

**M E M O R A N D U M**

**To:** Board of Education

**From:** Randall Booker, Superintendent  
Stephanie Griffin, Director of Instructional Technology

**Date:** May 25, 2022

**RE: TITLE IX GENDER EQUITY AUDIT OF HIGH SCHOOL ATHLETIC PROGRAM**

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**I. BACKGROUND**

Pursuant to Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act, "No person in the United States shall, on the basis of sex, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination, under any educational program or activity receiving federal financial assistance." These regulations apply to gender identity, sexual orientation and cover sex discrimination such as sexual assault and sexual harassment, in addition to discrimination in athletics. Unlike regulations for sexual harassment which have evolved to protect either sex from discrimination, the regulations focused on discrimination in athletics are still focused on the historically underrepresented sex.

In 1971-72, only 7% of high school athletes were girls. Nationwide, the number of high school girl athletes has grown more than 10 times to 3.4 million. This is a testament to the power of the legislation to remove the discrimination, and yet gender equity in high school athletics is still not assured as nationwide 43% of all student-athletes are identified as female<sup>1</sup>.

Title IX's requirements of Athletics can be divided into three basic categories:

1. Participation
  - a. Girls and boys must be given equitable opportunities to participate in school-sponsored athletics. The number and type of sports offered for boys and girls don't have to be the same but there does need to be an equitable opportunity to play.
2. Scholarships

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<sup>1</sup> [https://www.womenssportsfoundation.org/wp-content/uploads/2022/05/13\\_Low-Res\\_Title-IX-50-Report.pdf](https://www.womenssportsfoundation.org/wp-content/uploads/2022/05/13_Low-Res_Title-IX-50-Report.pdf)

- a. Girl and boy student-athletes must receive scholarship dollars proportional to their participation levels in sports. *This area does not apply to our high school program as we do not provide scholarships.*
3. Other benefits
  - a. Girl and boy athletes must receive equitable treatment and benefits being a student-athlete. This includes, but is not limited to, access to quality equipment, game/practice schedules, locker rooms, facilities, medical/training facilities, marketing, and support services.

A task force was formed this year to assist with the first self-audit of the high school athletic program. The audit would examine the whole athletic program and review data to determine if the historically underrepresented gender participates in, and has similar benefits to, male athletes in proportion to enrollment.

The district engaged the resources of Sports Management Resources, led by [Dr. Donna Lopiano](https://en.wikipedia.org/wiki/Donna_Lopiano) ([https://en.wikipedia.org/wiki/Donna\\_Lopiano](https://en.wikipedia.org/wiki/Donna_Lopiano)), to provide expertise and a proven methodology for the self-audit. Dr. Lopiano is the former CEO of the Women's Sports Foundation (1992-2007) and was named one of "The 10 Most Powerful Women in Sports" by Fox Sports. She has been nationally and internationally recognized for her leadership advocating for gender equity in sports by the International Olympic Committee, the National Collegiate Athletic Association, the National Association for Girls and Women in Sports, the National Association of Collegiate Women Athletic Administrators and the National Association of Collegiate Directors of Athletics. Recognized as one of the foremost national experts on gender equity in sport, Dr. Lopiano has testified about Title IX and gender equity before three Congressional committees, served as a consultant to the U.S. Office for Civil Rights Department of Health, Education and Welfare Title IX Task Force and as an expert witness in over thirty court cases.

Additional members were invited to the task force to review evidence and findings gathered from Dr. Lopiano's process. Those invited to participate in the task force included students, coaches, and parents along with school and district staff engaged in the work.

Task Force Participants	Student	Parent	Staff	Coach	Other
Bree DeYoung	X				PAC rep
Finn Burke	X				PAC rep
Nico Caputo	X				TPH
Kim DeYoung		X			PAC Rep
Chris Hart		X			Boosters
Stephanie Griffin		X	X		
Bradley Smet			X		
Adam Littlefield/Erin Igoe			X		
Patty Johnston			X		
Brain Killgore			X		

Jefferson White			X		
Jeanine Bourcier Holmlund				X	
Liam Kelly					PRD
Eva Phalen					PRD
Donna Lopiano					consultant

The task force objective was to engage in a systematic fact-based process to: 1) identify any gender inequities across the program, and 2) propose remedies to resolve any issues; so that all students, regardless of gender, have equitable athletic experiences.

Key guidance was provided to the task force participants by Dr. Lopiano:

1. Each sport examined SEPARATELY, not in comparison
2. Program then analyzed as a whole.
3. Analysis in the most recent year in which all data is available
4. All female athletes compared to all male athletes (Never compare one sport to another sport)
5. Fact-based data only – not opinion
6. No consideration of where money comes from – institution obligated to ensure \$ from all sources expended in a manner that treats Men and Women with equity – no special treatment because a team brings in money
7. Lack of financial resources is not a justification for different treatment or failure to remedy inequities
8. Athletes/coaches cannot choose to accept discriminatory treatment
9. It's acceptable to have different treatment based on gender neutral factors – ie bus use based on team size or distance to be traveled – objective standard equally applied to men's and women's teams
10. OK to treat some sports better than others as long as equal proportions of participants receive the same better (or worse) treatment

Participants in the task force reviewed:

1. [Participation data from team rosters for 2021-22](#)
2. [Student Athletics Interest Survey results for 6th-12th graders from February 2022](#)
  - a. [Word cloud aggregate](#) (discussed by task force)
  - b. [\(create own copy version\)](#)
3. [Treatments and benefits definitions for each coach to rate quality](#)
4. [Compiled results from each teams' coach program treatments and benefits 2021-22](#)

Due to the complexity and amount of data needing to be collected and reviewed in an athletics audit, and this being the first time through an athletics audit, the task force has not completed the audit. At this point we have identified a participation gap and some proposed remedies. In the larger and more complex review of benefits and treatments accrued to athletes the data has not been as deeply reviewed and discussed. Findings and remedies here are more preliminary. Results in this section will also change next year with any

sport/squad additions. The district intends to address any benefit and treatment disparities as soon as possible and not rely on projected participant numbers to the greatest extent.

## II. PRELIMINARY FINDINGS:

Preliminary Piedmont High School Title IX Compliance Findings for Athletics				
5/20/2022				
Finding Category / Program Component				Finding
ACCOMMODATION OF INTERESTS AND ABILITIES				
Three-Part Test: Piedmont High School does not meet any of the three tests; girls are underrepresented in the program				VIOLATION
Two-Part Test: Piedmont High School meets test				
ATHLETIC FINANCIAL ASSISTANCE				
Piedmont High School does not offer athletic financial assistance.				COMPLIANT
OTHER ATHLETIC BENEFITS AND OPPORTUNITIES				
Program Component	Advantage To:			
	B --- boys			
	G --- girls			
	OK --- neither			
	INC -- Incomplete			
	V	JV	FR	
Competition Schedule (preliminary)	B	B	INC	54 areas reviewed by level
Equipment and Supplies	OK	OK	B	
Uniforms	G	OK	B	
Practice Contest Times	B	B	B	
Practice Facilities	OK	B	B	
Competition Facilities	OK	OK	OK	
Locker Rooms*	OK	OK	OK	15/54 advantage boys
Coach - Athlete Instructional FTE Ratios (preliminary)	OK	OK	OK	
Coach - Athlete Instructional Total Ratios (preliminary)	G	OK	OK	
Coach Quality /Years Experience (preliminary)	OK	OK	OK	
Coach Employment Status	B	OK	OK	
Travel - Meals	OK	B	OK	
MD, Trainers	OK	OK	OK	2/54 advantage girls
Spectator Accommodations	OK	OK	OK	
Training and Weight Training Facilities	B	B	OK	
Publicity/Promotion	B	OK	OK	
Awards/Recognition	OK	OK	OK	
Administrative Support Services (preliminary)	OK	OK	OK	

## Participation:

- Based on 2021-22 data and an anecdotal understanding of previous year's data (not reviewed) there is a finding of non-compliance in girls' athletic participation. There are three different ways to meet gender participation under Title IX, but the program did not meet any of the three participation determination prongs. *The taskforce determined that there is a participation equity finding for our athletic program of 55 player slots for girls.*

## Interest:

- Based on an interest survey distributed this year to all students in grades 6-12 there may be sufficient interest to offer two viable sports for girls: *Beach Volleyball* and *Field Hockey*. Based on graduation, current turn-out and interest survey, we may be able to add Frosh G Lacrosse in the 2022-23 school year, and/or Frosh G Water Polo in 2023-2024

## Benefits and Treatments:

- Based on analysis across the whole athletic program for the 2021-22 school year there are some gender disparities in benefits and treatments accrued to athletes.
  - Competition Scheduling
    - Girls Varsity athletes did not participate in as many contests as Boys Varsity athletes
    - Girls JV athletes did not participate in as many contests as Boys JV athletes
  - Equipment
    - Girls Frosh athletes do not have portional quality of equipment as boys Frosh athletes
  - Competition Uniforms
    - Boys Varsity athletes did not have quality uniforms proportional to Girls Varsity athletes. This disparity is barely impactful this year, but will be a more pronounced disparity in 2022-23 based on the uniform rotation plan.
    - Girls Frosh athletes did not have quality uniforms proportional to Boys Frosh athletes
  - Practice and Contest Times
    - Girls JV athletes did not have access to the same quality of practice and competition times as Boys JV athletes.
    - JV and Frosh Girls athletes did not have the same access to off-season facility use.
  - Practice Facilities
    - Girls JV athletes did not have equitable access to quality facilities
    - Girls Frosh athletes did not have equitable access to quality facilities

- Coach to Athlete Instructional Ratios
  - Boys varsity athletes did not have a similar coach to athlete ratio as girls. (Preliminary analysis)
- Head Coach Employment Status
  - Girls Varsity athletes did not have equitable coach employment experiences (not as many girls coaches had additional employment in the district)
- Travel/Meals
  - Girls JV athletes did not have equitable overnight travel experiences.
- Strength training facilities
  - Girls Varsity athletes did not have equitable access to strength training facilities
  - Girls JV athletes did not have equitable access to strength training facilities
- Publicity and Promotions
  - Girls Varsity athletes did not have equitable access to publicity and promotions
- Based on a preliminary analysis across the whole athletic program the following benefits and treatments are equitable for girls and boys at all levels (Varsity, JV and Frosh).
  - Competition Facilities
  - Locker Rooms (\*recommend standardized definitions be updated for Piedmont context for 2022-23 audit )
  - Coach - Athlete Instructional Ratio (FTE)
  - Head Coach Quality in Years of Experience
  - Access to MDs, Trainers
  - Spectator Accommodations
  - Awards Recognition
  - Administrative Support Services

### **III. PRELIMINARY RECOMMENDATIONS**

#### **Participation:**

Close participation gap of 55 girls by end of 2023.

- Add Girls Beach Volleyball in Spring of 2023 - Varsity and JV
- Add an additional girls team. Options include
  - Frosh Water Polo Fall 2022
  - Frosh Lacrosse Spring 2023
  - Varsity Field Hockey Fall 2023 (too late to add for Fall 2022)
- Work internally to increase turn-out for all PHS girls sports 2022-2023

## Benefits and Treatments:

Preliminary 2022-23 remediation plans for findings in benefits and treatments..

Issue	Who is disproportionately impacted?	Remediation Options
Competition Scheduling	Girls' Varsity & JV	<ul style="list-style-type: none"> <li>Work with coaches to ensure competition schedules utilize CIF maximums to a greater extent by reviewing schedules pre-season.</li> </ul>
Equipment	Girls' Frosh	<ul style="list-style-type: none"> <li>Address need in G Fr Soccer or Volleyball TBD</li> </ul>
Competition Uniforms	Boys' Varsity & Girls' Frosh	<ul style="list-style-type: none"> <li><a href="#">Uniform Rotation</a> indicates new uniforms next year for Frosh G Soccer and Volleyball.</li> <li><a href="#">Uniform Rotation</a> plan indicates further disparity for boys' varsity in 2022-23. Need to investigate options.</li> </ul>
Practice and Contest Times	Girls' JV & Girls' Frosh	<ul style="list-style-type: none"> <li>Review practice schedules using 2022-23 Planning Tool to determine any inequities in practice time pre-season.</li> <li>Work with basketball and volleyball team to provide equitable access for drop-in use of facilities off-season</li> </ul>
Facilities	Girls' JV & Girls' Frosh	<ul style="list-style-type: none"> <li>Equitable access: Girls Volleyball will no longer use Morrison Gym for practice or games when other school activities are scheduled in Binks Gym. Outside events will not be able to move sports out of their main facilities. Completion of Witter Field Project will address inequities with teams that use Witter Stadium</li> </ul>
Coach - Athlete Instr Total Ratios	Boys' Varsity	<ul style="list-style-type: none"> <li>Preliminary analysis. Further research needed to assess adult to athlete ratio, including volunteer coaches</li> </ul>
Coach Employment Status	Girls Varsity	<ul style="list-style-type: none"> <li>Not as many girls coaches have additional employment in the district. Investigate ways to incentive employee status and recruitment.</li> </ul>
Travel/Meals	Girls' JV	<ul style="list-style-type: none"> <li>Work with coaches to provide overnight experience for 1-2 girls JV teams</li> </ul>
Strength Training Facilities and Medical Services	Girls' Varsity & Girls' JV	<ul style="list-style-type: none"> <li>Hire a Strength and Conditioning Coach to run strength programs on an equitable basis. Already budgeted for 2022-23</li> </ul>
Publicity and Promotion	Girls' Varsity	<ul style="list-style-type: none"> <li>The Athletic Department will now manage all base publicity for all teams rather than run by individual teams. All teams will be supplied with team posters, senior posters, team media guides and programs- Will have additional cost and may need to purchase special printer to save on printing cost</li> <li>Director of Communication will assist in equitable publicity on district social media channels</li> </ul>



#### **IV. ALTERNATIVES CONSIDERED**

To resolve the main compliance and equity issue of *participation* there are several alternatives that were not recommended:

1. Reduce a boys team - not recommended.
2. Add additional girls teams until participation gap was eliminated - considered an interest survey and "viability" of competition discussed. Suggestions include Mountain Biking, Gymnastics among others. The sport does not have to be sanctioned by CIF (California Interscholastic Federation) to be included as a sport for participation purposes. The sport needs to have an organizing body and post-season play(regional/state championships etc). The sport also needs "viability" in competition locally, i.e. there needs to be enough similar level teams to have competitions in our geographic area. Beach Volleyball and Field Hockey were recommended to pursue due to local interest and potential geographic competition. Other options had challenges around viability or were co-ed and would contribute to participation inequities. Work continues in this area to determine other viable options.
3. Roster management for boys programs. Limit the number of boys on some teams, especially those that are carrying a higher number of athletes than necessary.

To resolve disparities in benefits and treatments, Athletic Director Bradley Smet continues to work to identify the deficit and the impact of the deficit, and to determine meaningful remediations for size and sport. This is a very detailed level of work that often involves talking with different coaches to identify solutions across many levels and sports.

#### **V. FISCAL IMPACT**

The fiscal impacts include ongoing and first year considerations. In the first year there will be a higher amount needed to launch the new teams including new uniforms and equipment. Ongoing there will be roughly \$15,000 in additional cost for coaching stipends. During the entire 2021-22 school year, there have been multiple meetings between the City of Piedmont, PUSD staff, parents and students advocates in favor of exploring the possibility of installing sand volleyball courts somewhere within the City of Piedmont and/or PUSD campus. As we don't have sand volleyball courts there will be facility rental costs and more transportation costs. These will be detailed by the Athletic Director at a later date.

#### **VI. MONITORING AND REPORTING TIMELINE**

Ongoing:

1. The Director of Athletics will have each coach annually review their program using the same rating sheet used for the self-audit in 2021-22. This data will be compiled into a program analysis document for annual review by the PHS Administration and Title IX Compliance officer.
2. The Athletic Director will have captains from each team also complete a program rating for their team and return to AD.
3. Participation numbers will be reported annually to CIF and posted to the school website by the Athletic Director.

4. The Title IX Compliance Officer will review annual participation and benefit/treatment data for any compliance issues and report to the school board annually.
5. Every three years the Athletic Director will conduct a student interest survey

Fall:

1. Status of remediations will be reported to the Title IX Task Force by October 1 by the Athletic Director.

## **VII. SUPPORT INFORMATION**

- [2021-22 PUSD Audit Overview \(public\)](#)
- [Meetings Slide Deck](#)
- [PUSD Athletics Self-Audit Participation Data and Benefit Analysis](#)
- [Meeting Notes - 1st](#)
- [Meeting Notes - 2nd](#)
- [Meeting Notes - 3rd](#)
- [PUSD Interest Survey 3-2022](#)
- [Student Athletics Interest Survey results for 6th-12th graders from February 2022](#)
  - [Word cloud aggregate](#) (discussed by task force)
  - [\(create own copy version\)](#)
- [PUSD Athletics Benefits Evaluation for Coaches](#)
- [Uniform Rotation Plan](#)

# WORKSHEET A: SPORT PARTICIPATION 2021-22

<b>ATHLETIC DIRECTOR COMPLETING THIS FORM</b>	Bradley Smet	
<b>ATHLETIC DIRECTOR EMAIL</b>	<a href="mailto:bsmet@piedmont.k12.ca.us">bsmet@piedmont.k12.ca.us</a>	
<b>ATHLETIC DIRECTOR PHONE</b>	510-594-2626	
<b>NAME OF SCHOOL</b>	Piedmont High School	
<b>WHAT GRADES DOES YOUR SCHOOL INCLUDE?</b>	9-12	
DO NOT ENTER DATA IN ANY YELLOW HIGHLIGHTED CELL. DO NOT INCLUDE SIDELINE CHEERLEADING UNLESS THERE IS A "STUNT" OR "ACRO-TUMBLING" TEAM COMPETING IN A REGULAR SEASON LEAGUE		
Number of athletes that corresponds to the official sports eligibility form; all athletes eligible to play (whether they actually participated in a competition or not) on the date of the first competition for the 2021-22 academic year plus any athlete who joined the team after that time according to provided counting instructions.	Participation Opportunities - the number of students participating in this sport during 2021-22 school year season for that sport. See worksheet D for other information on counting instructions.	
<b>SUMMARY</b>	<b>Male</b>	<b>Female</b>
<b>Total # Athletes (Varsity/JV/Fr)</b>	406	332
<b>% Athletes</b>	55.0%	45.0%
<b>Total # Students in this school</b>	446	425
<b>% Students</b>	51.2%	48.8%
<b>OVERALL FEMALE PARTICIPATION GAP</b>		55
<b>VARSITY SPORTS</b>	<b>Male</b>	<b>Female</b>
Badminton	17	23
Baseball	19	0
Basketball	14	6
Cross-Country	12	9
Football	21	1
Golf	6	6
Lacrosse	31	21
Soccer	22	21
Softball	0	18
Swimming	21	24
Tennis	16	16
Track and Field	23	15
Volleyball	12	13
Waterpolo	15	14
<b>TOTAL</b>	<b>229</b>	<b>187</b>
<b>% of Athletes of this Sex in this Level of Competition</b>	<b>56.4%</b>	<b>56.3%</b>
<b>Participation Gap at this level</b>		<b>31</b>
<b>JUNIOR VARSITY SPORTS</b>	<b>Male</b>	<b>Female</b>
Baseball	14	0
Basketball	10	7
Cross-Country	16	10
Football	23	0
Lacrosse	0	24
Soccer	20	17
Tennis	11	16
Track and Field	23	8
Volleyball	11	12
Waterpolo	14	16
Swimming	3	6
<b>TOTAL</b>	<b>145</b>	<b>116</b>
<b>% of Athletes of this Sex in this Level of Competition</b>	<b>35.7%</b>	<b>34.9%</b>
<b>Participation Gap at this level</b>		<b>22</b>
<b>FRESHMEN SPORTS</b>	<b>Male</b>	<b>Female</b>
Basketball	16	0
Soccer	16	17
Volleyball	0	12
<b>TOTAL</b>	<b>32</b>	<b>29</b>
<b>% of Athletes of this Sex in this Level of Competition</b>	<b>7.9%</b>	<b>8.7%</b>
<b>Participation Gap at this level</b>		<b>1</b>

**WORKSHEET A: PROJECTED SPORT PARTICIPATION 2022-2023, Fall 2023**

**PARTICIPATION SOLUTION** (1) Add Girls' Varsity Sand Volleyball (2) Add Girls' Junior Varsity Sand Volleyball (3) Add Girls' Varsity Field Hockey (4) Increase Girls' Varsity Basketball (5) Increase Girls Junior Varsity Basketball (6) Increase Girls Junior Varsity Softball

<b>PRONG ONE TITLE IX COMPLIANCE Overall</b> - percent of male and female athletes must be equal to percent boys and girls in student body. Within each competition level (Varsity/JV/Frosh), the percent of male and female athletes should be equal.	<b>GAP CALCULATION</b>	
	<b>PROPOSED CUT (None)</b>	
	<b>PROPOSED NEW</b>	
	<b>PROPOSED GROWTH</b>	
	<b>EXISTING SPORT</b>	
<b>SUMMARY</b>	<b>Male</b>	<b>Female</b>
Total # Athletes (Varsity/JV/Fr)	414	395
% Athletes	51.2%	48.8%
Total # Students in this school	446	425
% Students	51.2%	48.8%
OVERALL FEMALE PARTICIPATION GAP		0
<b>VARSITY SPORTS</b>	<b>Male</b>	<b>Female</b>
Badminton	17	23
Baseball	16	0
Basketball	14	12
Cross-Country	12	9
Football	21	1
Golf	6	6
Lacrosse	20	21
Sand Volleyball	0	8
Soccer	21	21
Softball	0	14
Swimming	21	24
Tennis	16	16
Track and Field	23	15
Volleyball	12	13
Waterpolo	15	14
Field Hockey	0	
Cheer (non CIF-not included in Team totals)	0	6
<b>TOTAL</b>	<b>214</b>	<b>197</b>
% of Athletes by Gender in this Level of Competition	51.7%	49.9%
Participation gap at this level		7
<b>JUNIOR VARSITY SPORTS</b>	<b>Male</b>	<b>Female</b>
Baseball	14	0
Basketball	10	12
Cross-Country	16	10
Football	30	0
Lacrosse	15	24
Sand Volleyball	0	10
Soccer	20	17
Tennis	11	16
Track and Field	23	8
Volleyball	11	12
Waterpolo	14	16
Swimming	3	6
Field Hockey	0	0
Softball		12
<b>TOTAL</b>	<b>167</b>	<b>143</b>
% of Athletes by Gender in this Level of Competition	40.3%	36.2%
Participation gap at this level		16
<b>FROSH SPORTS</b>	<b>Male</b>	<b>Female</b>
Basketball	17	0
Soccer	16	17
Volleyball	0	12
Lacrosse Spring 2023	0	14
Water Polo Fall 2023	0	12
<b>TOTAL</b>	<b>33</b>	<b>55</b>
% of Athletes by Gender in this Level of Competition	8.0%	13.9%
Participation gap at this level		-24

#### **VIII. RECOMMENDATION: REVIEW AND DISCUSS**

Stephanie Griffin and Bradley Smet will present the current findings and recommendations based on the work from the Athletics Audit task force. The Board will have an opportunity to ask questions, request additional information, and provide feedback.