# They Play Like Girls: Gender and Race (IN)EQUITY IN NCAA Sports 

Angela J. HATtERY $\dagger$<br>It has been a long time coming- 39 years, to be exact—but women's tennis players will receive equal prize money to the men at Wimbledon this year. ${ }^{1}$<br>- Christopher Clarey, "Wimbledon to Pay<br>Men and Women Equal Prize Money," New<br>York Times, February 22, 2007<br>In the 60s, we were always together . . . But when the men formed the ATP (Association of Tennis Professionals), I said, 'You're going to include the women aren't you?' They said no. They said no one is going to pay to watch the girls play. ${ }^{\text {² }}$<br>- Billy Jean King

## Introduction

Women's attempts to participate in any field designated as "male" have always been highly contentious. This paper examines the degree to which equality of opportunity exists for women who seek to make a living as coaches in intercollegiate sports. It first addresses the National Collegiate Athletic Association ("NCAA") data on the presence of women as head

[^0]coaches of Division I women's basketball teams. Second, it examines the degree to which equality of opportunity is extended racially, specifically to African American women who dominate the playing ranks of NCAA Division I basketball, and it asks if they have equal opportunities to coach those same teams.

## I. Setting the Stage

One can learn a great deal about the struggles that women have faced in gaining access to opportunities in sports, and sports leadership positions in particular, by examining women's struggles to obtain leadership positions in "SportsWorld," ${ }^{3}$ as well as their attempts to garner leadership positions in the broader free market economy. The resistance to hiring women in sports leadership positions, specifically as head coaches, is in part based on men's reluctance to give women leadership opportunities in any realm, including politics and business; in many ways, sports is just another establishment where women face the glass ceiling. ${ }^{4}$

## A. Women as Political Leaders

In the United States, women's suffrage was highly contested and took more than one hundred years to realize. ${ }^{5}$ In the political realm women are still fighting for the opportunity to

[^1]hold the highest office in the land: President of the United States. Although Hillary Rodham Clinton (wife of former U.S. President William Jefferson Clinton) had established herself as a viable candidate in the 2008 presidential election, polls taken at the time by the New York Times found that some Americans, even some women, were "not ready for a lady president." ${ }^{\text {In }}$ 2011, women still held only 16 percent of the seats in Congress-approximately seventy-five women in the House and seventeen women in the Senate-despite making up more than 50 percent of the population and the majority of active voters. ${ }^{7}$

## B. Women as Business Leaders

Women struggled through most of the twentieth century to be allowed to work in the labor market and earn a living wage. Yet, as of 2002, women held only 9.9 percent of executive level jobs in major U.S. corporations. ${ }^{8}$ One of the few who did, Carly Fiorina, was forced to resign from her post at Hewlett-Packard because, among other things, several prominent male members of the board felt women were not appropriate for positions such as Chief Executive Officer. ${ }^{9}$ Fiorina recalled, after she had to lay off fifteen thousand employees during Hewlett-Packard's merger with Compaq, that: "A woman lays people off, she's heartless . . . a man lays people off, he's decisive." ${ }^{10}$

As slow as the gains for women's political and employment rights have been, the struggles for women of color-and especially African American women-have been even more strenuous and less productive. For example, with regard to employment, African

[^2]American women have historically been more likely to be employed in the civilian workforce, ${ }^{11}$ though since 1990 employment rates among women have not varied significantly by race. ${ }^{12}$ Wages are also significantly shaped by race. According to the U.S. Bureau of Labor Statistics' Current Population Survey, African American women earn only 87 percent of the wages that white women earn. ${ }^{13}$ African American women earn a median weekly income of $\$ 582$ or $\$ 30,264$ per year (fifty-two weeks), whereas white women earn a median weekly income of $\$ 669$ or $\$ 34,788$ per year. ${ }^{14}$

In summary, women who hold or aspire to positions of corporate leadership in America are in a double bind where, in order to be considered acceptable leaders, women have to project a "masculine" image, for which they are then criticized.

[^3]
## C. Women in SportsWorld ${ }^{15}$

Women's attempts to crack the hyper-masculine, hyper-sexsegregated world of sports have similarly met with difficulty. Individual women like Althea Gibson ${ }^{16}$ and Billie Jean King ${ }^{17}$ fought for the opportunity simply to participate. Then in 1972 the United States enacted "Title IX," part of the civil rights legislation coming out of the 1960s, in order to require equal opportunities for women in educational settings. ${ }^{18}$ Many women athletes and coaches seized upon this legislation to demand equality. ${ }^{19}$ Unfortunately, many have yet to see equality realized.

As recently as 2007, Lindy Vivas filed a sex discrimination lawsuit against Fresno State University alleging that she was fired because she was a vocal advocate of equal treatment. ${ }^{20}$ In the suit, she alleged that "the more she told her male supervisors that her team needed adequate equipment and practice space, the more they turned against her, culminating in the celebration of 'Ugly Women Athlete's Day." ${ }^{21}$ That afternoon, in April of 2000, she walked into a department office to find three male administrators sipping drinks under a banner featuring crude cutouts of womanly figures with male heads. ${ }^{22}$

## II. The Context: A Brief Overview of Title IX

As mentioned in the Introduction, what is referenced simply as Title IX, is a relatively simple law with unbelievably complex implications. The statute reads: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial

[^4]assistance . . . ."23
Enacted in 1972, Title IX was one of a series of laws and legal decisions that resulted from the "women's movement" or second-wave feminism. ${ }^{24}$ For example, the Equal Pay Act was passed in 1963, ${ }^{25}$ and Roe v. Wade would be decided just a year after Title IX in 1973. ${ }^{26}$ And, although Title IX is most frequently thought of and debated with regard to its impact on female (and male) participation in high school and intercollegiate athletics, the statute makes no reference to athletics. ${ }^{27}$ The legislation covers all educational activities, and complaints under Title IX alleging discrimination in fields such as science or math education, or in other aspects of academic life, like access to health care and dormitory facilities, are not unheard of. ${ }^{28}$ It also applies to nonsports activities, such as school bands and cheerleading. ${ }^{29}$

Despite its contiguousness to the Civil Rights legislation of the 1960s and early 1970s, there is nothing explicit in Title IX that

[^5]specifically addresses race. ${ }^{30}$ It is suspected that this lack of attention to the complexities of race and gender was simply emblematic of the times; prior to the development of critical race theory (in the field of law) and race, class, and gender theory (in the social sciences and humanities), neither feminist nor race scholars had developed a complex understanding of the interlocking nature of the systems of oppression. ${ }^{31}$ Thus the "rights" legislation was pursued in proscribed ways that focused on only one system of oppression at a time.

As noted in the Introduction, Title IX lawsuits continue to be waged more than thirty-five years after the law's passage. These lawsuits range from participation lawsuits-including a lack of opportunities for girls, as well as boys, ${ }^{32}$ and for young men when men's teams are cut from athletic programs ${ }^{33}$ (a relatively common strategy athletic departments use to "get in compliance")-to lawsuits focusing on the inadequacy of resources, ${ }^{34}$ and employment and sexual harassment lawsuits filed by female coaches. ${ }^{35}$ This Article will introduce a racial frame in order to examine the degree to which the few opportunities that exist for women as coaches are not usually extended to women of color, specifically African American women, relative to their white counterparts. A brief review of the literature on Title IX is presented in the next section.

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## III. Review of the Academic Literature on Title IX

Although the requirements of Title IX are far rangingrequiring opportunities to participate, a certain quality of experience, and freedom from discrimination-most of the scientific research on the implementation of Title IX in intercollegiate athletics has focused on two key areas: (1) athletic participation studies and (2) coaching studies. The majority of these studies have focused on tracking the number of female athletes and coaches in various sports across time. The earliest of these studies were produced by Vivian Acosta and Linda Carpenter at Brooklyn College. ${ }^{36}$ Their findings date to the inception of Title IX: 1972. ${ }^{37}$ This data has been invaluable in documenting both the limited opportunities available for women athletes and, perhaps more importantly, the steady decline of women coaches since Title IX was passed in 1972. ${ }^{38}$

## A. Athletic Participation

Athletic participation for women is measured in two ways: (1) the number of teams available for women athletes and (2) the number of women actually participating on an intercollegiate athletic team. ${ }^{39}$ Since 1972, the number of teams available for women at the intercollegiate level has risen from an average of 2.5 teams per college to an average 8.4 teams per college-an increase of almost 350 percent. ${ }^{40}$ The number of female athletes participating in college sports has risen from 16,000 to 200,000 an increase of more than 1,000 percent, ${ }^{41}$ such that now, according to the NCAA, women make up nearly 44 percent of all

[^7]student athletes on college campuses. ${ }^{42}$ The importance of this increase in the opportunity for women to participate in intercollegiate athletics cannot be overstated.

Finally, note that shortly after the passage of Title IX, the NCAA took over the institutionalization of women's sports from the Association of Intercollegiate Athletics for Women ("AIAW"), resulting in the discontinuation of the AIAW on June 30, 1983. ${ }^{43}$ Among many outcomes, both positive and negative, this resulted in championship experiences in all women's sports that are similar to those offered in men's sports (i.e., the "Final Four" model in women's basketball mimics that same semi-final tournament in men's basketball, though in a somewhat less-commercialized format). ${ }^{44}$

## B. Coaching and Sports Administration

Because Title IX also extends to opportunities for employment, many studies have been done that examine the number of women coaching at the intercollegiate level and the number engaged in athletic administration. ${ }^{45}$ Counterintuitive to those who have not studied or been spectators in women's intercollegiate sports, in the thirty-five-plus years since the passage of Title IX, opportunities to coach women's teams have grown exponentially, but the number of women coaching has steadily declined. ${ }^{46}$ The percentage of women coaching women's teams at the intercollegiate level fell from 90 percent in 1972 to 44 percent in $2010 .{ }^{47}$ And this trend is most distinctive in the high profile sports of basketball and soccer. ${ }^{48}$ My argument is that this trend can be explained, in part, by considering the growing prestige of

[^8]women's athletics over the last forty years.
During the AIAW years women's sports were so devaluedthey were not even sanctioned by the $\mathrm{NCAA}^{49}$-that few men would have sought a position coaching women. However, following the passage of Title IX and the incorporation of women's intercollegiate athletics into the NCAA, women's sports, following in the footsteps of men's sports, became increasingly commercialized. ${ }^{50}$ As the data will demonstrate, while coaches of women's teams still make significantly lower salaries than coaches of men's teams-who are all men-coaches of women's intercollegiate teams still earn substantial salaries that are anywhere from two to five times higher than coaches of boys high school teams. ${ }^{51}$ Where there is money and increasing prestige, men have flocked; the more successful women's intercollegiate athletics have become, the more men have invaded this arena, leaving few opportunities for women.

Furthermore, the demographic profile of a coach of a women's team is significantly shaped not only by gender, but also by race. Thus, what may be good for female athletes-better facilities, better travel, more television time-may not be good for women generally, especially African American women, who leave the ranks of players and hope to continue their careers as coaches. This analysis reveals the ways in which race and gender shape access to coaching opportunities in light of exponential growth in opportunities for female athletic participation.

A great deal of research has been done that examines the changes in opportunities for female athletes and coaches since the passage of Title IX. Furthermore, as noted, while opportunities have expanded for female athletes with the advent of Title IX, the same is not necessarily true of female coaches and administrators.

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## IV. Theoretical Framework

The data in this study is analyzed through the lenses of "race, class, and gender theory," and "critical race theory." Critical race theory and race, class, and gender theory ("RCG") provide the framework to explore the question of whether or not gains have accrued proportionately or disproportionately to women of various race or ethnic identities. Emerging in response to the second wave of feminism, which was perceived to be a largely white, middle-class feminism, scholars including jurist Kimberle Crenshaw ${ }^{52}$ and sociologists such as Baca Zinn, Thorton Dill, ${ }^{53}$ and Deborah King, ${ }^{54}$ have asserted that patriarchy was but one of many systems of domination that were interlocking and reinforcing in ways that create complex systems of oppression and privilege. ${ }^{55}$ RCG and critical race scholars generate a frame that requires the analyst to consider the ways in which access to opportunities is shaped by the intersections of race, class, and gender. ${ }^{56}$ This analysis asks: (1) do the increased opportunities for athletic participation identified by Acosta and Carpenter ${ }^{57}$ extend to African American women, and (2) are the opportunities remaining for women in coaching distributed proportionately to women of different racial or ethnic identities? Furthermore, (3) assuming athletic participation is not proportionally distributed, do opportunities for coaching mimic participation levels or are they distributed in some other fashion? Lastly, (4) do the resources and prestige associated with various sports change the ways that opportunities for coaching are distributed, especially with regard to gender and race?

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## V. Methods

These research questions-focusing on the ways in which race and gender shape the implementation of Title IX at the head-coaching level, the intersectional theories of power and oppression, and the previous research done by Acosta and Carpenter ${ }^{58}$-lead to the following two hypotheses:

First, in sports like intercollegiate women's basketball, where money and prestige are rising, opportunities for womenand African American women, in particular-will decline as men-and white men, in particular-seize such coaching opportunities.

Second, coaching opportunities will be extended disproportionately to white women compared to African American women, despite African American women's dominance as players.

The data appropriate for analyzing these research questions are contained in the NCAA race and ethnicity reports for both athletes and coaching staffs. The data from the 2010 reports ${ }^{59}$ (the most recent that are available) are used for this analysis. The sample in this analysis is limited to women's basketball teams at Division I institutions. Division I programs are considered both more prestigious and more competitive than other collegiate divisions. Additionally, part of maintaining a Division I status involves minimum levels of resource allocation. For two reasons, this sample is limited by excluding Historically Black Colleges and Universities ("HBCUs"); first, HBCUs are especially segregated, ${ }^{60}$ and, second, HBCUs are treated differently by the NCAA in the status of hierarchy. For example, despite the existence of an HBCU Division I conference like the Mid-Eastern Athletic Conference, member schools are not included in the major championships (the BCS bowls, March "Madness," etc.) and, as a result, HBCUs have lower rates of prestige and resource allocation than the rest of the Division I

[^11]field. ${ }^{61}$
Of major significance is the fact that preliminary analysis of the NCAA data reveals that women's basketball is the only major female sport in which there is a critical mass of non-white players. ${ }^{62}$ Thus, for this analysis, the sample is limited to basketball. Limiting the sample to basketball allows for the comparison of findings across the analysis, in an intersectional manner.

## VI. Findings

The analysis begins by examining the racial distribution of both men's and women's Division I basketball players.

Figure 1: Race of Men's and Women's NCAA Division I Basketball Players-2009-2010 ${ }^{63}$


The data in Figure 1 reveal several things. First, Title IX has indeed extended opportunities for participation to women. In fact, at the Division I level there is an equivalent number of men's

[^12]and women's basketball teams (302 each). ${ }^{64}$ Thus, confirming the findings of Acosta and Carpenter, ${ }^{65}$ thousands of women have the opportunity to play intercollegiate basketball, likely a direct result of the implementation of Title IX. Furthermore, African American women make up slightly more than half ( 55 percent) of all Division I women's basketball players (African American men make up 65 percent of all Division I rosters). ${ }^{66}$ Thus, in terms of participation, the opportunities created by Title IX have been extended to African American women. In fact, African American women are disproportionately represented among women's Division I basketball players relative to their presence in the U.S. population (where they make up only 12.7 percent of all women). ${ }^{67}$

The second issue addressed by this analysis is the extension of coaching opportunities to African American women. Before turning to women's basketball, and in order to provide a proper comparison, the race and gender composition of the coaches of men's basketball teams is examined.

[^13]Figure 2: Race of Coaches of Men's NCAA Division I Basketball Teams-2009-2010 ${ }^{68}$

## Men's Basketball Coaches



Figure 2 shows that there are no women who coach Division I men's basketball. ${ }^{69}$ This is consistent with Acosta and Carpenter's finding that women are coaches of only 2 percent of men's athletic teams, most of which are combined teams, such as track and field and cross country, mostly at the Division II and III levels. ${ }^{70}$ Even so, head coaching positions at the Division I men's college basketball level remain heavily dominated by white men, who hold almost 80 percent of the head coaching positions, despite the fact that 61 percent of the student-athletes are African American. ${ }^{71}$

A more complex picture emerges when one turns to women's Division I basketball.

[^14]Figure 3: Race and Gender of Coaches in Women's NCAA Division I Basketball—2009-201072

## Women's Basketball Coaches


$\square$ White men
$\square$ Black men
$\square$ White women
$\square$ Black women

At the Division I level, as predicted by Acosta and Carpenter's report, we find that men hold just fewer than half of all head coaching positions, with women holding approximately 55 percent of the positions. ${ }^{73}$ When we turn our attention to race, Figure 3 reveals that the high level of extension of opportunity to African American women athletes is not replicated in the ranks of coaches. Though women hold more than half of the three hundred head coaching positions in NCAA Division I women's basketball, these opportunities are held almost exclusively for white women, who occupy the vast majority of the positions. Specifically, white women hold 166 positions, as opposed to thirtyfive positions held by African American women. ${ }^{74}$ It is also important to note that women's basketball has not created many opportunities for African American men, who hold only twelve of the head coaching positions. ${ }^{75}$

[^15]Finally, we examine the distribution of coaching positions relative to the demographic profile of the teams themselves.

Figure 4: Racial Composition of Players and Coaches in NCAA Division I Basketball—2009-201076

## Basketball Players \& Coaches



The data in Figure 4 reveals that, for both men's teams and women's teams, the complexion of a typical team is dramatically different than the likely complexion of its head coach. In fact, despite both leagues being dominated by African American players, white men hold about half of all the coaching positions available. ${ }^{77}$
positions in women's Division I basketball).
76. See ZGONC, supra note 59, at 56 (providing the 2009 to 2010 student-athlete race and ethnicity percentages for Division I basketball); IRICK, supra note 68 , at 90 (providing the numerical statistics comprising the racial composition of head coaches in Division I basketball for the 2009 to 2010 academic year).
77. See Irick, supra note 68, at 90. As of the 2009-2010 season, there were 244 head coaching positions in Division I men's basketball held by white men and sixty-nine head coaching positions held by black men. In total, the chart shows there are 670 total head coaching positions in all of Division I basketball, meaning white men hold 340 of the positions. Id.

## Conclusion

As women gain recognition and status in sport they will threaten the established order of male dominance in coaching. For example, at the University of Connecticut in 1995, both the women's and men's basketball teams were ranked number one in the country, and both teams enjoyed capacity crowds during their respective games. ${ }^{78}$ However, the men's head coach, Jim Calhoun, seemed to resent the women's success. He told a reporter that having his team's accomplishments compared to those of the women's team was like having "mosquito bites;" that it was irritating. ${ }^{79}$ It was also reported that when Calhoun encountered a crowd departing from a women's game, he remarked that the university would have to set up a senior-citizens home and daycare center for the attending fans. ${ }^{80}$

How can the findings presented here be interpreted? Thirty-five years after the passage of the landmark civil rights legislation known as Title IX (1972), intercollegiate sports can hardly be described as gender-equitable. Though rates of participation have skyrocketed for women, with the implementation of Title IX, opportunities to earn a living as a professional in SportsWorld have declined precipitously, and the landscape for women as coaches gets worse every year. Furthermore-though not a specific charge of Title IX-the access that has been extended to African American female athletes has not been extended to African American women looking for opportunities in coaching and administration.

The good news is that the benefits that do exist for female athletes are extended to African American women, who remain disproportionately represented in basketball, the highest profile women's sport. This is important because, as previous financial resource analysis of women's sports teams revealed, despite gender inequities in basketball, both men's and women's basketball teams are given far more scholarship money than any sport other than football. ${ }^{81}$ This means that thousands of African American women

[^16]each year are afforded the opportunity to attend a Division I college on a full athletic scholarship. Still, it is discouraging that Title IX has afforded so little access to African American women who hope to earn a living by coaching women's basketball. The data in Figure 3 is dismal.

Who is to blame? It would be easy to blame white women and their racial advantages for the lack of opportunities available to African American women. But, if white men were not taking so many of the jobs coaching women's basketball, there would likely be more opportunities for African American women. Further, this is a relatively recent phenomenon associated with the increased prestige and money associated with women's college basketball. ${ }^{82}$

Thus, the RCG theory provides the best and most comprehensive framework for explaining the lack of opportunities for African American women as head coaches and administrators. Men capitalize on their gender privileges, white women capitalize on their race privileges, and the whole system rests on an aspect of class. Suddenly, there are now financial resources available to women's basketball programs, even though these resources are far less than those available for men's programs. In the one sport where there is money to be made we see few opportunities extended to African American, female coaches. It is not surprising, then, that we see racial inequity occurring concomitant with gender inequity; these systems exist in an interlocking and mutually reinforcing framework. ${ }^{83}$

In order for the spirit of Title IX to be fully realized, the push for gender equity must be combined with a push for racial equity as well. Not only must opportunities be extended to African American women, but men's basketball also needs to be transformed into a place for men and women of all racial or ethnic identities-hundreds of whom have the necessary competency to be successful-to have the same opportunities to practice their profession and earn a living as white men.

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    1. Christopher Clarey, Wimbledon to Pay Women and Men Equal Prize Money, N.Y. Times (Feb. 22, 2007), www.nytimes.com/2007/02/22/sports/tennis/23cnd-tennis.html? pagewanted=print.
    2. Greg Hernandez, Billie Jean King Honored at U.S. Open, AfterEllen.COM (Sept. 26, 2006), http://www.afterellen.com/archive/ellen/People/2006/9/billiejean king2. html .
[^1]:    3. Earl Smith, Race, Sport and the American Dream (2d ed. 2009) (coining the term "SportsWorld"). "SportsWorld" refers to:
    [The] institutionalization of everything having to do with sport. . . This process moves sport-contests, participants, fans, leagues-from the realm of the individual to the realm of the institutional, and in so doing it connects SportsWorld to other social institutions, including the economy, the system of higher education, and the criminal justice system.
    Earl Smith, Introduction to Sociology of Sport and Social Theory, at xvii-xviii (Earl Smith ed., 2010). Furthermore, "[SportsWorld] is driven by . . . hypercommercialism and exploitative mass media... [and] at all levels by the values associated with unrational capitalism." Id.
    4. See Timothy Judge \& Beth A. Livingston, Is the Gap More than Gender? A Longitudinal Analysis of Gender, Gender Role Orientation, and Earnings, 93 J. Applied Psychol. 994, 994 (2008).
    5. Women's suffrage in the United States has a long history, starting before the founding of the Republic. Discussions of the social movement usually agree that it was the 1920s when women, given the right to vote in national elections, gained the most from the suffrage movement. See Eleanor Flexner, Century of Struggle: The Woman's Rights Movement in the United States (rev. ed. 1975).
[^2]:    6. Katharine Q. Seelye \& Dalia Sussman, Women Supportive but Skeptical of Clinton, Poll Says, N.Y. Times (July 20, 2007), http://www.nytimes.com/2007/07/20/us/politics/ 20poll.html? pagewanted=all. Specifically, the poll found that 40 percent of all voters and 33 percent of women viewed Hillary Clinton negatively, "more than for any of the other major candidates for president." Id.
    7. Ctr. for Am. Women \& Politics, Women in Elective Office 2011 (2011); Lindsay M. Howden \& Julie A. Meyer, United States Census Bureau, Age and Sex COMPOSITION: 2010 tbl. 1 (2011).
    8. Catalyst, 2002 Catalyst Census of Women Corporate Officers and Top EARNERS OF THE FORTUNE 500, at 1 (2002).
    9. See Fiorina Comments on Public Firing, CBSNEWS (June 9, 2010, 4:04 PM), http://www.cbsnews.com/2102-18560_162-2069703.html?tag=contentMain;contentBody.
    10. Associated Press, Fiorina's Combative Memoir Well-Timed, MSNBC.COM (Oct. 8, 2008, 6:27 PM), http://www.msnbc.com/id/15143491/ns/business-us_business/t/fiorin as-combative-memoir-well-timed/.
[^3]:    11. See Patricia Hill Collins, Shifting the Center: Race, Class, and Feminist Theorizing About Motherhood, in MOTHERING: IdEOLOGY, Experience, And Agency 45, 46-47 (Evelyn Nakano Glenn, Grace Chang \& Linda Rennie Forcey eds., 1994) (describing how African American women were often engaged in work that supported the broader economy, but was not part of a distinctly civilian labor force, such as providing involuntary slave labor, followed by participation in subsistence tenant farming, and a central role throughout in performing "motherwork" to sustain the household and support male wage-earners working outside the home).
    12. The Council of Econ. Advisers for the President's Initiative on Race, Changing America: Indicators of Social and Economic Well-Being by Race and Hispanic Origin 23 (1998) ("Historically, black women had higher participation rates than white women, but since 1990 , these rates have been roughly equal."); see also U.S. Bureau of Lab. Stat., Labor Force Statistics from the Current Population Survey Database, Labor Force Statistics including the National Unemployment Rate, http://www.bls.gov/ cps/data.htm (access the "Labor Force Statistics including National Unemployment Rate" database from the "Current Population Survey" database by selecting the "One-Screen Data Search" query tool; then search: Sex: select "Women"; Race: select "White," "Black or African American," and "Asian"; Ethnic Origin=All Origins; Age: select "16 years and over"; Education=All educational levels; Marital Status=All marital statuses; Labor Force Status: select "Civilian labor force participation rate"; Seasonal: select "Not Seasonally Adjusted" and "Monthly"; then change date range to "1990 to 2012" and view Annual totals). According to the Tables from this query, participation rates for white women went from 57.4 percent in 1990 to 58.0 percent in 2011 on an annual basis, compared with black women who went from 58.3 percent in 1990 to 59.1 percent in 2011 on an annual basis. Data for Asian women only begins in 2000 and Asian women saw a decline that was slightly more significant than the increase for white and black women. Asian womens' participation rates from fell from 2000 to 2011 , going from 59.2 percent to 56.8 percent.
    13. U.S. Bureau of Lab. Stat., Highlights of Women's Earnings in 2009 (Report 1025), at 1 (2010) ( $\$ 582$ median weekly earnings for black women compared to $\$ 669$ median weekly earnings for white women results in a black women earning 87 percent as much as white women).
    14. Id.
[^4]:    15. See Smith, supra note 3.
    16. See Cate Baily, Blazing the Trail, SCHOLASTIC SCOPE, Mar. 7, 2003, at 13.
    17. See id. at 12.
    18. See Smith, supra note 3, at xviii.
    19. Deborah Brake, The Struggle for Sex Equality in Sport and the Theory Behind Title IX, 34 U. MICH. J.L. REFORM 13, 134 (2000-2001).
    20. Jury Rules Against Fresno St. in Discrimination Case, Awards Vivas $\$ 5.85 M$, ESPN.COM (July 9, 2008, 9:26PM), http://sports.espn.go.com/ncaa/news/story?id=2930 905.
    21. Id.
    22. Id.
[^5]:    23. 20 U.S.C. § 1681 (a) (2006).
    24. Equally important, but often forgotten, is the support for equal rights especially for women by President Gerald R. Ford. In support for the Equal Rights Amendment, President Ford issued Presidential Proclamation 4383. In part it reads:

    In this Land of the Free, it is right, and by nature it ought to be, that all men and all women are equal before the law. Now, Therefore, $I$, Gerald R. Ford, President of the United States of America, to remind all Americans that it is fitting and just to ratify the Equal Rights Amendment adopted by the Congress of the United States of America, in order to secure legal equality for all women and men, do hereby designate and proclaim August 26, 1975, as Women's Equality Day.
    President Gerald R. Ford, Proclamation 4383-Women's Equality Day, 1975 (Aug. 26, 1975), available at http://www.presidency.ucsb.edu/ws/?pid=23839 (last visited Mar. 25, 2012) (online access provided by Gerhard Peters and John T. Woolley, The American Presidency Project, Univ. of Calif. Santa Barbara).
    25. Equal Pay Act of 1963, Pub. L. No. 88-38, 77 Stat. 56, (1963) (codified as amended at 29 U.S.C. § 206 (2006)).
    26. Roe v. Wade, 410 U.S. 113 (1973).
    27. See 20 U.S.C. § 1681 (being the codification of Title IX and containing no reference to athletics).
    28. See, e.g., Cannon v. Univ. of Chi., 441 U.S. 677, 680, 717 (1979) (holding that a female student, who was denied admission to two private medical schools, could bring a Title IX claim for sex discrimination against those universities); J.K. v. Ariz. Bd. of Regents, No. CV06-916-PHX-MHM, 2008 WL 4446712, at 17 (D. Ariz. Sept. 30, 2008) (denying defendant's summary judgment motion where defendant allowed a male student to continue living in the same dormitory as a female student that he was accused of raping for three weeks after the rape was reported to police).
    29. See, e.g., Perkins v. Alamo Heights Indep. Sch. Dist., 204 F. Supp. 2d 991, 994, 997 (W.D. Tex. 2002) (finding that plaintiff's claim of discriminatory treatment between female cheerleaders and male student athletes was a Title IX cause of action).

[^6]:    30. See 20 U.S.C. § 1681 (containing no reference to race).
    31. Maxine Baca Zinn \& Bonnie Thornton Dill, Theorizing Difference from Multiracial Feminism, 22 Feminist Stud. 321, 321-23 (1996).
    32. See, e.g., Ridgeway v. Mont. High Sch. Ass'n, 858 F.2d 579, 580, 582 (9th Cir. 1988). This case concerned a class action brought by female students and their parents against various public school districts, challenging a wide range of practices in athletic programs that had discriminated against females in favor of males. For example, 88 percent of the schools provided sports for boys during all three seasons, compared with 16 percent for girls. Id.
    33. See, e.g., Neal v. Bd. of Trs. of Cal. State Univs., 198 F.3d. 763, 765 (9th Cir. 1999) (holding that Title IX does not prevent "a university in which male students occupy a disproportionately high percentage of athletic roster spots from making gender-conscious decisions to reduce the proportion of roster sports assigned to men").
    34. See, e.g., Foltz v. Del. State Univ., 269 F.R.D. 419, 423 (D. Del. 2010) (certifying a class action against a state university for failure to comply with Title IX by "providing inadequate athletic opportunities and recruiting resources for its female students").
    35. See, e.g., LeGoff v. Trs. of Bos. Univ., 23 F. Supp. 2d 120, 123-24 (D. Mass. 1998) (denying the defendant's motion to dismiss). In that case a female coach brought suit under Title IX for sex discrimination on the part of the university because the coach was paid unequal wages, required to fulfill more responsibilities, and fired when she pursued the issue with school administrators. Id.
[^7]:    36. See R. Vivian Acosta \& Linda Jean Carpenter, Women in Intercollegiate Sport: A Longitudinal Study, Thirty Five Year Update, 1977-2012, at i-iii (2012) (unpublished manuscript), available at http://acostacarpenter.org/AcostaCarpenter2012.pdf (last visited Feb. 20, 2012)
    37. $I d$. at A, C.
    38. There are many complex reasons for this trend, and we encourage the reader to examine the longitudinal Acosta-Carpenter study, which can be accessed online. See id. (comparing the number of female coaches in 2012 to the number of female coaches in 1972).
    39. See id. at 1.
    40. Id.
    41. Id.
[^8]:    42. DEnISE DEHASS, NCAA, 2005-2006 GENDER-EQUITY REPORT 9 (2008), available at http://www.ncaapublications.com/productdownloads/GER06.pdf.
    43. Suzanne C. Willey, The Governance of Women's Intercollegiate Athletics: Association for Intercollegiate Athletics for Women (AIAW) 1976-1982 (Dec. 12, 1996) (unpublished PhD dissertation, Indiana University) (UMI Co. 1997).
    44. See 2012 Final Four, NCAA, http://www.ncaa.com/finalfour (last updated July 22, 2011).
    45. See, e.g., Linda Jean Carpenter \& R. Vivian Acosta, Women in Intercollegiate Sport: A Longitudinal, national Study-Thirty Three Year Update, 1977-2010 (2010); Richard Lapchick et al., Executive Summary, The 2010 racial and Gender Report Card: College Sport (2010).
    46. See supra note 45.
    47. Id.
    48. $I d$.
[^9]:    49. Richard C. Bell, A History of Women in Sport Prior to Title IX, Sport J. (Jan. 18, 2012, 11:42 AM), http://www.thesportjournal.org/article/history-women-sport-prior-titleix.
    50. See Smith, supra note 3, at xvii-xix.
    51. NAT'l COAL. FOR WOMEN \& Girls in Educ., Title IX at 30: Report Card on GENDER EQUITY 17 (2002); see also Bureau of Labor Statistics, U.S. Dep't of Labor, Occupational Outlook Handbook, 2010-11 Edition, Athletes, Coaches, Umpires, and Related Workers, BLS.gOV, http://bls.gov/oco/ocos251.htm\#earnings (last visited Feb. 20, 2012).
[^10]:    52. See, e.g., Kimberle Crenshaw, Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color, 43 Stan. L. REV. 1241, 1241 (1993).
    53. See, e.g., Zinn \& Dill, supra note 31, at 321.
    54. See, e.g., Deborah K. King, Multiple Jeopardy, Multiple Consciousness: The Context of a Black Feminist Ideology, 14 J. WOMEN Culture \& SOC’Y 42, 44 (1988).
    55. See also Collins, supra note 11, at 45-65 (applying RCG to the study of motherhood); Patricia Hill Collins, Black Sexual Politics: African Americans, GENDER, AND NEW RACISM 8-9 (2004) (explaining how her book applies a critical social theory framework to examine the interactions of race, gender, and sexuality to analyze and diagnose problems and injustices associated with the present state of Black sexual politics).
    56. See generally Deborah D'Amico, Race, Class, Gender, and Sexual Orientation in Adult Literacy: Power, Pedagogy, and Programs, 4 Ann. Rev. Adult Learning \& Literacy 18 (2001), available at http://www.ncsall.net/fileadmin/resources/ann_rev/ rall_v4_ch2.pdf.
    57. CARPENTER \& ACOSTA, supra note 45.
[^11]:    58. Id.
    59. See generally ERIN ZGONC, NCAA, 1999-00 - 2009-10 NCAA STUDENT-ATHLETE RACE AND ETHNICITY REPORT (2010), http://www.ncaapublications.com/product downloads/SAEREP11.pdf.
    60. Historically Black Colleges and Universities, COLLEGEANSWER.COM (Jan. 21, 2012, 1:00 PM), http://www.collegeanswer.com/planning-for-college/choosing-a-college/ colleges-and-universities/historically-black-colleges.aspx.
[^12]:    61. Michelle Brutlag Hosick, Resources Crux of HBCU Challenges: Schools Face Uphill Battle in Meeting Academic Standards, NCAA.COM (Jan. 21, 2012, 12:42 PM), http://www. ncaa.com/news/ncaa/2011-05-24/resources-crux-hbcu-challenges.
    62. ZGONC, supra note 59.
    63. Id.
[^13]:    64. See NCAA Sports Sponsorship Directory, NCAA.ORG (Jan. 21, 2012, 1:21 PM), http://web1.ncaa.org/onlineDir/exec/sponsorship.
    65. See CARPENTER \& ACOSTA, supra note 45, at 10.
    66. See ZGONC, supra note 59 , at 8 (stating that 51 percent of women's Division I basketball players and 60.9 percent of men's Division I basketball are African American).
    67. See U.S. Dep't of Health and Human Services, Centers for Disease Control and Prevention, Nat'l Ctr. for Health Statistics, Bridged-Race Population Estimates (Vintage 2009) Results, CDC WONDER (Jan. 28, 2012, 1:16 PM), http://wonder.cdc.gov/bridged-racev2009.html (select variables "Gender" and "Race" for Step 1; select variables "ALL (The United States)" for Step 2; select "All Ages," "All Ethnicities," and "All Years," then select individually using Ctrl+click "American Indian or Alaska Native," "Asian or Pacific Islander," "Black or African American," and "White" for "Race," and then select individually using Ctrl+click "Female" and "Male" for "Gender").
[^14]:    68. See ERIN IRICK, 2009-2010 NCAA RACE AND GENDER DEMOGRAPHICS REPORT 201 (2010) (stating that as of the 2009-2010 year of men's Division I basketball, 12 percent of all head coaches were African American).
    69. See id. at 91.
    70. See CARPENTER \& ACOSTA, supra note 45, at 2.
    71. See LAPCHICK ET AL., supra note 45 , at 1 (stating that 21 percent of Division I men's basketball teams are coached by African Americans); ZGONC, supra note 59, at 56 (reporting that 60.9 percent of all men's Division I basketball players are African American).
[^15]:    72. See Irick, supra note 68 , at 91 (noting that 28.7 percent of head coaches in Division I women's basketball are white men, 50.4 percent are white women, 5.1 percent are African American men, and 14.6 percent are African American women).
    73. See CARPENTER \& ACOSTA, supra note 45.
    74. See Irick, supra note 68 , at 90 (showing that, as of 2010 , there were 169 white women holding head coaching positions in Division I women's basketball, as opposed to forty-nine head coaching positions held by African American women).
    75. See id. (showing that, in 2010, African Americans held seventeen head coaching
[^16]:    78. See Mary Jo Kane, Media Coverage of the Post Title IX Female Athlete: A Feminist Analysis of Sport, Gender, and Power, 3 Duke J. Gender L. \& PoL’y 95, 127 (1996).
    79. See id.
    80. See id.
    81. See Angela Hattery, Earl Smith \& Ellen Staurowsky, They Play Like Girls: Gender Equity in NCAA Sports, 1 J. FOR STUDY Sports \& ATHLETES EdUC. 249, 249-72 (2007).
[^17]:    82. Id.
    83. See Zinn \& Dill, supra note 31, at 325-26 (discussing how class, race, gender, and sexuality are components of both social structure and social interaction).
