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[Q: Will “cheerleading” ever be recognized by the Office for Civil Rights as a legitimate sport?](#)

A: Cheerleading? No. STUNT? Probably, at some point in the future.

Given longstanding direction from both Department of Education Office for Civil Rights (DOE-OCR) and the NCAA (see extended discussion below), no school can count cheerleaders as athletes for purposes of Title IX, whether the school classifies those cheerleaders as “sideline cheerleaders” or “competitive cheerleaders” and whether those cheerleaders compete or not, without DOE-OCR approval to do so.

That being said, there is an organization, USA Cheer and within it the College Stunt Association (CSA), that is making a concerted effort to follow DOE-OCR guidelines (detailed below) for counting STUNT as a sport within the athletics program. STUNT is being developed as new competitive team sport derived from cheerleading but removing the crowd-leading element and focusing on the technical and athletic components of cheer; including partner stunts, pyramids, basket tosses, group jumps and tumbling, and team performance. The current STUNT competition structure defined by CSA national rules meets one of the definitions of a sport as advanced by OCR. The establishment of a STUNT national championship this year was also an essential next step in fulfilling definitional requirements. While it is not possible to assess whether the other OCR definitional requirements are being met until the sport is active on college campuses, there is a pending CSA request for STUNT be placed on the NCAA “emerging sport” list, a step that may advance this process.

There are many girls and women who have expressed their stunt and tumbling skills through the student spirit activity of cheerleading who do not have the desire to pursue traditional competitive gymnastics because of many factors, include tumbling skills with higher levels of risk. The development of STUNT as a sport alternative can provide an important opportunity for this group. As important, because many athletic departments are already supporting cheerleading coaches and programs, administrators may be more inclined to add STUNT as a sport compared to other more expensive or unfamiliar alternatives.

In this period of economic downturn and athletics program expense reductions in non-revenue sports due to pressures of the football and basketball arms race, STUNT may be one of the few realistic possibilities for reigniting institutional commitments to Title IX compliance – a sorely needed movement.

Title IX compliance efforts have literally and figuratively “stalled” over the last decade as evidenced by the still significant participation gap between male and female athletes. The addition of STUNT as an emerging sport in the NCAA program and its eventual recognition of DOE-OCR may help close this gap in the future.

Sport managers should understand the (DOE-OCR) standards for considering an activity a varsity sport. DOE-OCR sent to the Minnesota High School League on April 11, 2000, in response to its inquiry about how to treat cheerleading, a definition of a sport that was later reiterated in a 2008 policy letter, which partially reads as follows:

"In its case-by-case valuation of whether an activity can be counted as an intercollegiate or interscholastic sport for the purpose of Title IX compliance, OCR will consider all of the following factors:

I. Program Structure and Administration - Taking into account the unique aspects inherent in the nature and basic operation of specific sports, OCR considers whether the activity is structured and administered in a manner consistent with established intercollegiate or interscholastic varsity sports in the institution's athletics program, including:

A. Whether the operating budget, support services (including academic, sports medicine and strength and conditioning support) and coaching staff are administered by the athletics department or another entity, and are provided in a manner consistent with established varsity sports; and

B. Whether the participants in the activity are eligible to receive athletic scholarships and Athletic awards (e.g., varsity awards) if available to athletes in established varsity sports; to the extent that an institution recruits participants in its athletics program, whether participants in the activity are recruited in a manner consistent with established varsity sports.

II. Team Preparation and Competition - Taking into account the unique aspects inherent in the nature and basic operation of specific sports, OCR considers whether the team prepares for and engages in competition in a manner consistent with established varsity sports in the institution's intercollegiate or interscholastic athletics program, including:

A. Whether the practice opportunities (e.g., number, length and quality) are available in a manner consistent with established varsity sports in the institution's athletics program; and

B. Whether the regular season competitive opportunities differ quantitatively and/or qualitatively from established varsity sports; whether the team competes against intercollegiate or interscholastic varsity opponents in a manner consistent with established varsity sports; When analyzing this factor, the following may be taken into consideration:

- 1. Whether the number of competitions and length of play are predetermined by a governing athletics organization, an athletic conference, or a consortium of institutions;***
- 2. Whether the competitive schedule reflects the abilities of the team; and***

3. ***Whether the activity has a defined season; whether the season is determined by a governing athletics organization, an athletic conference, or a consortium.***

C. If pre-season and/or post-season competition exists for the activity, whether the activity provides an opportunity for student athletes to engage in the pre-season and/or postseason competition in a manner consistent with established varsity sports; for example, whether state, national and/or conference championships exist for the activity; and

D. Whether the primary purpose of the activity is to provide athletic competition at the Intercollegiate or interscholastic varsity levels rather than to support or promote other athletic activities. When analyzing this factor, the following may be taken into consideration:

- 1. Whether the activity is governed by a specific set of rules of play adopted by a state, national, or conference organization and/or consistent with established varsity sports, which include objective, standardized criteria by which competition must be judged;***
- 2. Whether resources for the activity (e.g., practice and competition schedules, coaching staff) are based on the competitive needs of the team;***
- 3. If post-season competition opportunities are available, whether participation in postseason competition is dependent on or related to regular season results in a manner consistent with established varsity sports; and***
- 4. Whether the selection of teams/participants is based on factors related primarily to athletic ability.***

Please keep in mind that OCR's determinations based on these factors are fact-specific. Therefore, determinations may vary depending on a school district or postsecondary institution's athletics program, the nature of the particular activity, and the circumstances under which it is conducted."

Also noteworthy, as part of the rulemaking process for the Equity in Athletics Disclosure Act (EADA), the Secretary of Education noted in 1999, that schools cannot count cheerleading or drill team members as varsity athletes. The Department's guidelines for completing the annual EADA form also expressly state that schools cannot count cheerleading unless they have an approval letter from the DOE-OCR. The NCAA has also long notified its members that they cannot count cheerleading on the athletic participation data that they submit to the NCAA or on the EADA form. This position is printed on the front page of the NCAA data materials.

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Topics

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