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Sexual Violence and Collegiate Athletes

This research examines the regulations under *Title IX of the Education Amendments of 1972*, 20 U.S.C. and the role of the National Collegiate Athletic Association (NCAA) in Title IX implementation. The focus is on the prevailing attitudes and sometimes-selective enforcement of the regulations in cases of collegiate athletes accused of committing acts of sexual violence. It is unfortunately common knowledge that sexual violence is a regular occurrence on college campuses. Pursuant to the Jean Clery Act, colleges and universities receiving federal funding must report campus crime statistics. An alarming percentage of these crimes involve sexual assault, and in many cases, the alleged attacker is a varsity athlete. This research will further examine who the attackers are, and whether the attackers are in some instances receiving more protection than the victims.

Title IX prohibits discrimination based on sex in education programs receiving federal funding, including sexual violence and sexual conduct, which creates a hostile learning environment. Title IX rights are not always communicated to the students, or enforced when it comes to equal standards, equal participation and equal opportunity, and schools often get away with not spending the “extra” money to fund new opportunities for women. Many people are not aware that Title IX includes protection against sexual violence as well. In April of 2011, the U.S. Department of Education issued a “Dear Colleague Letter,” informing all education programs receiving federal funding of their responsibilities under Title IX. Institutions must respond promptly and adequately to any complaint of sexual violence. In spite of these regulations, which include educating teachers and students on the matter, the violations continue. This paper examines cases where the educational institution's selective enforcement of Title IX in cases of sexual violence has resulted in the rights of the attacker being given a higher priority of those of the victim. Instead of protecting the victim and helping her recover from a traumatic event, schools have too often focused on avoiding scandal and on protecting their own image. Reports of sexual violence are “hushed up” to preserve funding for the college, to not disrupt the season, and in some cases, to maintain scholarships and continued education for the attacker. The negative effects on the victim go unrecognized.

If recent statistics predict the future trend, one hundred thousand students likely will be sexually assaulted on college campuses within the next year. Stories come out monthly of a male who allegedly sexually assaulted another student and got off with little to no punishment. The judicial system and institutions of higher education must forcefully intervene to change this situation. Clearly, existing laws and regulations have not worked. To date, the general response has been a weak nod to the need to educate women on how not to be sexually assaulted. This approach is backwards--all students need to be educated on their rights under Title IX. The administrators of institutions of higher education must look more deeply into their own value systems, fairly and consistently apply the laws and Department of Education Guidance as written, and proactively address this deep seated and insidious form of gender discrimination. In addition, the NCAA is essentially protecting themselves by leaving enforcement of Title IX sanctions up to the institutions. If the NCAA can impose strict eligibility rules pertaining to academic performance and drug use, they should certainly be able to impose

scrupulous rules pertaining to sexual violence, such as loss of participation in the NCAA for life.

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