UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE CHIEF INFORMATION OFFICER

THE CHIEF INFORMATION OFFICER

September 15, 2003

Mr. Michael W. Moyer
Executive Director
National Wrestling Coaches Association
1976 Auction Road
Manheim, PA 17545

Mr. Eric Pearson
Chairman
College Sports Council
1825 I Street, N.W.
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Washington, D.C. 20006

Dear Mr. Moyer and Mr. Pearson:

This letter is in response to your June 18, 2003 appeal of a May 19, 2003 Departmental decision under the Department's *Information Quality Guidelines*. In February of 2003, you contacted the Department about a third-party report submitted to the Department -- "*Open to All: Title IX at Thirty: Report of the Secretary's Commission on Opportunity in Athletics*" -- that you believe contains "statistical errors." The data you questioned, taken by the Commission from two General Accounting Office (GAO) reports, relate to the numerical gains or losses of women's and men's sports opportunities since 1972. Your February letter indicated that "the Commission Report does not comply with the Department's Information Quality Guidelines" and requested that the Department not disseminate the Commission Report without correcting the alleged errors. The Department's May 19th response concluded that no correction was warranted.

In your June 18, 2003 appeal letter you state, "...we stress that our ... challenge does not address the GAO report *per se* or even the Commission's inclusion of that flawed GAO data in the Commission report. Instead, we challenge the Department's dissemination of a third-party report that contains false and misleading information ..." After carefully reviewing your correction request, the Department's response determining that no correction was warranted, and your appeal letter, I concur with the initial Department response.

As the Department's *Information Quality Guidelines* reflect, the Department does not have full control over the quality of data reported by third parties. In fact, the Commission's Report includes a disclaimer that the views expressed in the report do not necessarily represent the positions and policies of the Department. Nonetheless, to facilitate the public's understanding of these data, the Department's *Information Quality Guidelines* state that for third-party data the

Department "intends to identify the source of the information and any shortcomings or limitations of the data if we rely upon it for decision-making purposes." Guidelines, p. 6.

The Department has not relied on the allegedly flawed GAO report data for decision-making purposes. While the Department has considered conclusions and recommendations in the Commission's Report, those conclusions and recommendations are not based on the details of the GAO data. The 15-member Commission on Opportunity in Athletics was chartered in July 2002 "to collect information, analyze issues, and obtain broad public input directed at improving the application of current federal standards ... under Title IX" of the Education Amendments of 1972. The Commission held four town meetings, and heard from more than 50 expert witnesses and hundreds of parents, athletes, and school administrators. It also gathered information, such as the GAO reports, from various sources. The Commission issued its Report in February 2003. As the Department explained in its initial decision, the GAO reports are only one of the several sources of information presented to the Commission that are recounted in the background sections of the Report.

Even if the Commission had relied to some limited degree on the GAO data in formulating its conclusions and recommendations, the Commission's Report comports with the requirements of the Department's *Information Quality Guidelines* because the Report itself adequately discloses the "source of the information and any shortcomings and limitations of the data." The Report describes the Commission's process, identifies the sources of information contained within it, and acknowledges a "spectrum of opinions" on Title IX implementation and enforcement. With respect to the increases and decreases in athletic opportunities, the Report notes that "it is extremely difficult to obtain a set of data that is accepted by all parties." Commission Report, p. 24. The Report specifically cites testimony suggesting that NCAA data reflecting an increase in overall participation in athletics for men and women "did not take into account changes in NCAA membership over time." *Id.* The Report cites testimony by Jerome Kravitz who described findings, which "control for changes in NCAA membership," that suggest that there was a reduction in athletic participation opportunities for men during the period between 1982 and 2001. The Report does not attempt to resolve these disputes but notes that, regardless of the data used, "all agree that there has been a troubling decrease in athletic opportunities for boys and men." *Id.*

In sum, the information contained in the Report, including the data you allege is flawed, is presented in a broad framework so that the public understands the nature of the Commission's work, and its findings and recommendations. The Report plainly reflects that there are substantial disputes regarding the data relating to increases and decreases in athletic opportunities and sets out the reasons for any shortcomings and limitations in the data.

Consistent with guidance from the Office of Management and Budget, the Department's guidelines are to be applied flexibly, in a common sense and workable manner, and in a manner appropriate to the nature of the information. (67 Fed. Reg. 8453). In this case, the Department has made available to the public a report on Title IX that was developed through an open and

inclusive process, and includes information on the topic from a variety of perspectives. The Report provides source citations for the information that was presented to the Commission, so that the public can understand the context in which the Report was prepared.

Finally, we note your contention that the Department was required to conduct a pre-dissemination review of the report. Whether or not there is a requirement for pre-dissemination review in these circumstances, the Department, through its initial decision and now independently through this appeal, has reviewed the Commission Report in light of the *Information Quality Guidelines*. For the reasons explained above, I find that the Commission Report comports with the purposes, principles, and standards of the Department's *Information Quality Guidelines*.

Information quality is important to the Department. Thank you for contacting us about your information quality concerns.

Sincerely,

William J. Leidinger
Chief Information Officer