

Title IX Athletics

Q & A

Q For our home softball games, we have a graduate assistant trainer assigned, while the baseball team has a staff trainer. For away games, a student trainer travels with the softball team, while a staff trainer travels with the baseball team. Is that a problem?
(NCAA Division II Senior Woman Administrator)

A It probably is, unless the institution has a very unusual situation of offsetting benefits for this issue. The assignment of medical doctors, certified trainers, and student trainers is an issue where identical benefits for men's and women's teams in the same or similar sports is optimum for compliance with Title IX. This is because these assignments should be based on the nature of the sports rather than percentages of participants affected or numbers of teams. Assignments of these staff for men's and women's teams in the same sports should be the same for home games, away games, and practices. This means that if men's basketball has a medical doctor assigned to home games, a certified trainer assigned to away games, and a certified trainer assigned to attend practices, then a medical doctor should be assigned to women's home

basketball games and a certified trainer assigned to away games and practices.

This distinction is also true for certified trainers who are permanent staff versus certified trainers who are graduate assistants. In general, certified staff trainers have more experience and are more qualified than certified graduate assistant trainers (there can be exceptions, of course). Furthermore, the graduate assistant trainers assigned to a team may change every year as students graduate, creating a lack of continuity. A different graduate student each year can mean a trainer who is less familiar with the personal histories of the student-athletes.

The difference is more significant when there is a certified trainer assigned versus a non-certified student trainer. A certified staff trainer traveling with the men's baseball team, while a non-certified student trainer travels with the softball team is a definite difference. A certified staff trainer at home events for baseball, compared to a certified graduate student trainer at softball games is also a difference, although not as significant. The combination of these home and away game assignments creates a difference that, if not offset somewhere else in the program, is a compliance problem. The more teams on one side of the program, such as the women's side, at a disadvantage in these assignments, the more significant the compliance problem.

Title IX Athletics Q & A

An example of an offsetting benefit could be that the women's soccer team has a certified staff trainer at their home and away events, while the men's soccer team has a certified graduate assistant trainer at home events and a non-certified student trainer assigned to away events. This would offset the assignments for baseball / softball. It is unusual for an institution to provide offsetting benefits for athletic trainers, and providing offsetting benefits is not particularly recommended as a compliance option; identical assignments for women's and men's teams in the same sports are preferable because the nature of the sport is the same. As for the baseball and softball teams, the institution should decide what level of expertise is appropriate for the sports and make the same assignments for both teams. For dissimilar sports, benefits should be provided to the extent the nature of the sport requires it. (34 C.F.R. § 106.41(c)(8); 1979 Intercollegiate Athletics Policy Interpretation VII.B.3.g. page 71417)

