Beyond Gender Equality: The Impact of Title IX on Black Females in HBCU Sports

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A Definition of Gender Equity

An athletics program can be considered gender equitable when the participants in both the men’s and women’s sports programs would accept as fair and equitable the overall program of the other gender.

No individual should be discriminated against on the basis of gender, institutionally or nationally, in intercollegiate athletics.

— NCAA Gender Equity Task Force, 1992
Introduction

- Black female participation in college sports has increased over 900 percent since the enactment of Title IX (Gill, 2007 & Flowers, 2015).

- North Carolina A&T University, Women’s 2016 Swim team.

- Team motto “Black girls do swim”
Problem
Title IX

• Title IX does not provide legal protection on the basis of race.

• As a single axis law it solely focuses on gender which has provides barriers for Black females in sport.

Title IX Has Not Given Black Female Athletes Equal Opportunity - The New York Times
Problem
NCAA Women’s Participation by Race: All Divisions

Allocation of Resources: Division I

Problem

- “According to NCAA data, 60 percent of women’s teams are now coached by men. While men are coaching women’s teams in high numbers, only 4.6 percent of men’s teams are coached by women, an increase of 1.5 percent over 20 years” (NCAA, 2017).
Problem

• “Over the past five years, there has been no improvement in the percentage of minority women who are head coaches of women’s teams. The percentage of black female head coaches has decreased by nearly a percentage point” (NCAA, 2017).

Problems

1. Racial ambiguity
2. International students = Non resident Alien
3. Census = Two or more races & Non-Hispanic
4. Culture of keeping ethnicity a secret
Literature review

• Intercollegiate athletic access and participation opportunities for females are currently unevenly distributed along racial lines (Carter-Francique 2013; Flowers 2015; Butler & Lopiano 2003).

• Butler and Lopiano (2003) report that among athletes, females were underrepresented by 23%, however race is excluded from this percentage.
Title IX is a single-axis law. Hence it provides opportunities for White female college athletes and not Black female college athletes (Dees, 2004; Mathewson, 2012; 1996; Flowers, 2015; Carter-Francique & Flowers, 2013).
Literature review

• Texas A&M, the top revenue generating athletic program in the nation, made more than all of top ten revenue generating HBCUs combined at $192.6M (Bolling, 2006)

• In addition, the Aggies’ 3-year avg. football revenue of $57.9 million is currently larger than any HBCU athletic program budget (Gaines, 2016).
  - Alabama State – $14,070,309 (158th overall)

Literature review

• OCR, Dear Colleague Letter Regarding Athletic Compliance (Three-Part Test) (April 20, 2010)
• OCR, Dear Colleague Letter Regarding Athletic Activities Counted for Title IX Compliance (September 17, 2008)
• OCR, Dear Colleague Letter Regarding Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance (July 11, 2003)
• OCR, Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test (January 16, 1996)
• OCR, Equal Opportunity in Intercollegiate Athletics (1991)
Literature review

Literature review

Literature review

• Since the passage of Title IX Black female college athletes have experienced an increase of participation and in scholarships in NCAA sports.

• However racial clustering and emerging sports have distorted these statistics.
PROBLEM

SOLVED
Emerging sports

• Gentrification of HBCU athletic teams - “Emerging sports”

• Since the inception of the emerging sport program, five women’s sports have reached NCAA championship status: rowing, ice hockey, water polo, bowling and beach volleyball.

• Three others – triathlon, rugby and equestrian – remain in the process.

Bethune Cookman - Women’s Golf Team
Emerging sports

<table>
<thead>
<tr>
<th>Sport</th>
<th>White female participation 2015-16</th>
<th>Black female participation 2015-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beach Volleyball</td>
<td>634</td>
<td>50</td>
</tr>
<tr>
<td>Bowling</td>
<td>362</td>
<td>159</td>
</tr>
<tr>
<td>Equestrian</td>
<td>1,026</td>
<td>16</td>
</tr>
<tr>
<td>Ice hockey</td>
<td>1,751</td>
<td>7</td>
</tr>
<tr>
<td>Rowing</td>
<td>5,536</td>
<td>177</td>
</tr>
<tr>
<td>Rugby</td>
<td>215</td>
<td>38</td>
</tr>
<tr>
<td>Triathlon</td>
<td>17</td>
<td>0</td>
</tr>
<tr>
<td>Water polo</td>
<td>754</td>
<td>10</td>
</tr>
</tbody>
</table>

Racial clustering

- “Black women don’t row. Or play soccer or lacrosse. Or compete in equestrian sports. They basketball, or they run track. Or they don’t do sports at all” (Welch, 2001).

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Basketball</td>
<td>3,182</td>
<td>5,444</td>
</tr>
<tr>
<td>Cross Country</td>
<td>1,042</td>
<td>1,186</td>
</tr>
<tr>
<td>Track &amp; Field (Indoor)</td>
<td>2,976</td>
<td>5,478</td>
</tr>
<tr>
<td>Track &amp; Field (Outdoor)</td>
<td>3,440</td>
<td>5,956</td>
</tr>
<tr>
<td>Volleyball</td>
<td>1,070</td>
<td>1,742</td>
</tr>
</tbody>
</table>
Racial clustering

• **Racial clustering** can be defined as clustering Black female athletes into specific sports, typically basketball and track (Dees 2004).

• Racial clustering can be attributed to economic inequalities and institutional disadvantages that exists in many communities of color an improvised school districts (WSF, 2003).
Critical Race Theory
Intersectionality

• Crenshaw (2002) argues intersectionality as a conventional anti-discrimination law employs a single-axis model that prohibits discrimination on the basis of race or gender, separately, but does not prohibit discrimination based on race and gender acting in concert.

Single-axis-based anti-discrimination laws

• “A black woman who has been discriminated against has difficulty proving the requisite inequality. It may be difficult to prove that she was discriminated against on the basis of race, because blacks have not suffered as a group since black men do not share the injury” (Mathewson, 2012).

Mathewson, A. D. (2012). Remediating Discrimination Against African American Females at the Intersection of Title IX and Title VI. Retrieved from, http://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1379&context=law_facultyscholarship
Single-axis-based anti-discrimination laws

• “Similarly, she may have faced obstacles proving that she was discriminated against on the basis of gender because women as a group have not suffered since white women do not share the injury” (Mathewson, 2012).
Foltz et al. v Delaware State University

- Team filed a preliminary injunction to prevent the elimination of the equestrian team. Court granted the injunction.

- Team filed Title IX suit alleging sex discrimination. Court awarded judgment.

- DSU cited budget restrictions as fuel for eliminating the team.
Suggestions

- More research is needed (Qualitative and Quantitative)
- Examination of Black female participation statistics on the interscholastic level
- Examination of Black female participation level in club “Emerging sports” sports on the community levels.
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