal treatment; and equal benefits.

Over the years, most enforcement efforts have centered on the first of these: participation. However, courts and the government interpreted the law to require “equity”—which did not mean an equal number of athletic opportunities, but just progress towards equality—and they largely ignored equal treatment and benefits. As a result, almost 50 years later, women still have not reached equality in sports participation at many schools—women are 57 percent of undergraduate students but only 44 percent of college athletes—and they trail significantly behind men in treatment and benefits, such as recruitment money and scholarship dollars, at most schools. But that all may soon change.

On November 5, 2020, Clemson University announced a decision to eliminate the men’s varsity intercollegiate track & field and cross country teams at the end of the academic year because of “significant financial challenges due to the ongoing pandemic” and concern about “the ability for long-term Title IX compliance.”

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In response, attorneys for male and female athletes separately wrote letters to Clemson University's president threatening to file Title IX class-action lawsuits. The men argued the elimination of these teams would mean they had fewer opportunities than women with regard to their respective enrollments. The women on the rowing, cross country, and track & field teams argued they were not receiving equal athletic financial aid, treatment or benefits. The women supported the male athletes' claims as well. This was the first time that male and female student-athletes have threatened to sue together to enforce Title IX.

The strategy worked.

[Click here to read more about Bailey Glasser's victory.](#)

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