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The FAME Center, Sports Law Society Host “50 Years of Title IX: The Pivot to Justice in Women’s Gymnastics”

To commemorate the 50th anniversary of Title IX, The FAME Center and the Sports Law Society held a virtual panel on January 30 featuring three women who advocate for change in the world of women's gymnastics. One of Title IX’s most visible impacts is the inclusion of women in sports. According to a study by the Women’s Sports Foundation, female participation in high school sports rose from 290,000 in 1972 to 3.4 million in 2019. The impact of Title IX has extended to professional athletics as well, with major advancements such as the creation of the Women’s National Basketball Association being credited in part to it.

Barbara Kolsun, Director of Cardozo’s FAME Center for fashion, arts, media and entertainment law, moderated the discussion with the women, who chronicled some of the recent headline stories about sexual abuse in women’s sports. The panelists were: Jessica Armstrong, a former elite gymnast who is now a lawyer and activist and is a survivor of sexual abuse by her gymnastics coach; journalist and author Mary Pilon, whose work focuses primarily on the worlds of sports and business and whose podcast covered the Larry Nassar abuse case that rocked the world of women’s gymnastics; and Jill Yesko, a former cyclist who represented the United States in the 1983 World University Games and competed in the Olympic Trials and documentarian who has made numerous films about sports.

Title IX was signed into law by President Nixon on June 23, 1972 and has its origins in the civil rights and women’s liberation movements. Title IX made it illegal to discriminate, on the basis of sex, in any school or educational program receiving federal funding. Before Title IX, women were often excluded from educational sports programs due to quotas for female admission or outright prohibition of female attendance. Title IX was introduced by Reps. Edith Green and Patsy Mink. Today, Title IX applies to all schools, local and state educational agencies and institutions that receive federal financial assistance from the Department of Education, which prohibits discrimination on the basis of sex, sexual orientation or gender identity.

Panelists addressed the fact that Title IX has notable shortcomings, such as women’s sports having fewer teams, scholarships and more than their male counterparts, and it disproportionately benefits white women. They also discussed how then-Department of Education Secretary Betsy DeVos weakened victims’ rights in sexual assault cases on college campuses through revisions to DOE

regulations. Those changes were rolled back by the Biden Administration, which also extended protections to transgender students.

Much of the discussion focused on the story of Nassar, the former sports medicine physician and convicted serial child rapist, who for 18 years was the team doctor of the United States women's national gymnastics team. Pilon spent the last several years working on Twisted, a podcast series that does a deep dive into the case against Nassar, whose sentences effectively place him in prison for the rest of his life.

“It took us a couple of years to do Twisted,” Pilon said. “We spoke to dozens of experts in the field, people involved in the sports world. We came to the conclusion that every single level of the system failed. Mandatory reporters whose job it is to report suspicion of abuse didn’t do it for a variety of reasons. Then, you have the local police, then the state. There was a Title IX complaint filed against Larry Nassar in 2014, but it was ignored. It goes all the way up to the FBI. Women’s Gymnastics, Michigan State, every level was ignoring these complaints.” Pilon added that one of the big misconceptions about the Nassar case is that no one knew this was happening, and no one tried to come forward.

“Talking about sexual abuse is hard for anyone, but to come forward as a child, as a little girl, against the most revered doctor in your sport -- that takes a lot of guts,” Pilon said.

“Reporting this story changed my life. People call Larry Nassar a monster, and while he did horrible things, I take issue with that label. By calling him that, it dehumanizes him and absolves other people who should have said something and noticed. It allows people who had responsibility to distance themselves. Nassar did not act alone. There were a lot of things culturally and legally that should have happened to stop it and did not.”

Armstrong and Yesko, who worked on the documentary Broken Trust, discussed the aftermath of the Nassar case, with Armstrong talking about her involvement in it.

They also discussed what needs to be done to prevent something like this from happening again, such as making it harder for coaches who have sexually abused athletes to “gym hop,” which is moving to another location to escape accountability and accusations.

“We need to change the narrative, and we need to change sports culture,” Armstrong said. “The good news is that we’re literally watching that unfold in real-time publicly. The Me Too Movement resonated across industries and organizations, giving voice to people’s stories and raising awareness. It really

exposed the fault lines in how institutions have failed children, athletes and people.”

Yesko criticized the system, saying that it puts too much pressure on victims, especially children, to have a complex legal understanding of Title IX.

“There should be a much clearer chain of command and chain of custody for reporting,” Yesko said. “It should be made easier to report abuse. ...You can’t put it all on the survivor. It’s not fair and adds to a feeling of persecution.”

The speakers discussed how important having empathy for survivors is, with Armstrong adding that this applies to those in positions of power, especially those who are reported to.

“I think that having a trauma-informed approach is one of the most important things that the people who will be receiving these complaints need,” Armstrong said. “That’s already happening, but it needs to happen more. Education and awareness are so important, what to say and what not to say to survivors, the kind of support they need, the importance of being believed. I think that needs to be communicated more clearly to everyone involved.”

While they discussed what more needs to be done, they also acknowledged that these conversations wouldn’t have happened without the bravery of the individuals who have come forward about the abuse they experienced.

“The only reason we’re sitting here and talking about this is that these women refused to let it go,” Pilon said. “Many of them are now doctors and lawyers and work in the field now to correct all of this so that it doesn’t happen again.”