

Cheerleading

Sport & Tourism



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Approximately half of the states in the United States have already recognized high school cheerleaders under Title IX legislation (Variants, 2009, p. 41). Since the popularity of competitive cheer is increasing, many colleges and universities are looking to improve Title IX compliance with the addition of competitive cheer as a participation opportunity for its female students. These colleges and universities are faced with the dilemma that competitive cheer is not recognized by the National Collegiate Athletic Association (NCAA) as a sport; therefore, the researcher feels that competitive cheer should be an intercollegiate varsity sport.

The purpose of this position paper is to provide perspective to the problems that colleges and universities face in complying with Title IX and to provide reasons why competitive cheerleaders should be an intercollegiate varsity sport. Since the passage of Title IX in 1972, female participation in sports has increased dramatically. Girls and women are no longer relegated to the sidelines, but are suiting up and joining men on the playing fields. The legislation of Title IX prohibits sex discrimination in educational institutions that receive Federal financial assistance.

The law states: "No person in the United States, shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance" (Carpenter and Costa, 2005, p. 3). Title IX was enacted to deal with all aspects of education, including admissions, recruitment, course offerings, financial assistance, housing, counseling, physical education, employment, insurance benefits, student health, and marital and parental status of students.

During the original conception of the amendment there was no obvious accumulation that sports programs and athletic activities at the interscholastic and intercollegiate levels were covered under the regulations of Title 'X. Therefore, a great deal of perplexity generated on how to handle athletic sports under the Title IX Amendment. As a result, in 1974, the Cavity Amendment became a component of Title IX which acknowledges that all athletic activities and sports would be included in the legislation.

In the 1996 Clarification, the Department of Education provided educational institutions and programs with an extensive range of specific factors and descriptive examples to assist institutions and programs understand the flexibility of the " three-prong test. " The " three-prong test" determines whether an educational institution's intercollegiate athletics program offers fair and equitable participation opportunities for both genders; the educational institution must show compliance with one of the following three prongs: 1.

Prong One shows that male and female athletes are substantially proportionate to the institution's respective undergraduate enrollment. 2. Prong Two shows a ex among the intercollegiate athletes. 3. Prong Three demonstrates fully and effectively accommodate the interest and abilities of the underrepresented sex of the intercollegiate athletes. The 1996 Clarification letter describes the " substantial proportionality' portion of the three-prong test as a " safe harbor" for Title IX compliance (US Department of Education Website).

Moreover, this Clarification letter influenced many educational institutions to believe that ensuring strict measures of proportionality will fulfill Title IX requirements. Each one of the three prongs is evenly essential as a means for fulfillment of Title IX regulations; therefore, no one prong is more beneficial than the other. In 2005, the Additional Clarification was released in regard to the application of the indicators in the 1996 Clarification that guided Scar's (Office of Civil Rights) analysis of the "substantial proportionality" prong of the three-prong test.

Also incorporated in the Additional Clarification was a User's Guide which contained a model survey that educational institutions could utilize to measure student interest and participation in intercollegiate athletics. This clarification modified Scar's approach from dependence on the multiple prong tests to mainly utilizing the single survey instrument to demonstrate the institution's Title IX compliance.

After many deliberations, in 2010, the OCCUR rescinded the 2005 Additional Clarification and User's Guide because it was inconsistent with the nondiscriminatory methods of assessment set forth in the 1979 Policy Interpretation and the 1996 Clarification (US Department of Education Website). Presently, due to the vague nature of the three-prong compliance test, most colleges and universities rely only on the "substantial proportionality" prong to satisfy Title IX legislation requirements.

Therefore, the reliance on this prong has resulted in a great number of men's non-revenue sports to be cut from intercollegiate athletic programs in order to meet the proportionality requirement (Variants, 2009, p. 43). A major way

to decrease the elimination of men's non-revenue sports is for intercollegiate athletic programs to put more emphasis on "prong three" which concentrates to fully and intercollegiate athletes. The underrepresented sex in intercollegiate athletics is the male and with the addition of competitive cheerleaders as a varsity intercollegiate sport will assist educational institutions' Title IX issues.

The OCCUR sets guidelines to assist educational institutions and programs in determining whether an activity should be considered a varsity intercollegiate sport under the Title IX legislation. Unfortunately, OCCUR does not offer educational institutions with a precise definition of what is considered an athletic opportunity or a "sport" for the purposes of Title IX requirements. Instead the OCCUR provides educational institutions with a five features that can be counted as a varsity sport for Title IX purposes that a sport must: 1.

Be administered by the athletics department in a manner consistent with established varsity sports. 2. Offer athletics scholarships and recruit participants. 3. Have practice opportunities and regular-season competitive opportunities similar to established varsity sports 4. Conduct state, conference, or national championships. 5. Exist for the purpose of athletics competition, not to support or promote other athletics activities (NCAA. Org).

The Women's Sports Foundation (WAS) and the NCAA Foundation (2000), a "sport" is defined as: 1. Physical activity that involves propelling a mass through space or overcoming the resistance of mass, 2. A contest or competition against or with an opponent, 3. Is governed by rules which explicitly defined the time, space, and purpose of contest and the conditions

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under which a winner is declared, and 4. The acknowledged primary purpose of the competition is a comparison of the relative skills of the participants (Para. 3 and Boyce, 2008, p. 3). Under the WAS, as long as "competitive cheer squads compete against other similar squads and function under NCAA regulations then cheerleaders can be considered a sport; consequently, the foundation found that cheerleaders is not a sport because their purpose is not to compete and most competitions are not structured like school sport competitions" (Variants, 2009, p. 43). Second, the NCAA defines a sport as "an institutional activity involving physical exertion with the purpose of competition versus or teams or individuals within a collegiate competition structure" (NCAA. Org).

Additionally, NCAA explains the concept of "emerging sports" that is a sport intended to provide additional athletic opportunities to female student-athletes, to have standardized rules with a scoring system ratified by a governing body, and have regularly scheduled competitions. The USA Federation for Sport Cheering is a not-for profit organization and is the national governing body for all disciplines of cheerleaders. Moreover, USA Cheer exists to serve the entire cheer community, including club cheering, traditional school based cheer programs and the new sport of "stunt". USA Cheer has three primary objectives: 1. Help grow and develop interest and participation in Cheer throughout the United States; 2. Remote safety and safety education for cheer in the United States; and 3. Represent the United States of America in international cheer competitions (USA Cheer. Org).

Therefore, does competitive cheer meet these requirements to be

considered an intercollegiate varsity sport in eyes of the OCCUR and the NCAA?

The USA Cheer and the cheerleaders community are making strides to create and launch Stunt, a new competitive team sport which provides increased athletic and educational opportunities for young women. Stunt is a by-product from the skills and techniques of traditional side line heralding. Moreover, USA Cheer is desperately trying to get "stunt" recognized as an NCAA emerging sport. The competitions will consist of four quarters: partner stunts, Jumps and group tumbling, tosses and pyramids, and team routine (Vesuvius, 2011, p. 457).

There are 15 collegiate club teams with twenty to thirty participants. The USA Cheer suggests 12 to 16 numbers of competitions per season and requiring six to eight varsity members (p. 459). Currently, stunt provides additional opportunities for the more than 800, 000 cheerleaders in the United States, including gig school age looking for an athletic opportunity at the intercollegiate athletic levels (USA Cheer. Org). Bidder v. Chinquapin University is a recent Title IX case concerning competitive cheer as a sport, roster manipulation, and female athletic participation.

In March 2009, the Chinquapin University women's volleyball team and their coach Robin Sparks filed a lawsuit against Chinquapin University because officials announced that it would cut women's volleyball, men's golf, and men's outdoor track to help balance its budget, and would replace those sports with a limitation, the volleyball players and their coach partnered with the American Civil Liberties Union (UCLA) of Connecticut and filed this

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lawsuit charging Chinquapin University had failed to provide female students with equal opportunity to participate in varsity intercollegiate athletics.

Their claim was the university violated the first part of the Title IX proportionality test since 62 percent of Chinquapin University's undergraduate students were women and only 50 percent participated in athletics. Pending the lawsuit, the federal Judge issued a preliminary injunction preventing Chinquapin University from dissolving the team. The ruling also prohibited the university from eliminating any other women's teams or athletic participation opportunities (The Associated Press, 2009).

The officials at Chinquapin University were under the impression that competitive cheer was deemed as an intercollegiate sport recognized by the NCAA and Title IX. In July 2010, U. S. District Judge Stefan Undersell ruled that counting the competitive cheer team as varsity athletes violated Title IX standards because it did not meet the requirements for a varsity sport according to the OCCUR. Undersell highlighted not only the importance of having competition to be recognized as a sport but also that a sport must "resemble all other varsity sports at the institution in structure and operation" (Inside Higher Deed, 2010).

In comparison with other varsity sports at Chinquapin, the competitive cheer team's 2009-10 season faced inconsistencies in terms of opponents competed against and an unified scoring system used. In conclusion, Judge Undersell wrote in his decision that "competitive cheer may, some- time in the future, qualify as a sport under Title IX; however, today the activity is still too underdeveloped and disorganized to be treated as offering genuine

varsity athletic participation opportunities for students" (Inside Higher Deed, 2010 and Thomas, 2010).

Judge Undersell also noted that competitive cheer is not a National Collegiate Athletic Association (NCAA) sport; even though, six schools in the country compete for competitive cheer and have a governing body called National Competitive Stunt and Tumbling Association. Also, Judge Undersell extended the injunction requiring Chinquapin to keep volleyball as a varsity sport for another season, which was wrought the 2010-11 season. Judge Undersell mandated that " any decision to eliminate women's volleyball" must be " accompanied by other changes that will bring the university into compliance with Title 'X" (Inside Higher Deed, 2010).

In conclusion, Title IX is a very critical piece of legislation that has laid the fundamental framework for the advancement of gender equity. Therefore, Title IX still plays a vital role in the achievement of pure gender equity because girls and women in sports have a great deal more to accomplish. A goal of Title is to not deny any gender of participating in sport or athletic activity of their interest; therefore, it is important to give equal athletic opportunities to female athletes who are interested in competing in an up and coming sport like competitive cheerleaders.

Recognizing competitive cheerleaders as a sport would give educational institutions the ability to put the focus on strengthening safety regulations of competitive cheer because the NCAA would require strict regulations for a intercollegiate varsity sport. Meanwhile, competitive cheer will not completely solve the gender equity issues for girls and omen and the crisis of

the elimination of men's non-revenue programs but it would the many female athletes the opportunity to participate in a sport that has been around for many, many decades.