

# **Fair Play for Women Act**

## **Section by Section**

### **Section 1. Short Title.**

The Act may be cited as the “Fair Play for Women Act”.

### **Section 2. Findings.**

Includes findings by Congress that recognize and commend the impact Title IX’s passage has had on addressing sex-based discrimination in education generally and specifically in regards to athletics as well as the progress that has been made in the fifty years since Title IX’s passage related to women and girls’ increased participation in athletics both at the collegiate and K-12 levels. The findings also describe the ongoing challenges in achieving true equity and fairness for women and girls in sport, in particular the continued gender-based gaps in athletics opportunities at all levels of competition, inequitable distribution of resources and institutional support for women’s sports relative to men’s sports, and the lack of knowledge and awareness of Title IX rights and protections among athletes and athletics staff.

### **Section 3. Purposes.**

States that the purposes of this legislation are to (1) address inequitable and discriminatory treatment of women in girls in sports in elementary and secondary schools, as well as institutions of higher education; and (2) improve the collection and transparency of data pertaining to participation in and support for women’s and girls’ sports at schools receiving Federal financial assistance.

### **Section 4. Discrimination by Intercollegiate Athletic Associations.**

Subsection (a) provides that no intercollegiate athletic association shall discriminate against any athlete on the basis of sex.

Subsection (b) provides a private right of action for a member institution or an athlete in bringing forward a claim in any Federal or State court against the intercollegiate athletic association to remedy a violation of subsection (a).

Subsection (c) requires intercollegiate athletic associations to ensure each association employee receives annual training on the provisions included in this section.

Subsection (d) provides definitions for covered institutions of higher education and intercollegiate athletic associations.

### **Section 5. Expanding Equity in Athletics Disclosure Requirements.**

Subsection (a) amends the Higher Education Act of 1965 to expand the data colleges are required to submit to the Department of Education on an annual basis regarding participation in and support for the athletics programs they sponsor. These changes include the addition of data, disaggregated by men’s and women’s sports, pertaining to athletics-related student aid,

sources of revenues including student fees and alumni contributions, athletics staff salaries and compensation including buyouts, athletics staff employment status, participation counts that account for male practice players and counting athletes more than once for playing more than one sport, and the race and ethnicity of athletes and coaches. This subsection also requires institutions to certify the information they provide to the Department of Education and that the institution currently complies with sports participation opportunities requirements under Title IX of the Education Amendments of 1972, as well as identifying the method of compliance. Further, this subsection requires institutions of higher education to submit required information to the Department of Education by October 15<sup>th</sup> each year and requires to make information available to the public by February 15<sup>th</sup> for the previous academic year, including by publishing a report on gender equity that identifies participation and funding gaps as well as provides analysis on trends related to this information.

Subsection (b) requires elementary and secondary schools that receive Federal financial assistance and have an interscholastic athletic program to report athletics participation and expenditures data, disaggregated by sex and race or ethnicity. This subsection also requires schools to report and make this data available by October 15<sup>th</sup> each year, and it requires the Secretary of Education to provide reported data on the same public website and in the same manner as athletics data related to intercollegiate athletics.

#### **Section 6. Administrative Enforcement through Civil Penalties.**

Requires the Secretary of Education to determine which colleges were found non-compliant with Title IX non-discrimination requirements and authorizes the Secretary to issue civil penalties as well as require any programs with repeated non-compliance over a five year period to submit a plan to remedy any violations, which the Secretary shall make publicly available.

#### **Section 7. Private Right of Action.**

Provides a private right of action for any individual who applies to participate, participates, or previously participated in an education program or activity covered under Title IX in bringing an action in any Federal or State court against an institution of higher education, alleging a Title IX violation.

#### **Section 8. Training and Information on Title IX Rights.**

Subsection (a) requires all covered colleges and school systems to provide annual Title IX trainings for Title IX coordinators, employees who work with athletics programs or teaches physical education or health, and athletes on the rights within Title IX and procedures for submitting complaints of violations.

Subsection (b) requires the Secretary of Education to establish and maintain a database of Title IX coordinators for each covered college and school system and include their name, phone number, and email address on the same public website as athletics data also required under this Act.

**Section 9. Other Definitions.**

Clarifies the definitions of covered institution of higher education and covered school system to conform to the provisions of this Act, as well as a definition for Title IX Coordinator.

**Section 10. Rule of Construction.**

States that nothing in this Act shall be construed to imply that intercollegiate athletic associations are not currently covered by Title IX of the Education Amendments of 1972 or were not covered before enactment of this Act.