The End of Equity In College Athletics

Written by Valerie M. Bonnette Endorsed by Jeanette Lim Esbrook Endorsed by Jean Peelen

In only three weeks in office, the Trump Administration issued policy that could abolish gender equity in intercollegiate athletics and fifty years of progress in women's sports. Worse yet, Trump's Acting Assistant Secretary for Civil Rights announced, in a February 12, 2025, press release, policy that endangers the protections of all our civil rights laws, per a statement suggesting: money talks, equity walks.

The Trump Administration's February 12, 2025, press release states:

> "Enacted over 50 years ago, Title IX says nothing about how revenue-generating athletics programs should allocate compensation among student athletes. The claim that Title IX forces schools and colleges to distribute student-athlete revenues proportionately based on gender equity considerations is sweeping and would require clear legal authority to support it. That does not exist."

Quite the contrary. OCR's policy on revenues and outside funding – inclusive of compensation paid directly to students – has been abundantly clear for 50 years. Moreover, court cases within the First, Eighth, and Eleventh Circuits have ruled directly on this very issue confirming OCR's 50-year-old policy. (1)

BACKGROUND

The proposed Title IX regulation came before Congress in 1974, and included provisions for athletics programs; thus began the debate to exempt revenue-producing sports from Title IX coverage, or exclude the revenue itself. Senator John Tower of Texas proposed an amendment exempting revenue producing sports. It did not pass. And, per the brief history outlined in OCR's 1979 Intercollegiate Athletics Policy Interpretation, hearings were held on a bill to exclude revenues produced by sports to the extent they are used to pay the costs of those sports. Such a bill was never passed.

Per a 1974 Memorandum from the Department of Health, Education, and Welfare General Counsel to Secretary Caspar Weinberger:

> "The statute, of course, does not differentiate between revenue-producing and non-revenue-producing sports. Therefore, we have had no basis for exempting such sports or their revenues from coverage by Title IX. . . .
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> This legislative history together with the statutory language, finally enacted through the Javits Amendment, leaves no doubt that Congress intended that Title IX apply to competitive athletics and did not intend to exclude from its application revenue-producing athletics."

A December 17, 1974, letter from Secretary Weinberger to Congressman Gilbert Gude of the U.S. House of Representatives reiterates this point:

> "Athletics and revenue-producing sports are covered under the proposed regulation[.]"

In short, Congress debated at length whether to exempt revenue-producing sports and/or their revenue, and did not do so. (2)

The Title IX regulation implementing the 1972 Title IX statute was adopted July 21, 1975, having been signed by President Gerald Ford. In September 1975, the Director (now known as the Assistant Secretary) of the Office for Civil Rights under the Ford Administration issued a nationwide Memorandum to college and university presidents and state and school superintendents entitled "Subject: Elimination of Sex Discrimination in Athletic Programs." That document confirmed the policy for revenue-producing sports, stating:

> "[T]he fact that a particular segment of an athletic program is supported by funds received from various other sources (such as student fees, general revenues, gate receipts, alumni donations, booster clubs, and non-profit foundations) does not remove it from the reach of the statute and hence of the regulatory requirements." OCR September 1975 Memorandum

It is challenging to understand what part of this paragraph the Acting Assistant Secretary fails to comprehend.

For 50 years, the Office for Civil Rights has viewed any revenues and outside funding that leads to benefits for student-athletes as covered by Title IX. This approach represents a bedrock principle that is fundamental for all civil rights laws, not just Title IX. To allow outside funding to alleviate an educational institution's obligation to ensure equity is to condone rampant discrimination paid for by the highest bidder. Discrimination based on race, color, national origin, gender, and disability would be acceptable within our nation's education programs and public entities simply because bigoted individuals or organizations pay for superior benefits to be doled out only to chosen groups; e.g., a white-supremacist billionaire endows a university's medical research programs that are open only to white students and faculty, and that includes curriculum intended to prove scientifically the superiority of the Aryan race.

OCR's fundamental civil rights approach announced in its September 1975 Memorandum was reiterated in OCR's 1990 Title IX Athletics Investigator's Manual, issued during the George H. W. Bush Administration.

> "Interscholastic and intercollegiate athletics programs may benefit from the support of booster clubs or other fundraising organizations that may or may not be sponsored by the institution. Traditionally, booster clubs are independent of institution control and clubs vary in the teams they choose to support. Such clubs may support all athletics teams, some teams, or one team at an institution.
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> OCR usually has no authority to investigate independent booster clubs. However, institutions must ensure that equivalent benefits and services are provided to members of both sexes. Therefore, where booster clubs provide benefits or services that assist only teams of one sex, the institution shall ensure that teams of the other sex receive equivalent benefits and services. If booster clubs provide benefits and services to athletes of one sex that are greater than what the institution is capable of providing to athletes of the other sex, then the institution shall take action to ensure that benefits and services are equivalent for both sexes."
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> Title IX Athletics Investigator's Manual, page 5; co-authored by Valerie M. Bonnette; signed April 2, 1990, by William L. Smith, Acting Assistant Secretary for Civil Rights

In the current context, it is not surprising that OCR's Fact Sheet issued January 16, 2025, was so long in coming. The landscape of intercollegiate athletics has changed significantly in the last few years, and the court cases are on-going. No doubt, OCR was attempting to sift through the mechanics of "collectives" and their operations, noting that the "types of benefits provided to student-athletes continue to evolve[.]" In many respects, OCR's Fact Sheet suggests that collectives are merely a variation on the theme of booster clubs. As such, any benefits that the collectives provide are subject to the Title IX requirements. And, while monies paid directly to students for their participation on an intercollegiate team constitute athletic financial assistance, such monies must fall in line with Title IX's requirements for proportionate awards.

THE PRACTICAL EFFECT

For the majority of benefits provided by booster clubs, such as equipment, modes of transportation, facility features, and publications, specific dollar amounts are not the basis for determining compliance. Title IX compliance is assessed by the quality and quantity of the tangible benefits. For example, a simple comparison between a volleyball athlete and a football athlete for uniforms is this: if both athletes are provided – all necessary and preferred items for game and practice uniforms, and all items are excellent quality – then Title IX compliance is achieved, even if outfitting the football athlete costs five times more than outfitting the volleyball athlete. Compliance is based on quality and quantity, not dollar amounts.

However, NIL (name, image, and likeness) payments and revenue sharing are not tangible benefits such as uniforms and equipment, or a team using a charter bus rather than van transportation to away events. It is about compensating student-athletes based on their athletic ability. Unless "student-athlete" becomes a job title for institution employees, this compensation is defined under Title IX as athletic scholarships. Simply, monies provided to students because of their athletic ability are athletic scholarship dollars. The Title IX regulatory requirements for athletic scholarships, as refined by OCR's 1979 Intercollegiate Athletics Policy Interpretation, are clear. Athletic scholarship dollars are to be awarded to women and men at rates proportionate to their respective rates of participation. (3)

As clarification, institutions may indeed award all NIL monies and revenues funneled through the university to football and men's basketball athletes. However, per OCR's 50-year-old policy that a particular segment of an athletic program supported by funds received from various other sources "does not remove it from the reach of the statute and hence of the regulatory requirements[,]" the institution is then liable to provide equitable benefits to women. And, since the NIL/revenue monies would be handed over, not as tangible benefits such as uniforms and equipment, but as dollars to the students, those dollars constitute grants that are covered by the financial assistance provisions of Title IX. Bottom line, the institution would need to come up with the funds to balance the NIL/revenue monies for the football and men's basketball athletes. To keep the math as simple as possible, if women and men are each 50% of the participants, and the $20 million dollars of NIL/revenue monies are all paid to football and men's basketball athletes, then the institution is responsible for ensuring that female athletes in the women's program receive $20 million in athletic scholarship funds. To reflect more accurately recent figures indicating that, on average, women are 47% and men are 53% of the intercollegiate athletes at NCAA Division I institutions, women should receive $18,800,000 of a $40 million dollar pot, while men receive $21,200,000.

Another point of clarification is that Title IX has never imposed scholarship limits by team or by individual. Any such limits were imposed by athletics associations, not Title IX. Title IX compliance is based on total program dollars. If, within the context of the 50-year-old Title IX policy for athletic scholarships, an institution wants to award $2 million to the starting quarterback, so be it. As long as total athletic scholarship dollars are awarded to women and men at rates proportionate to their respective rates of participation, the institution stays on the sunny side of Title IX.

As per practices from years ago, institutions might attempt, as a pretext for discriminatory actions, to award dollars to students with any manner of labels, such as NIL prizes, shared revenue grants, board of trustees' scholarships, XYZ Enterprises scholarships, etc. Regardless of any labels, monies funneled through the institution awarded to students for athletic ability are athletic scholarships under Title IX, and addressed quite specifically at 34 C.F.R. § 106.37(c) of the Title IX regulation.

EMPLOYMENT CONSIDERATIONS

Title IX has never prohibited a student from seeking employment outside the educational institution, and never prohibited a student-athlete from being hired by a commercial enterprise to promote their products. Any restrictions for such activities were imposed by athletics associations, not Title IX. From a Title IX perspective, student-athletes may still be hired by outside commercial enterprises to promote a company's products. Under such circumstances, the institution has no obligations. An institution may even provide an academic curriculum to student-athletes and other students on best methods for maximizing their marketability via their name, image, and likeness. The curriculum may include a study and evaluation of various outside organizations' methods and success in promoting student-athletes.

The very fine line crossing into liability is when institution staff: refer a student to an outside entity; or communicate with an outside entity regarding students looking to market themselves. At that moment, the institution's Title IX regulatory obligations are activated, under section 106.31 regarding an institution providing significant assistance to an outside entity, and/or section 106.38, regarding any assistance provided by the institution in making outside employment available to students; this is in addition to obligations for athletic scholarships. (4) All is well if everyone's actions supporting female and male athletes are equitable, to include all publicity and support services efforts, per OCR's January 16, 2025, Fact Sheet, and OCR's long-standing policies for publicity and support services. However, initial reports suggest all is not well in the world of NIL and revenue sharing.

Should anyone attempt to interpret NIL payments or revenue sharing as employment compensation, then the full array of Title IX requirements for nondiscrimination in employment kick in. (5) Posting the job titles alone could prove highly discriminatory, not to mention comical (e.g., wanted – Wide-Receiver: must have velcro hands; minimum two years' experience; age, sex, weight, height, and 40 yard dash requirements are: . . . .; starting salary is $100,000; must be enrolled as a full-time student – perks include free room and board in the Deluxe Townhomes property, courtesy car of choice, and assignment of a personal assistant/tutor to audit academic courses and take pertinent tests; incentives for additional income – attending a class - $10,000; attending multiple classes - $20,000; etc., etc., etc.).

CONCLUSION

Under the 50-year-old Title IX regulation, intercollegiate athletics is an education program. Institutions have always had the flexibility to operate their athletics programs as a business. However, educators' choice to operate their institution's athletics program as a business does not then grant those educators the choice to ignore the Title IX athletics requirements.

The Acting Assistant Secretary's February 12, 2025, press release states policy that allows the very discrimination Title IX was created to prohibit; it would dismantle 50 years of progress for women's athletics. If NIL funds or revenues that funnel through the institution's coffers and benefit only football and men's basketball athletes are exempted, then it is open season on ensuring that men's Olympic sports and all women's sports wind up with the scraps in institutions' athletics programs. But, so very much worse than the effect on athletics is the slippery slope this policy descends so very rapidly, alleviating all educational institutions and public entities of their responsibilities to ensure nondiscrimination based on race, gender, and disability. The landmark Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act be damned; per the Trump Administration, money talks, equity walks.

NOTES

(1) As referenced in OCR's Fact Sheet of January 16, 2025, court cases within the First, Eighth, and Eleventh Circuits have all confirmed institutions' obligations to comply with the Title IX athletics requirements regardless of outside funding sources.

"[A]ll monies spent by Brown's Athletic Department, whether originating from university coffers or from the Sports Foundation, must be evaluated as a whole under § 106.41(c). Thus, Title IX covers all Sports Foundation funds allocated to Brown athletics. This position is consistent with the Investigator's Manual, which warns that where 'booster clubs' or other fundraising organizations help only members of one sex, the university must balance out these differences." (citing U.S. Dep't of Educ., Office for Civil Rights, Title IX Athletics Investigator's Manual (1990)); Cohen v. Brown Univ., 809 F. Supp. 978, 996 (D.R.I. 1992)

"[A] public university cannot avoid its legal obligations by substituting funds from private sources for funds from tax revenues. Once a university receives a monetary donation, the funds become public money, subject to Title IX's legal obligations in their disbursement. As the District Court properly explained, outside funding is not a defense for a 'university which provides more than substantially proportionate athletic opportunity to one gender in violation of Title IX.'" "Thus, the District Court correctly concluded: 'A school may not skirt the requirement of providing both sexes equal opportunity in athletic programs by providing one sex more than substantially proportionate opportunity through the guise of outside funding.'" Chalenor v. Univ. of N.D., 291 F.3d 1042, 1048 (8th Cir. 2002)

"The Defendant [school district] seeks to avoid liability on the basis that it provides equal funding for the boys' and girls' programs. According to the Defendant, each team has a separate booster club which engages in separate fund-raising activities. The Defendant suggests that it cannot be held responsible if the fund-raising activities of one booster club are more successful than those of another. The Court rejects this argument. It is the Defendant's responsibility to ensure equal athletic opportunities, in accordance with Title IX." Daniels v. Sch. Bd. of Brevard Cnty., 985 F. Supp. 1458, 1462 (M.D. Fla. 1997)

(2) October 2, 1974, Memorandum from General Counsel John B. Rhinelander to Caspar Weinberger, Secretary of the Department of Health, Education, and Welfare

"The statute, of course, does not differentiate between revenue-producing and non-revenue-producing sports. Therefore, we have had no basis for exempting such sports or their revenues from coverage by Title IX. An attempt was made, as you probably remember, on the floor of the Senate by Senator Tower who, on May 20, 1974, offered an amendment on the subject.

That amendment stated:

> [T]his section [§901 of Title IX] shall not apply to an intercollegiate athletic activity to the extent that such activity does or may provide gross receipts or donations to the institution necessary to support that activity. [Cong. Rec. daily ed., S8488, May 20, 1974]

Senator Tower introduced the language saying:

> At most colleges and universities, intercollegiate athletics are funded in whole or in part by monies raised, for example, through the sale of tickets to men's football or basketball games and through fund-raising campaigns for general, scholarship or other specific purposes. . . . In these cases, impairment of the financial base of the revenue-producing activity threatens not only the continued viability of that activity, but viability of the entire athletic program [Ibid. at S8488]

The Tower Amendment, which caused some controversy, was eventually deleted by the conference committee and it was, in effect, replaced by the so-called 'Javits Amendment', which followed language which had been added to the bill earlier by Senator Mondale. The Javits Amendment states:

> The Secretary shall prepare and publish . . . proposed regulations implementing the provisions of Title IX of the Education Amendment of 1972 relating to the prohibition of sex discrimination in federally assisted education programs which shall include with respect to intercollegiate athletic activities reasonable provision considering the nature of particular sports. [Section 844, P.L. 93-380]

This legislative history together with the statutory language, finally enacted through the Javits Amendment, leaves no doubt that Congress intended that Title IX apply to competitive athletics and did not intend to exclude from its application revenue-producing athletics."

A December 17, 1974, letter from Secretary Weinberger to Congressman Gilbert Gude of the U.S. House of Representatives reiterates this point:

> "Athletics and revenue-producing sports are covered under the proposed regulation. . . ."

The final Title IX regulation, adopted July 21, 1975, does not exempt revenue-producing sports or the revenues from Title IX. OCR's 1979 Intercollegiate Athletics Policy Interpretation, briefly summarizes the legislative history. President Ford signed the Title IX regulation in May 1975, and submitted it to Congress for review. "Subsequent

hearings were held in the Senate Subcommittee on Education on a bill to exclude revenues produced by sports to the extent they are used to pay the costs of those sports. The Committee, however, took no action on this bill." 1979 Policy Interpretation, Fed. Reg., at 71,413

In short, Congress debated whether to amend the Title IX statute and exclude revenue-producing sports and/or the revenues produced by some sports. Congress did not adopt such an exclusion.

(3) Title IX's regulatory requirement is for "reasonable opportunities" for the total athletic scholarship dollars awarded to be proportionate to women's and men's rates of participation in the athletics program; e.g., if women are 47% of the intercollegiate athletes, then women should receive 47% of the awarded dollars. OCR has refined the "reasonable opportunities" language of the Title IX regulation in subsequent policies. OCR's 1979 Intercollegiate Athletics Policy Interpretation states that scholarships "must be" substantially proportionate to participation. The Policy Interpretation was subjected to public comment before finalized; none of the eleven U.S. appellate courts reviewing the Policy Interpretation in Title IX athletics cases has found it invalid.

§106.37 Financial assistance.

"(c) Athletic scholarships.

(1) To the extent that a recipient[*] awards athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.

(2) Separate athletic scholarships or grants-in-aid for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with this paragraph and §106.41."

[* recipient means the educational institution, which is a recipient of federal funds]

1979 Intercollegiate Athletics Policy Interpretation, Fed. Reg., at 71,415

"A. Athletic Financial Assistance (Scholarships). . . .

3. Application of the Policy — a. This section does not require a proportionate number of scholarships for men and women or individual scholarships of equal dollar value. It does mean that the total amount of scholarship aid made available to men and women must be substantially proportionate to their participation rates."

(4) **"§106.38** Employment assistance to students.

(a) Assistance by recipient in making available outside employment.

A recipient which assists any agency, organization or person in making employment available to any of its students:

(1) Shall assure itself that such employment is made available without discrimination on the basis of sex; and

(2) Shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices.

(b) Employment of students by recipients.

A recipient which employs any of its students shall not do so in a manner which violates subpart E of this part. [45 FR 30955, May 9, 1980, as amended at 85 FR 30579, May 19, 2020]"

"§106.31 – Education programs or activities.

(a) General. . . . [N]o person shall, on the basis of sex, be . . . subjected to discrimination under any . . . education program or activities operated by a recipient . . . .

(b) Specific prohibitions. Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex: . . . .

(6) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees[.]"

The significant assistance section is confirmation that an institution cannot assist outside entities which discriminate based on sex in providing aid or services to students.

(5) **Subpart E**—Discrimination on the Basis of Sex in Employment in Education Programs or Activities Prohibited

"§106.51 Employment.

(a) General.

(1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives Federal financial assistance.

(2) A recipient shall make all employment decisions in any education program or activity operated by such recipient in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

(3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.

(4) A recipient shall not grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex in violation of this part.

(b) Application. The provisions of this subpart apply to:

(1) Recruitment, advertising, and the process of application for employment;

(2) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation, and changes in compensation;

(4) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;

(5) The terms of any collective bargaining agreement;

(6) Granting and return from leaves of absence, leave for pregnancy, childbirth, false pregnancy, termination of pregnancy, leave for persons of either sex to care for children or dependents, or any other leave;

(7) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(8) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;

(9) Employer-sponsored activities, including those that are social or recreational; and

(10) Any other term, condition, or privilege of employment. [45 FR 30955, May 9, 1980, as amended at 65 FR 68056, Nov. 13, 2000; 85 FR 30579, May 19, 2020]"

(6) Title IX of the Education Amendments of 1972 applies to educational institutions that receive federal funding, including nearly all postsecondary institutions. Approximately 2,000 postsecondary institutions offer intercollegiate athletics programs.

The Title IX regulation addresses intercollegiate athletics as an education program. Institutions have always had the flexibility to operate their athletics programs as a business. However, institutions choosing to operate their athletics program as a business have not then been granted the choice to disregard the Title IX athletics requirements. Choosing to ignore Congressional intent and Title IX's legislative history, and then exempt NIL and revenue sharing monies to allow the vast majority of funds to be awarded to male athletes, sets a dangerous precedent for all applications of Title IX and our nation's civil rights laws.

ABOUT THE AUTHOR

Valerie McMurtrie Bonnette has specialized in the Title IX athletics provisions for 45 years: 15 years in the Washington, D.C., headquarters office of the Office for Civil Rights (OCR), U.S. Department of Education, and 30+ years as a consultant to educational institutions. At OCR, Ms. Bonnette served in the Policy Development Division, and created new policy and refined existing policy for Title IX athletics. Ms. Bonnette co-authored OCR's 1990 Title IX Athletics Investigator's Manual, which has been cited in numerous federal court cases. Ms. Bonnette led and participated on OCR teams investigating allegations of sex discrimination in athletics programs. Ms. Bonnette first served in OCR in 1977 as a summer intern in OCR Headquarters, working on Title IX athletics issues that included meetings with David S. Tatel, then Director of the Office for Civil Rights (Mr. Tatel served as a Senior U.S. Circuit Judge with the U.S. Court of Appeals for the District of Columbia Circuit). Ms. Bonnette was a permanent staffer in OCR Headquarters from January 1980 to June 1994. In 1994, Ms. Bonnette founded Good Sports, Inc., and conducts reviews of institutions' athletics programs in the same manner as federal investigations, advising educational institutions regarding their compliance concerns and methods for remedying those concerns.

The Author is solely responsible for the content and presentation of the article and notes herein. The accuracy of the explanations of the Title IX policies herein are endorsed by the following individuals:

Jeanette Lim Esbrook served as Acting Assistant Secretary for Civil Rights, Office for Civil Rights, U.S Department of Education in 1992-93 and 2000-01. As a former OCR civil rights attorney and executive from 1979-2002, she was a leader in the investigatory interpretation and implementation of the 1979 Title IX Intercollegiate Athletics Policy Interpretation. Ms. Lim Esbrook has over 50 years experience in civil rights policy, litigation, and enforcement, that included development of the seminal sexual harassment policy. She also served as Director of the Program Legal Group. From 2002-2007, Ms. Lim Esbrook was the Deputy Assistant Secretary in the Office of Elementary and Secondary Education. She directed programs providing over $14 billion dollars to State and Local Education Agencies to improve education for at risk students including children in poverty, disabled students, and English Language Learners to improve their lives and economic status through education. At the Department of Justice, Ms. Lim Esbrook litigated the admission of women to South Carolina's College of the Citadel, a landmark military admissions case, in addition to 14th Amendment, Title IX, and race discrimination cases. Following her retirement from the federal government, Ms. Lim Esbrook continues her work for the enforcement of civil rights, including: as a featured lecturer at the Indiana University School of Law honoring the 50th anniversary of Title IX and Senator Birch Bayh, the Senate sponsor of Title IX; authoring bar review articles on Title IX; serving as the Vice President for Legal Affairs for the Clearinghouse on Women's Issues in Washington, D.C.; and serving as an advisory board member for her alma mater the University of Michigan. Ms. Lim Esbrook is the daughter of Chinese immigrants.

Jean Peelen was an attorney in the Office of the General Counsel, Department of Health, Education and Welfare (HEW) from 1978 to 1980. She was appointed by the Secretary of HEW to the taskforce that developed the 1979 Intercollegiate Athletics Policy Interpretation and was a co-drafter of the Policy Interpretation.

In 1980, Ms. Peelen was assigned to the Office for Civil Rights of the U.S. Department of Education. Ms. Peelen toured the country with the Assistant Secretary for Civil Rights to explain the requirements of the law and to obtain cooperation from leading universities. She oversaw the first Title IX athletics cases and was the principal negotiator for the initial cases at major universities.

As a managing attorney in OCR Headquarters, Ms. Peelen served as a Branch Chief and Division Director of the Postsecondary Education Policy Development Division. She also served as an Attorney Advisor to the Assistant Secretary for Civil Rights. She later served as the Director of the Office for Civil Rights Regional Office in Washington, D.C.