

1990 TITLE IX ATHLETICS INVESTIGATOR'S MANUAL

SUMMARY/BACKGROUND

Key Points:

- Issuance date: April 2, 1990
- Updates and supersedes guidance in the 1980 Interim Title IX Intercollegiate Athletics Investigator's Manual and the 1982 memorandum "Guidance for Writing Title IX Intercollegiate Athletics Letters of Findings."
- Explains terminology, including the concept of offsetting benefits and disparities.
- Lists data request and initial interview questions for coaches, student-athletes and staff.
- Outlines basic analytical approaches for investigations.
- Includes model documents for use in OCR investigations.

The Office for Civil Rights of the U.S. Department of Education issued a "Title IX Athletics Investigator's Manual" on April 2, 1990, from its headquarters to its regional offices. The 166-page Investigator's Manual: outlines basic procedures and policies for Title IX athletics investigations; includes initial interview questions and data request information; and was drafted for the specific use of OCR's civil rights professionals for intercollegiate and interscholastic athletics investigations. The 1990 Manual was issued to achieve consistency among the regional offices in the extent and scope of data collection and analyses, and in the content of letters of findings (LOF).

On July 28, 1980, OCR issued an Interim "Title IX Intercollegiate Athletics Investigator's Manual," which was considered an internal document rather than formal policy since it was not signed by the Assistant Secretary for Civil Rights. The 1980 manual quoted language from the 1975 Title IX regulation and the 1979 Intercollegiate Athletics Policy Interpretation and provided general guidance for data collection and analyses.

OCR's memorandum entitled "Guidance for Writing Title IX Intercollegiate Athletics Letters of Findings," signed by the Deputy Assistant Secretary for Civil Rights on March 26, 1982, was issued to OCR's regional offices to "supplement" the 1980 Manual and to provide a format for writing letters of findings. The cover memorandum stated that the 1982 LOF Guidance "invalidates certain portions of the Interim Investigator's Manual." The 1982 Memorandum included instructions to separate coaching and tutoring into two program components. The Title IX regulation at 34 C.F.R. § 106.41(c)(5) lists for review, the "Opportunity to receive coaching and academic tutoring;" and at § 106.41(c)(6) the "Assignment and compensation of coaches and tutors[.]" The 1979 Policy Interpretation and the 1980 Interim Investigator's Manual reiterated the factors as stated in the Title IX regulation. However, after investigative experience, OCR concluded that combining coaching and tutoring factors led to involved and inappropriate analyses; among other considerations, many institutions do not have separate tutoring programs for intercollegiate athletes. Thus, the 1982 LOF Guidance instructs investigators to combine the opportunity to receive tutoring and the assignment and compensation of tutors into one program component, and the opportunity to receive coaching and the assignment and compensation of coaches into a second program component. OCR has followed this approach since issuing the 1982 Memorandum.