



1050 Connecticut Ave., NW
Suite 65500
Washington DC 20035

202.393.5177
www.thetaskforce.org

Dr. Miguel Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

August 12, 2022

RE: Comment on the Department of Education (ED) and Office of Post-Secondary Education (OPE) Campus Equity in Athletics Disclosure Act (EADA) Survey, OMB No. 1840-0827.

Dear Dr. Cardona,

Thank you for this opportunity. The National LGBTQ Task Force (the Task Force) respectfully submits this comment on the Department of Education (ED) and Office of Post-Secondary Education (OPE) Campus Equity in Athletics Disclosure Act (EADA) Survey, OMB No. 1840-0827.

The National LGBTQ Task Force advances full freedom, justice and equality for LGBTQ people. We are building a future where everyone can be free to be their entire selves in every aspect of their lives. Today, despite all the progress we've made to end discrimination, millions of LGBTQ people face barriers in every aspect of their lives: in housing, employment, healthcare, retirement, and basic human rights. These barriers must go.

I. The Campus Equity in Athletics Disclosure Act Survey

The Campus Equity in Athletics Disclosure Act (EADA) Survey collects information about the number of male and female athletic teams, the number of coaches for each team, and financial information covering a variety of expenditures related to athletics programs. Schools are required to disclose this information under the Higher Education Act of 1965 and the collected information is available to the general public.

The purpose of the survey is to increase transparency surrounding college athletics for students, prospective students, parents, employees and the general public. However, the survey collects almost no demographic data, focusing solely on two genders (male and female) and financial information.

II. Our Request: Expand the data collection under the Campus Equity in Athletics Disclosure Act Survey to include race, sexual orientation, and gender identity data for college athletes and coaches

Collection of race, sexual orientation, and gender identity data implements President Biden’s two Executive Orders (EO) emphasizing data collection equity: “Executive Order on Advancing Racial Equality and Support for Underserved Communities Through the Federal Government” and “Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals.”

Both EOs emphasize the necessity of collecting disaggregated datasets to measure and advance equity. Additionally, the Equitable Data Working Group, established by these EOs, published a report recommending the collection of disaggregated data in order to reflect experiences of underserved groups. RECOMMENDATIONS FROM THE EQUITABLE DATA WORKING GROUP at 2 (2022), <https://www.whitehouse.gov/wp-content/uploads/2022/04/eo13985-vision-for-equitable-data.pdf>. The EADA can further support this initiative by collecting data on race, sexual orientation, and gender identity.

a. The EADA Survey is Best Situated for Comprehensive Data Collection Because of Its Inclusive Approach

Collecting sexual orientation and gender identity (SOGI) data, as well as race data on the EADA ensures the most inclusive data collection possible. The EADA is the most appropriate survey for this data collection because reporting on the EADA is required for any higher education institution that is governed by Title IV and has an intercollegiate athletics program. As such, the EADA encompasses a greater range of universities than any non-governmental athletics organization, such as the National Collegiate Athletic Association (NCAA), National Association of Intercollegiate Athletes (NAIA), or National Junior College Athletics Association (NJCAA).

Other than the EADA, we are unaware of other federal surveys that collect data on college athletics. While the private association entities the NCAA, NAIA, and NJCAA conduct surveys on college athletics, none of these surveys appear to include the collection of demographic data from member schools. Most surveys collected data on health habits, extracurricular activities, the balance of academics and athletics, and mental health without demographics included. Collecting race and gender identity data on the EADA ensures the widest possible reach for the survey in compiling this vital data. The Task Force supports this approach.

b. Inclusive Data Collection Aligns with the EADA’s Goal of Transparency

The collection of SOGI and race data aligns with the ultimate goal of the EADA which is "increasing transparency surrounding college athletics for students, prospective students, parents, employees and the general public." The EADA is designed to improve equity and transparency for the general public and, as such, should include race and gender identity data in this collection to allow prospective students to see the diversity that each institution offers. The Task Force supports this approach.

SOGI and race data should be included in the EADA survey because the tool can be accessed by the general public. In order to further promote diversity in colleges, current demographics should be accessible to prospective diverse students so they can make careful, informed decisions about their post-secondary education. Additionally, public access further supports the recommendations of the Equitable Data Working Group. RECOMMENDATIONS FROM THE EQUITABLE DATA WORKING GROUP at 4 (2022), <https://www.whitehouse.gov/wp-content/uploads/2022/04/eo13985-vision-for-equitable-data.pdf>. Sharing comprehensive disaggregated data collection with the public strengthens accountability and credibility between agencies and the public. Making such data publicly available likely will be of greatest use to people from marginalized communities, such as Black and Brown people, LGBTQI+ people, people with disabilities and people with low income.

c. Gender Identity Data Reflects the Experiences of LGBTQ Students and Coaches

The collection of SOGI data is important in reflecting the experiences of diverse students and identifying barriers that LGBTQ individuals face in sports participation. Caroline Medina & Lindsay Mahowald, *Collecting Data About LGBTQI+ and Other Sexual and Gender-Diverse Communities*, Center for American Progress (May 24, 2022), <https://www.americanprogress.org/article/collecting-data-about-lgbtqi-and-other-sexual-and-gender-diverse-communities/>. SOGI data collection supports the “Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals” which calls for support of LGBTQI+ students by addressing discrimination and increasing support for students.

Collecting SOGI data on the EADA is particularly important because of the rise in harmful bans by states and sports organizations that exclude transgender athletes from participation in sports. Julie Kliegman, *Understanding the Different Rules and Policies for Transgender Athletes* (July 6, 2022), <https://www.si.com/more-sports/2022/07/06/transgender-athletes-bans-policies-ioc-ncaa>. The majority of these bans discriminatorily and harmfully focus on prohibiting transgender women from participating in women’s sports. It is important to gather data that reflects transgender athletes in college athletics to combat the harmful mistruths and misinformation that right-win extremists put forth in these misguided bans. There is room for all women, transgender and cisgender women athletes to compete in college sports. Collecting SOGI data on the EADA can help to inform and therefore normalize the participation of transgender athletes in sports, which is a goal we all should be working towards.

We support the goal of the EADA to provide more transparency regarding the financial expenditures for athletics, particularly to facilitate equality between men and women’s sports teams. Including additional gender identities will allow for the ED to provide a more comprehensive view of college athletics and further this goal of transparency.

d. Race Data Helps to Ensure Continued Inclusion of Racial Minorities in College Athletics

Including racial data on the EADA will highlight areas of college athletics where racial disparities exist and negatively impact the experiences of people of color, particularly young Black men, involved in athletics. A Knight Commission study conducted in 2021 emphasized the gap in academic success between Black and white student athletes. The report noted that the highest disparities in academic and financial support were in football and basketball, despite these two sports having contributed 60% of the total revenue growth for athletic departments over the past 14 years. Ashley Davis, *Researchers Say College Sports Promote Racial Inequality. But the Pandemic Could Level the Playing Field* (May 24, 2021, 3:01 PM), <https://www.insider.com/researchers-push-to-reform-racial-inequity-in-college-sports-ncaa-2021-5>; Dave Zirin, *A New Study Exposes Just How Racist College Sports Have Become* (Sept. 8, 2020), <https://www.thenation.com/article/society/ncaa-revenue-racism/>. In other words, there are abundant resources for trying every possible approach to ensure equity.

Collecting racial data about both college student-athletes and coaches ultimately will help to address a lack of representation in athletic departments. Note that while basketball and football teams consist of a majority of Black players, most often coaches, assistants, and administrative staff are white. Ashley Davis, *Researchers Say College Sports Promote Racial Inequality. But the Pandemic Could Level the Playing Field* (May 24, 2021, 3:01 PM), <https://www.insider.com/researchers-push-to-reform-racial-inequity-in-college-sports-ncaa-2021-5>. Student athletes, faculty, and parents alike have raised concerns about the lack of representation in the professional college sports arena and the potential for exploitation of Black athletes in college sports. Equity demands more.

Promoting transparency surrounding race demographics in college sports at this time also will provide a benchmark by which representation can be improved going forward. Additionally, and importantly, it will allow prospective students to make more informed decisions about their schooling and athletic placement.

III. Summary

In summary, the National LGBTQ Task Force has a long history of advocating for the full liberation of the LGBTQ community and for racial equity, including inclusive and accurate data collection to reflect the experiences of diverse community members. As part of our continuing advocacy, we seek to support positive inclusive and disaggregated data collection efforts, such as the collection of race, sexual orientation, and gender identity data by the ED. We appreciate the work that the ED has put into ensuring the program highlights the funding disparities between men and women sports. We ask that the ED expand the EADA survey to collect race, sexual orientation, and gender identity data. Collecting this disaggregated data is important for ensuring equity within sports and reflecting the diverse experiences of college athletes.

Thank you for the opportunity to comment and your consideration of our request. For more information, please contact Clermon Acklin, Federal Regulatory Counsel, at ceacklin@thetaskforce.org or 202-604-9830.



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Suite 65500
Washington DC 20035

202.393.5177
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Sincerely,

A handwritten signature in black ink that reads "LIZ SEATON". The signature is written in a cursive, slightly slanted style. Below the signature is a horizontal blue line.

Liz Seaton
Policy Director