

### III. Legal Obligations

6. Do schools have a legal obligation to provide equal participation opportunities for men and women?

**Yes. Title IX requires that schools provide equitable athletic participation opportunities for its female and male students. In order to comply with these requirements schools institutions must pass one of these three tests:**

- a) *Proportionality*—males and females participate in athletics in numbers substantially proportional to their respective enrollments in school, or**
- b) *History and Continued Practice of Program Expansion*—the institution shows a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of members of the underrepresented sex, or**
- c) *Full Accommodation of Interests and Abilities*—the institution demonstrates that the interests and abilities of the underrepresented sex (females) are fully and effectively accommodated by the existing programs.**

**An institution fulfills the compliance requirement for participant opportunities if it adheres to any (or just one) of the three tests listed above. By adding a STUNT team for women, institutions can improve their ability to comply with these three tests.**

7. How will STUNT meet the Office for Civil Rights standards of a sport to qualify for Title IX purposes?

**To determine whether a team is engaging in a varsity sport, the Office for Civil Rights (OCR) has developed a detailed set of guidelines to determine on a case-by-case basis if the activity in question meets the criteria for sport. Specifically, it considers several factors related to an activity's structure, administration, team preparation, and competition.**

**Because there is a presumption by OCR that traditional cheerleading is not considered a sport for Title IX purposes, USA Cheer has developed STUNT as a separate discipline from cheer that is designed specifically in accordance with the OCR's guidelines for sport. For example, the exclusive purpose of the STUNT team is competition, not performance; as an intercollegiate sport it will have a fully developed regular season and post season competition schedule; it is governed and regulated by an established national governing body—USA Cheer. USA Cheer is officially recognized by cheer's international governing body, the International Cheer Union, which currently encompasses 101 member National Federations.**

**USA Cheer is working closely with legal and Title IX experts to ensure that STUNT is created under the proper guidelines so that it can develop into a sport that qualifies for Title IX purposes. Because of the sensitivity to the entire issue of cheerleading as a sport, USA Cheer's development of STUNT with this clear differentiation will help expedite the approval process with OCR.**

8. What regulations/obligations will arise out of STUNT being recognized (as an NCAA Emerging Sport)?

**As an NCAA Emerging Sport, STUNT teams will be subject to NCAA rules and regulations similar to**

other intercollegiate varsity sports. The status and benefits of an NCAA varsity program are accompanied by an array of responsibilities that must be met by the institution, the team, the coaches and the student-athletes. For instance, depending upon off-season or playing season, the NCAA delegates a specific limit on hours of practice and strength and conditioning time.

The elements of academic study hall, strength and conditioning, daily practices, structured NCAA competition and academic eligibility standards are among just a few of the elements involved in the transition of the team structure. These changes, while demanding, will have positive effects on the program including increased visibility, professional coaching and administration, and inclusion in athletic departmental policy and planning.

9. Will women who participate on traditional cheerleading squads be allowed to participate on STUNT teams once STUNT is an emerging sport?

As an emerging sport, like other varsity programs, STUNT must have its own tryout and squad that is distinct from the cheerleading program. Whether or not STUNT athletes are allowed to participate in other sports (like track and field or volleyball) or student activities (like cheer or band) is dependent upon the rules of that particular institution. Some institutions leave the participation of student-athletes in other activities or sports up to the discretion of each coach, or the athletic department as a whole. If the athletic program permits athletes in other sports, like the women's volleyball, to participate in other sports, like track and field, or activities, like cheerleading, the rules governing the STUNT squad would be no different.

10. What is the process for STUNT to become an NCAA Emerging Sport?

An emerging sport is a sport recognized by the NCAA that is intended to provide additional athletics opportunities to female student-athletes. In order to petition the NCAA to become an emerging sport, an activity must meet certain minimum standards:

- The activity meets OCR's definition of a sport for Title IX
- There must be 20 or more varsity teams and/or competitive club teams that currently exist on college campuses in that sport.
- Other data exists that demonstrates support for the sport. For example:
  - Collegiate recreation and intramural sponsorship.
  - High-school sport sponsorship.
  - Non-scholastic competitive programs.
  - Association and organization support.
  - U.S. Olympic Committee support (e.g., classified as an Olympic sport, National Governing Body support, grants).
  - Conference interest in sports sponsorship.
  - Coaches Association support.
  - Professional sports support.

After its first season of competition, STUNT met the minimum criteria for emerging sport and formally submitted a proposal to the NCAA's Committee on Women's Athletics (CWA) for consideration. STUNT received a favorable response from the CWA with request for additional information and further clarification on the sport. USA Cheer is continuing to work with the CWA to keep them updated on the growth and development of STUNT and to refine the proposal for further consideration.