



NATIONAL CENTER FOR LESBIAN RIGHTS

Frequently Asked Questions about Title IX and Policies on Intra-Team Dating in College Athletics

Many college athletic programs have adopted policies addressing interpersonal relationships of student athletes. In some cases, these policies prohibit dating or romantic relationships among team members on single-sex teams. Because such restrictions apply only to lesbian, gay or bisexual athletes, they may raise serious legal issues under federal and state laws, including Title IX. This FAQ is intended to assist administrators and coaches considering the legal implications of intra-team dating policies.

What is Title IX?

Title IX is a shorthand reference to Title IX of the Education Amendments of 1972 (“Title IX”), a federal law that prohibits sex discrimination in any education program, such as a college or university, that receives federal financial assistance. In the athletic context, for example, Title IX prohibits schools from providing more funding, better facilities, better equipment, or more opportunities to male athletes than it provides to female athletes.

What are the consequences of violating Title IX?

Institutions that violate Title IX may have to pay civil damages and could lose federal funding. Lawsuits and investigations may be instituted by the Department of Education, Department of Justice, other federal agencies, or private parties.

Does a policy banning intra-team dating on a single-sex team violate Title IX?

Very likely yes. A rule against intra-team dating likely violates Title IX’s prohibition on sex discrimination. Such a rule discriminates against lesbian, gay, and bisexual students by restricting who they can date while leaving heterosexual students free to date anyone they wish. Many federal courts as well as the federal Equal Employment Opportunity Commission have recognized that federal sex-discrimination laws protect individuals against discrimination based on their sexual orientation or based on being in a same-sex relationship.

In a recent case, a federal district court allowed a Title IX lawsuit against Pepperdine University to proceed based on two former student athletes’ allegations that coaches and other staff had harassed them and ultimately drove them off the team for being in a dating relationship. The judge said:

“Plaintiffs allege that they were told that ‘lesbianism’ would not be tolerated on the team. If Plaintiffs had been males dating females, instead of females dating females, they would not have been subjected to the alleged different treatment. Plaintiffs have stated a straightforward claim of sex discrimination under Title IX.”

Can a policy banning intra-team dating violate any other laws?

Yes. Some states have laws prohibiting discrimination on the basis of sex and/or sexual orientation in higher education. Intra-team dating policies may violate these laws for the same reasons they violate Title IX. Intra-team dating policies may also lead to claims under state privacy laws, particularly if enforcement involves intrusive inquiries into student athletes' personal lives. Public colleges and universities should also be aware that rules against intra-team dating may violate students' rights under the federal and state constitutions.

Is it possible to have a policy dealing with intra-team dating that does not violate Title IX?

Yes. Institutions can adopt policies that require student athletes to be aware of the full range of personal relationships, on and off the team, that may detract from team unity and competitiveness. Such policies should not single out intra-team dating for different treatment from other types of relationships and should not include an absolute ban on intra-team dating. A sample model policy accompanies the FAQ.

[Download the "Model Personal Relationship Policy for Collegiate Student Athletics."](#)

Is a policy banning *all* dating by student athletes regardless of gender a good solution?

No. For many students, especially younger students just out of high school, college is a key time to explore new relationships of all kinds, including dating relationships. A policy banning students from dating anyone, on or off the team, is simply not a realistic solution. In addition, restrictions on dating have often been adopted only for women's teams, which again raises the potential for legal claims under Title IX or other laws. Finally, for public institutions, restrictions on dating may violate student athletes' constitutional rights.

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For further clarifications or inquiries contact:

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