

April 15, 2015

Nicholas B. Dirks, Chancellor
Office of the Chancellor
200 California Hall, #1500
Berkeley, CA 94720-1500

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Dear Chancellor Dirks,

Champion Women uses sport as a vehicle to improve the lives of girls and women. We are writing today because the University of California Berkeley (UC Berkeley) is woefully out of Title IX compliance in its athletics department, as measured by the publicly available data your school submitted to the Department of Education for the Equity in Athletics Disclosure Act.¹ The attached legal memo provides a thorough analysis of your data, as applied to Title IX. Nationally, UC Berkeley's athletics department is one of the schools most out of compliance with Title IX.

In sum:

- Over a nine year average, 237 females are being denied a sports opportunity at UC Berkeley, as measured by the first test of Title IX compliance. This translates into about four-to-10 new teams, depending on the type of sport offered.
- While there are two other legal measurements for whether an institution is providing enough opportunities for women, UC Berkeley fails both of these tests as well.
- By failing to add those 210 female student-athletes in 2014, women lost out on \$2,306,209.66 in athletic scholarship aid.
- Title IX also requires not just quantitatively equal opportunities, but qualitatively as well. We urge you to also review whether women's sports receive equal treatment in aspects such as facilities, equipment, scheduling, marketing, coaching, recruiting, and other support.

UC Berkeley offers a sports experience to a tiny percentage of its students; just 3.54% of its students were lucky enough to have access to this type of educational experience in 2014. This rare educational experience is getting even scarcer; since 2006 the percentage of the student-body offered an opportunity to participate in sports declined by 12%.

¹ Department of Education; Equity in Athletics Disclosure Act, <http://ope.ed.gov/athletics/>

The research linking sports participation with life-long educational, economic and health benefits gets stronger all the time. Sports provide males and females from diverse socioeconomic, racial, and ethnic backgrounds measurable positive educational impacts.² Betsey Stevenson, an economist from the University of Pennsylvania, found that sports participation actually *causes* more education, more full-time employment and higher income.³ In addition, a sports experience changes a woman's short-term and long-term health trajectory; including decreased risk of heart disease, breast cancer, osteoporosis, tobacco and drug use, obesity, unwanted teen pregnancy, sexually transmitted diseases, depression and suicide.⁴ Research by Ernst and Young found that 96% of c-suite women were athletes.⁵ In short, school-sponsored sports provide an excellent investment in public dollars, with long and short-term benefits to the athlete and to the public.

Title IX was passed by Congress and signed into law by President Nixon in 1972.⁶ Regulations applying the statute to athletics were released in 1975, giving schools three years to comply, ending in 1978.⁷ UC Berkeley is part of a larger, national problem of Title IX non-compliance. Today, women still lag behind their male counterparts in every measurable criteria. While women represent 57% of the student body nationally, they receive just 43% of the opportunities to participate. Athletic scholarships are one of the largest sources of financial aid. Currently, Division I and II schools award a total of \$2,367,024,813, with women receiving \$190,935,423 less than men annually.⁸ Nationally, UC Berkeley is one of the schools most out of compliance with Title IX.

Equal opportunity and treatment for women within the UC Berkeley Athletics Department is consistent with the widely-shared goals of the larger educational mission of the institution. Given the visibility of sports, gender equity in this department establishes the culture for women and men institution-wide. Gender equity in athletics, which is one of the only formally sex-segregated athletic department *substantively* demonstrates that men and women as equal to the entire institution.

² Staurowsky, E. J., DeSousa, M. J., Ducher, G., Gentner, N., Miller, K. E., Shakib, S., Theberge, N., & Williams, N. (2009). *Her Life Depends On It II: Sport, Physical Activity, and the Health and Well-Being of American Girls and Women*. East Meadow, NY: Women's Sports Foundation.

³ Stevenson, Betsey. *Beyond the Classroom: Using Title IX to Measure the Return to High School Sports*. NBER Paper Series, Working Paper 15728. 2010. <http://www.nber.org/papers/w15728>

⁴ *Supra*, at 1.

⁵ Ernst & Young, "Global Survey Reveals Critical Role Sports Play for Female Executives in Leadership Development and Teamwork in Business", (June, 18 2013). <http://www.ey.com/GL/en/Newsroom/News-releases/Global-survey-reveals-critical-role-sports-play-for-female-executives>

⁶ 20 U.S.C. §§ 1681 – 1688.

⁷ 34 C.F.R. § 106, available at <https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html#S41>

⁸ NCAA Gender Equity Report (2012), with specific numbers beyond medians provided by NCAA staff to the Women's Sports Foundation.

We look forward to your response, preferably before May 5, 2015.

Regards,


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CEO, *Champion Women*

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