

# **Primeau Law Future of Feminism Award**



Kiley Sims

# Introduction



In the world of sports, being a woman has always been a barrier that many athletes, including myself, have had to overcome. Having a ponytail somehow made me, and all other girls, less of an athlete. I had far more to prove, and far more obstacles such as changing in the broom closet, or an empty storage room with a chair. Even in my home rink in Deep River, girls from both teams changed together in a small room with no door to the toilet - that simply wouldn't happen with the boys but was more than acceptable ("You girls are lucky you even have a girls change room"). It was hard but it was our normal and eventually it changed for the better when I began to play competitive girls hockey in Grade 9. Yet even with some success, you were always just "good for a girl" not simply "good". Male sports (along with its athletes) have always been prioritized before female sports. I recognize that in professional sports that the dollars spent (invested) are related to dollars brought in (profit). But television rights and marketing play a large role in what those profits are by selling one game more than the other. The vast majority of us are not professionals...

# Introduction



There is discrimination and inequity at all levels. I have felt it; both my sisters have felt it. My older sister has seen it during her student-athlete journey in New York State and speaks about it. I am very fortunate to have committed to Northland College in Ashland, Wisconsin to earn a B.Sc. (Environmental Science and Natural Resources) and play NCAA Division III hockey for Northland. This is perhaps why when Primeau Law presented this opportunity, I thought that maybe I could make a small difference and perhaps make it a better place and better experience for the girls who follow me - either Deep River girls or other student-athletes who are fortunate enough to be committed to Northland College. I know these barriers exist in Canadian universities as well...but my journey takes me away from our home and Native land. It is in Wisconsin where I will continue my journey and attempt my plan.

There are legal documents in place in the United States of America that enforce civil rights. They are thorough and detailed and historical. I will look at one of those documents and use it for what is legally right and what is not. From my these markers and my own story, I have developed my plan. But before the plan was set, I needed to take a look at Title IX.

# Title IX



When we discuss equality in sport, the legal document people in the United States reach for and refer to is Title IX (pronounced "title nine"). Title IX is a portion of the United States Education Amendments of 1972 and is a federal law that makes it illegal to discriminate against a person on the basis of sex in any federally funded activity.

The scope of Title IX is that it applies to institutions that receive federal financial assistance, including state and local educational agencies. These agencies include approximately 16,500 local school districts, and 7,000 postsecondary institutions. Also included are education agencies of 50 states, the District of Columbia, and territories and possessions of the United States.

Northland College in Ashland, Wisconsin falls under the scope of Title IX as it's teams compete in NCAA competition.

# Title IX

[https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)



Some more ‘legal commentary’ is needed to focus of elements of Title IX on to Kiley Sims and women’s hockey at Northland College. Educational programs and activities that receive funding must operate in a nondiscriminatory manner. This would apply to all athletic teams (male and female) at Northland College. Some key issue areas in which recipients have Title IX obligations are: **recruitment**, **admissions**, and counseling; financial assistance; **athletics**; **sex-based harassment**; treatment of pregnant and parenting students; **discipline**; **single-sex education**; and employment. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or made charges, testified or participated in any complaint action under Title IX. For a recipient to retaliate in any way is considered a violation of Title IX.

Title IX can be overwhelming. I am not a lawyer and therefore I will limit my focus to athletics and the equality that can occur at these institutes.

# Title IX



<http://www.ncaa.org/about/resources/inclusion/title-ix-frequently-asked-questions#dollars>

Title IX compliance is a whole program comparison and thus it does not require the formation of mirror image sports - a broad variation in type and number of athletic opportunities can be offered. In the case of Northland College, it offers 7 male sports (Lumberjacks) and it offers 7 female sports (Lumberjills) - 5 of the 7 sports are the same (basketball, golf, cross-country, soccer and hockey). The Jacks play Baseball and Lacrosse while the Jills play Softball and Volleyball. The easiest comparison for me would be the Jacks hockey versus Jills hockey, but with such a small campus and population, I believe a plan that focuses on hockey but with discussions across Northland athletics is certainly possible.

I understand that Title IX does not require equal dollars be spent on men and women's sports except for a provision in Title IX that states the same dollars be spent proportional to participation is scholarships. But because Northland College is a NCAA DIII school, there is no issue with scholarships as only NCAA DI schools provide athletic scholarships; Northland deals exclusively in academic scholarships, awards, and financial aid.

# Title IX

<http://www.ncaa.org/about/resources/inclusion/title-ix-frequently-asked-questions#dollars>



Otherwise, with athletic scholarships not in the conversation, male and female student-athletes must receive equitable “treatment” and “benefits.”

The same amount of money is not required to be spent on men and women’s sports because there are legitimate and justifiable discrepancies for non-gender related differences in sports. For example, a male football player needs protective equipment such as pads and helmet, and a female soccer player needs shin guards. Title IX does allow for a discrepancy in the cost of the equipment as long as both the football and soccer player received the same quality of equipment. However, a female ice hockey player must receive the same protective equipment that a male ice hockey player would receive as the protective equipment is the same.

# My Plan...



One thing that stood out to me when I first accepted my offer to Northland was that I couldn't support and represent the Jills. The only option for me is to wear Jacks clothing or Northland clothing. Northland is in the minority whose school name is different for males and females. Even the women's sections has Jack wear but no Jills. One thing I would really like to do is make sure 'Jills wear' becomes a thing. It would be an easy place to start and it is easy to measure success. I would bring forward this idea to my coaches (both of whom are female), and my captains and see if we could make both Jack and Jills clothing an option so everybody could support the female teams. First small step...

## FEATURED DEPARTMENTS



T-SHIRTS



SWEATSHIRTS



HATS



APPLIQUE



MEN'S



WOMEN'S



YOUTH



TOP SELLERS

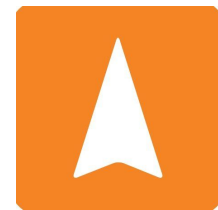


# My Plan...



- Address merchandise division and availability of Lumberjills merchandise (team, captains, coaching staff, athletic department)
- Address social media representation such as Facebook page, Instagram, Twitter and the Jack and Jills Podcast (team, captains, coaching staff, Northland College student government)
- Address website representation (athletic department)
- Address financial equity such as equipment, gear, stipends, road allowances (coaches)
- Encourage promotion of Jills games (Northland College student government, webmaster, Community ambassadors, local Wisconsin girls minor hockey associations)
- Encourage facility and room uniformity/equal opportunities (team and coaches)

# In Closing...



Small steps can lead to big changes. I play hockey in world that is vastly different and much better than it was decades ago. I have greater opportunities, greater competition and the ability to be a student-athlete at a really unique school playing a sport I love at the highest level . I am very lucky. But as far as the women's game has come, it is still so far behind the men's game on so many levels. It is not equal.

My small plan is intended to make small differences with the hope it will help lead to bigger changes - to hopefully 'pay it forward' as the women that came before me did. Small steps.

Thank you to Primeau Law for providing this opportunity. Coming from a family of sisters... equality is very important as is making a difference.



SIMS

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**“LITTLE BY LITTLE,  
A LITTLE BECOMES  
A LOT.”**

*Tasmanian Proverb*