



Factors influencing salaries of intercollegiate athletic head mens and head womens basketball coaches as perceived by ncaa athletic directors
by LaWana Lynn Sweet

A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Education
Montana State University
© Copyright by LaWana Lynn Sweet (1997)

Abstract:

The problem of this study was to determine if there were significant differences in salaries and between the factors influencing salaries of National Collegiate Athletic Association (NCAA) Division I head men's and women's basketball coaches as perceived by their athletic directors.

A review of related literature showed a non-existence of athletic salary plans in place. Most articles addressed recent events leading to the need for such plans but did not propose guidelines for doing so.

This review was divided into five sections: (a) Purpose of the NCAA and its position on gender equity and discrimination; (b) History and rationales behind the equity movement; (c) Existing higher education faculty salary plans; (d) Current "policies" for determining head men's and head women's basketball coaches' salaries; and (e) Suggested factors in determining head men's and head women's basketball coaches' salaries.

The study was conducted in the spring and summer of 1996. The population sample was 311 athletic directors at the 302 NCAA Division I institutions. Two questionnaires developed by the researcher were used to gather data. Questionnaires were sent to 156 athletic directors regarding their head men's basketball coach and 155 athletic directors regarding their head women's basketball coach. Information solicited included: (1) characteristics of head basketball coaches; (2) general salary and contract information relative to these coaches; and, (3) ranking of 13 items for assessing athletic directors' perceptions on salary-related variables.

Two hundred fifty-seven questionnaires were returned (an 83 % return rate). The researcher conducted 30 telephone interviews, randomly choosing non-respondents, to determine whether they differed from respondents with regard to questionnaire variables. These interviews were not included in the total number of responses; however, data gathered from these telephone calls was provided.

Eight questions were answered and 15 hypotheses tested. Data was analyzed through the use of chi-square, t-test, Pearson-r correlation, multiple regression, and descriptive statistics. Six of the 15 hypotheses were rejected due to statistical significance. Most notably, the data showed there were significant differences between base salaries for head men's and head women's basketball coaches as well as between endorsement opportunities and publicity opportunities, all in favor of the men's coaches.

FACTORS INFLUENCING SALARIES OF INTERCOLLEGIATE ATHLETIC
HEAD MEN'S AND HEAD WOMEN'S BASKETBALL COACHES
AS PERCEIVED BY NCAA DIVISION I ATHLETIC DIRECTORS

by

LaWana Lynn Sweet

A dissertation submitted in partial fulfillment
of the requirements for the degree

of

Doctor of Education

MONTANA STATE UNIVERSITY-BOZEMAN
Bozeman, Montana

August 1997

D378
SW 36

APPROVAL

of a thesis submitted by

LaWana Lynn Sweet

This thesis has been read by each member of the thesis committee and has been found to be satisfactory regarding content, English usage, format, citations, bibliographic style, and consistency, and is ready for submission to the College of Graduate Studies.

Aug 8, 1997

Date

John W. Kohl
Chairperson, Graduate Committee

Approved for the Major Department

Aug. 8, 1997

Date

Lowell Hagg
Head, Major Department

Approved for the College of Graduate Studies

8/15/97

Date

R. Brown
Graduate Dean

STATEMENT OF PERMISSION TO USE

In presenting this thesis in partial fulfillment of the requirements for a doctoral degree at Montana State University-Bozeman, I agree that the Library shall make it available to borrowers under rules of the Library. I further agree that copying of this thesis is allowable only for scholarly purposes, consistent with "fair use" as prescribed in the U. S. Copyright Law. Requests for extensive copying or reproduction of this thesis should be referred to University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106, to whom I have granted "the exclusive right to reproduce and distribute my dissertation in and from microform along with the non-exclusive right to reproduce and distribute my abstract in any format in whole or in part."

Signature

Lalana Lynn Sweet

Date

Aug. 11, 1997

ACKNOWLEDGMENTS

The assistance I received from my entire graduate committee is appreciated. Dr. John Kohl and Dr. Eric Strohmeyer, my committee co-chairs, were tremendous guides and mentors throughout my graduate studies. I also thank the other members of my committee -- Dr. Bob Fellenz, Dr. Keith Chambers, Dr. Ralph Brigham, and Dr. Richard Haines -- for their contributions, time, and advice. A special thank you to Dr. Larry Baker for his invaluable assistance in data analysis.

I also want to express my sincere appreciation for the contributions made to this study by Dan Davies, Doug Fullerton, Earl Hanson, Ginny Hunt, Sue Jacobson, Pat Kicker, Tom Parac, Bruce Parker, and Joe Roberts. Also, big "thank you's" to Joan Sweet, Toni Gordon, Dave Sweet, Addie Lux, Jessica Sweet, and Lynel Willems for their proofreading and to Joan Sweet for all her typing! Finally, thanks to my entire family for their support and encouragement throughout this project.

TABLE OF CONTENTS

	<u>Page</u>
LIST OF TABLES	viii
ABSTRACT	ix
CHAPTER 1: INTRODUCTION	1
Problem of the Study	3
Need for the Study	4
Questions to be Answered	6
Research Hypotheses	7
Definitions	9
CHAPTER 2: REVIEW OF RELATED LITERATURE	11
The Purpose of the NCAA and Its Position On Principles of Gender Equity and Discrimination	12
The History and Rationales Behind the Equity Movement	13
Existing Higher Education Faculty Salary Plans	26
Current "Policies" for Determining Salaries for Head Men's and Head Women's Basketball Coaches	32
Suggested Factors in Determining Salaries for Head Men's and Head Women's Basketball Coaches	37
CHAPTER 3: RESEARCH METHODOLOGY	40
Population and Sample	41
Data Collection	42
Validity and Reliability	43
Validity	43
Reliability	44
Mailing the Questionnaires	45
Return Rate	47
Data Analysis	47
Delimitations	50
Limitations	50

CHAPTER 4: SURVEY DATA ANALYSIS	51
Survey Response Rate	51
Data Analysis	53
Information Obtained From Athletic Directors Via Telephone	68
CHAPTER 5: SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS ...	71
Introduction	71
Summary	71
Conclusions	74
Conclusions Regarding "Questions to be Answered"	74
Conclusions Regarding Research Hypotheses	80
Other Conclusions	88
Recommendations	90
Issues for Further Studies	92
Closing	94
BIBLIOGRAPHY	95
APPENDICES	109
Appendix A: Cover Letters for Pilot Study and Review of Questionnaires	110
Appendix B: Cover Letter for Study	114
Appendix C: Questionnaire to Athletic Directors Regarding Head Men's Basketball Coaches	116
Appendix D: Questionnaire to Athletic Directors Regarding Head Women's Basketball Coaches	121
Appendix E: Follow-up Letters	126

LIST OF TABLES

<u>Table</u>	<u>Page</u>
Table 1: Numbers and Percentages of Responses Received	51
Table 2: Rank Orders of Factors Influencing Salaries	54
Table 3: Other/Unique Duties	56
Table 4: Termination Causes	57
Table 5: Endorsement Opportunities	58
Table 6: Courtesy Car Opportunities	59
Table 7: Housing Opportunities	60
Table 8: Educational Backgrounds	67
Table 9: Numbers of Possible Opportunities	87
Table 10: Possible Earnings Comparisons	89

ABSTRACT

The problem of this study was to determine if there were significant differences in salaries and between the factors influencing salaries of National Collegiate Athletic Association (NCAA) Division I head men's and women's basketball coaches as perceived by their athletic directors.

A review of related literature showed a non-existence of athletic salary plans in place. Most articles addressed recent events leading to the need for such plans but did not propose guidelines for doing so.

This review was divided into five sections: (a) Purpose of the NCAA and its position on gender equity and discrimination; (b) History and rationales behind the equity movement; (c) Existing higher education faculty salary plans; (d) Current "policies" for determining head men's and head women's basketball coaches' salaries; and (e) Suggested factors in determining head men's and head women's basketball coaches' salaries.

The study was conducted in the spring and summer of 1996. The population sample was 311 athletic directors at the 302 NCAA Division I institutions. Two questionnaires developed by the researcher were used to gather data. Questionnaires were sent to 156 athletic directors regarding their head men's basketball coach and 155 athletic directors regarding their head women's basketball coach. Information solicited included: (1) characteristics of head basketball coaches; (2) general salary and contract information relative to these coaches; and, (3) ranking of 13 items for assessing athletic directors' perceptions on salary-related variables.

Two hundred fifty-seven questionnaires were returned (an 83% return rate). The researcher conducted 30 telephone interviews, randomly choosing non-respondents, to determine whether they differed from respondents with regard to questionnaire variables. These interviews were not included in the total number of responses; however, data gathered from these telephone calls was provided.

Eight questions were answered and 15 hypotheses tested. Data was analyzed through the use of chi-square, t-test, Pearson-r correlation, multiple regression, and descriptive statistics. Six of the 15 hypotheses were rejected due to statistical significance. Most notably, the data showed there were significant differences between base salaries for head men's and head women's basketball coaches as well as between endorsement opportunities and publicity opportunities, all in favor of the men's coaches.

CHAPTER 1

INTRODUCTION

At most institutions, football coaches and men's basketball coaches earn far more money than either women's team coaches or coaches of men's teams that are non-revenue producing. It is common for men's coaches to receive additional compensation for endorsements, summer camps, and radio and television shows. Women's coaches may earn some money from summer camps, but not always; and beyond that, they rarely receive any other extra monies (Blum, 1994). As Blum also pointed out,

"Many college administrators who determine the size of coaches' paychecks say coaches of men's teams make more money because colleges are competing in a national market in which such a differential is a fact of life. They say that in basketball, men's teams are expected to bring in fans and revenue. Therefore, the jobs of men's and women's coaches are not the same and thus should not receive the same compensation."

On the other hand, Jill Hutchison, women's basketball coach at Illinois State University, stated,

"There's no question the jobs (of coaching men's and women's basketball) are comparable. . .recruiting is the same. . .on-the-floor coaching is the same. The argument seems to be that. . .the crowds are different. But in some locations you can even say the crowds for women's basketball are greater. There's a definite desire to have equal pay for equal work" (1993).

A 1992 survey by the Women's Basketball Coaches Association (WBCA) found that the average base salary of NCAA Division I head women's basketball coaches was

59% of the average base salary of the head men's basketball coaches (Blum, 1994). Then in the summer of 1993, the issue of equal pay for coaches attracted real attention after a court ordered Howard University to pay over \$1 million to their head women's basketball coach who sued the University on grounds of sexual discrimination. She claimed that, even though she and the head men's basketball coach both performed the same duties, her salary was approximately half of his (Sports Law Monthly-NCAA, November 1993).

Another court case probably attracted the most attention to the salary equity issue. Marianne Stanley, former University of Southern California women's basketball coach, sued USC for \$8 million, claiming she had been forced from her job after she (1) asked for equal pay relative to George Raveling's, the USC head men's basketball coach, and (2) refused a one-year contract for much less than what Raveling earned. Although the courts found for USC in this case, Ellen J. Vargyas, senior counsel of the National Women's Law Center (a women's-rights advocacy group) pointed out that "we have to remember not to put too much emphasis on the outcome of this case. . .the law in this area still has a lot of developing to do" (Blum, 1994).

Coakley (1994) pointed out that while people should get equal pay for equal work, coaches of women's teams almost always make much less money than coaches of men's teams in the same sports. As of November 1993, 29 gender-equity related lawsuits had been filed against colleges throughout the country. Some of these lawsuits were filed by female athletes against their schools for eliminating varsity sports or for failing to create teams for interested athletes. Other lawsuits were filed by coaches over disparities

between men's and women's coaching salaries (Nelson, 1993). Not all of these recent suits sought monetary damages, but the 1992 decision of the Supreme Court that monetary damages may be awarded to enforce Title IX was one reason that the number of these suits may have risen (Franklin vs. Gwinnett County Public Schools, 1992).

According to Blum (1994), as the emphasis on equity in intercollegiate athletics continued to increase, the NCAA, colleges and universities, and athletic directors needed to recognize that equal opportunities cannot be systematically denied to individuals based on either (1) the gender of the coach or (2) the gender of the athletes that they coach. They need to do everything possible before they are faced with litigation to ensure that athletes, coaches, and programs are afforded fair and equitable circumstances under which to participate, work, and operate. Disparate compensation, or differing salaries, to two coaches performing the same duties, must be due to legitimate, non-discriminatory reasons. As Ellen Vargyas said, "the idea here is not to have to rely on the law, but to push institutions to think about treating coaches of women's teams fairly. In many places, the salaries are still completely out of whack" (Blum, 1994).

Problem of the Study

The problem of this study was to determine if there were significant differences in salaries and between the factors influencing salaries of National Collegiate Athletic Association (NCAA) Division I intercollegiate athletic head men's and head women's basketball coaches as perceived by their NCAA Division I athletic directors.

Need for the Study

One current debate in athletic departments regarding staff and personnel is centered around provisions of Title IX and the Federal Pay Equity Act (Title VII). Specifically, the issues are comparable pay and contracts for coaches of women's sports. Title IX and Title VII prohibit discrimination in the opportunity to receive coaching assignments and the compensation associated with those assignments. The provisions are being used to challenge the current practice of paying coaches of male athletes a higher base salary than coaches of female athletes.

C. Timothy Stoner, attorney for the Women's Basketball Coaches Association (WBCA), stated,

"There's no legal justification for paying men's and women's coaches differently, but the practice has gone on for years. Now, with . . . more attention paid to women's programs and more pressure on women's teams to win and bring in money, coaches of women's teams see that they need to be treated fairly and that there is something they can do about it if they are not" (NCAA News, September 27, 1993).

Diane Henson, attorney in a Title IX lawsuit against the University of Texas-Austin said that, "colleges and universities that do not take steps to end the pervasive gender-based discrimination. . . will find themselves looking down the barrel of a Title IX Federal Court action" (NCAA News, August 4, 1993). Michael L. Williams, attorney (and former U. S. Assistant Secretary for Civil Rights) stated,

"Female athletes have a strong noose to put around the neck of recalcitrant athletic directors and pull them into compliance with the Federal law. It would be so much easier for school officials to go on their own rather than to be dragged kicking and screaming and paying through the nose" (NCAA News, August 4, 1993).

The NCAA supports gender equity (NCAA Manual, Principles 2.3.1, 2.3.2, and 2.3.3), but they have left the issue in the hands of courts as to what comparable salaries mean. In the spring of 1993, NCAA Executive Director Richard D. Schultz said, "We must be proactive, we must be a leader. . . . This is more than a financial issue, it's a moral issue as well." Schultz established the NCAA Gender-Equity Task Force as the first step in solving this problem. He charged the Task Force with (1) examining NCAA policies to evaluate their impact on gender equity, and (2) recommending a path toward measuring and realizing gender equity in intercollegiate athletics (NCAA Gender-Equity Task Force). A subcommittee of that Task Force asked any interested individuals or parties to aid them in the development of a source book designed to communicate ideas to enhance gender equity and Title IX compliance (NCAA News, September 27, 1993). This researcher felt that there was a need to examine salary equity between NCAA Division I head men's and head women's basketball coaches and the factors influencing these salaries as perceived by NCAA Division I athletic directors.

Questions to be Answered

1. What was the overall mean rank order of the factors used to establish salaries for head men's and head women's basketball coaches as perceived by NCAA Division I athletic directors?
2. What were the other/unique duties for head men's and head women's basketball coaches?
3. What were the causes for termination for head men's and head women's basketball coaches?
4. What were the endorsement opportunities for head men's and head women's basketball coaches?
5. What were the publicity opportunities for head men's and head women's basketball coaches?
6. What were the courtesy car opportunities for head men's and head women's basketball coaches?
7. What were the housing opportunities for head men's and head women's basketball coaches?
8. What were the basketball camp opportunities for head men's and head women's basketball coaches?

Research Hypotheses

1. There were no significant differences between the base salaries of head men's and head women's basketball coaches.
2. The proportion of the variability (R^2) in coaches' salaries that could be explained by the following combination of variables was zero:
 - A. Gender of the coach
 - B. Gender of the athlete
 - C. Age of the coach
 - D. Total number of years coached
 - E. Number of years as a head coach at this institution
 - F. The coaches' levels of education
 - G. Proportion of wins of the coaches
3. There was no significant relationship between the mean rank order of the factors influencing salaries for head men's and head women's basketball coaches.
4. There were no significant differences between the bonuses of head men's and head women's basketball coaches.
5. The proportion of the variability (R^2) in coaches' bonuses that could be explained by the following combination of variables was zero:
 - A. Number of years as head coach at this institution
 - B. Proportion of wins

6. There were no significant differences between the lengths of contracts for head men's and head women's basketball coaches.
7. There was no significant relationship between the lengths of the contracts for head men's and head women's basketball coaches depending on the number of years coached.
8. There was no significant relationship between the lengths of the contracts for head men's and head women's basketball coaches depending on the proportion of wins.
9. There were no significant differences between basketball camp opportunities for head men's and head women's basketball coaches.
10. There were no significant differences between endorsement opportunities for head men's and head women's basketball coaches.
11. There were no significant differences between publicity opportunities for head men's and head women's basketball coaches.
12. There were no significant differences between courtesy car opportunities for head men's and head women's basketball coaches.
13. There were no significant differences between housing opportunities for head men's and head women's basketball coaches.
14. There were no significant relationships between educational backgrounds of the head men's and head women's basketball coaches.
15. There were no significant differences in the percentage of male coaches and female coaches with written contracts.

Definitions

Athletic Director -- one of the 311 administrators who is contracted to organize and direct an NCAA Division I intercollegiate athletic program in the United States. (There are 302 NCAA Division I institutions, but nine of these have dual athletic departments, thus bringing the total number of athletic directors to 311.)

Coach -- a head coach who is contracted to organize and direct an NCAA Division I intercollegiate athletic basketball team in the United States.

Division I -- To be classified as NCAA Division I, an institution must:

1. sponsor football and/or basketball and strive to finance its athletic program insofar as possible from revenues generated by the program itself;
2. offer 14 acceptable sports -- either six for men and eight for women or seven for men and seven for women (an acceptable sport is a varsity sport, not a club sport. It is also one in which there is an NCAA championship.);
3. meet financial aid and scholarship requirements as dictated;
4. meet minimum contest and participation requirements for Division I sports sponsorship;
5. schedule primarily with other Division I schools (1994-95 NCAA Manual, Bylaw 20.9).

Equity -- fairness, impartiality, and reasonable treatment thereof (Funk and Wagnalls, 1984).

Member Institution -- one of the 302 institutions classified as Division I that fall under the jurisdiction of the NCAA.

Men's Coach -- an individual, regardless of gender, who coaches a men's team.

NCAA -- National Collegiate Athletic Association.

Perceive -- to judge or discern intuitively (Funk & Wagnalls, 1984).

Win-Loss Record -- the difference in number between wins and losses.

Women's Coach -- an individual, regardless of gender, who coaches a women's team.

CHAPTER 2

REVIEW OF RELATED LITERATURE

A review of related literature on factors influencing the salaries of NCAA Division I intercollegiate athletic head men's and head women's basketball coaches showed a limited number of journal articles and a non-existence of intercollegiate athletic salary plans in place from which information was obtained. There were many sources dealing with higher education faculty salary equity plans, but most of these focused on academic variables influencing salaries.

The majority of the articles on athletic salary equity plans for basketball or any intercollegiate sports or programs merely addressed the recent events that led to the need for such plans. They did not propose any guidelines that would aid athletic directors in pursuing salary equity in their programs.

The review of related literature was divided into five sections: (a) the purpose of the NCAA and its position on gender equity and discrimination; (b) the history and rationales behind the equity movement; (c) existing higher education faculty salary plans; (d) current "policies" for determining salaries for head men's and head women's basketball coaches; and (e) suggested factors in determining salaries for head men's and head women's basketball coaches.

The Purpose of the NCAA and Its Position On
Principles of Gender Equity and Discrimination

The NCAA is an organization whose basic purpose is "...to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports" (NCAA Manual, 1994, Bylaw 1.3.1).

The NCAA has recognized the growing importance over both nondiscrimination and gender equity in intercollegiate athletics. In January 1993, the NCAA adopted a principle of nondiscrimination. This principle stated that the NCAA "shall promote an atmosphere of respect for and sensitivity to the dignity of every person." It further stated that the NCAA will "refrain from discrimination with respect to its governance policies, educational programs, activities and employment policies" (NCAA Manual, 1994, Bylaw 2.6). The NCAA defined gender equity as,:

"an environment in which fair and equitable distribution of overall athletic opportunities, benefits, and resources is available to women and men, in which both would accept the overall program of the other gender, and in which student-athletes, coaches, and athletics administrators are not subject to gender-based discrimination institutionally or nationally" (NCAA Gender-Equity Task Force, Summer 1993).

The NCAA also adopted a three-fold principle with regard to gender equity in January 1994. Principle 2.3.1 discussed compliance with federal and state laws regarding gender equity. Principle 2.3.2 warned the NCAA and member institutions to guard against adopting legislation that would prevent compliance with gender-equity laws.

Principle 2.3.3 stated that the NCAA and member institutions should conduct all activities free of gender bias (NCAA Manual, 1994). The NCAA also stated that an athletic program would be considered gender equitable when participants in both men's and women's programs accepted the overall program of the other gender as fair and equitable. The NCAA believes that no individual should be discriminated against on the basis of gender or on the gender of the athletes he or she coaches, in any situation, especially intercollegiate athletics (NCAA Gender-Equity Task Force, July 26, 1993).

The History and Rationales Behind the Equity Movement

Intercollegiate athletics offers interested and talented college students opportunities to experience competition, develop physical and leadership skills, be part of a team, and enjoy themselves. Athletic departments and the NCAA are supposed to require competitive parity, universal rules that are consistently applied, and an equal opportunity to participate. However, there was evidence that this consistency has not occurred.

"Title IX" refers to Title IX of the Education Amendments of 1972, a federal civil rights statute that prohibits gender discrimination in institutions that receive federal funding, including athletic programs. Congress included Title IX in the Education Amendments of 1972 since there was no assurance of equal opportunity in education. This federal law states that: "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 assistance" (20 USC Sec. 1681 (a) — taken from WBCA Executive Committee, December 1993) .

The Office of Civil Rights (OCR) within the Department of Education is responsible for enforcing Title IX. A Title IX violation is a denial of equal opportunity on the basis of gender. The federal regulation implementing Title IX went into effect July 21, 1975. On December 11, 1979, OCR issued an Intercollegiate Athletic Policy Interpretation to clarify Title IX regulation requirements for athletic programs (NCAA Gender-Equity Task Force, Summer 1993).

The Title IX statute is the principal federal legislation enacted by the U. S. Congress stating the general requirements for nondiscrimination on the basis of gender. It has the force of law and is more specific than the Intercollegiate Athletic Policy Interpretation. Both the Title IX regulations and the Policy Interpretation are the two major sources applying to intercollegiate athletic programs (NCAA Gender-Equity Task Force, Summer 1993).

The 1979 Intercollegiate Athletic Policy Interpretation divides athletic issues into three major categories for compliance analysis: a sport offerings category, a scholarships category, and an "everything else" category which includes eleven program areas, one of which is coaching issues (NCAA Gender-Equity Task Force, Summer 1993).

During the decade following the passage of Title IX, many institutions at both the secondary and collegiate levels began dedicating more resources to provide similar numbers and qualities to male and female athletic programs. As a result, there was an

initial increase in participation by girls and women. For example, the percentage of girls in interscholastic programs rose from 7% of the student body in 1972 to 35% in 1990 (National Federation of State High School Associations, 1992). Much early growth took place as schools voluntarily began to comply with Title IX regulations prior to the regulations becoming official in 1975 (Durrant, 1992).

However, during this time, there was also a sudden drop in the number of female coaches and administrators. In 1972, 90% of collegiate coaches of women's programs were female, but by 1990, this percentage had dropped to 47.3%. Approximately the same percentages appeared at the high school level in most states. The reason for this drop appeared to be because many schools eliminated separate programs and departments to comply with Title IX. Generally, the director of the boys' and men's programs became the director of both programs because administrators were most familiar with male sports and therefore perceived male directors as more capable and experienced. At the same time, many new teams were added for girls and women, and although few males had chosen to coach females in the past, the coaching stipends required by Title IX made the jobs somewhat more attractive. It was during these transitional years that the most significant losses of female coaches and administrators occurred (Thongren and Eisenbarth, 1994).

As of 1994, the percentage of girls participating in high school sports was still only 37% and only 34% at the college level. These percentages may have been due in part to the *Grove City vs. Bell* decision (1984). In that case, the United States Supreme Court

ruled to suspend Title IX's application to athletics because athletics did not directly receive financial assistance from the federal government in terms of recruitment, travel and per diem allowance, coaches, medical and athletic training facilities, support and other services (Carroll and Ryder, 1994). Because few athletic programs received direct support, this decision effectively eliminated any power to enforce against sexual discrimination. As a result, over 800 cases of alleged discrimination at the U. S. Department of Education's Office for Civil Rights were dropped or narrowed (Sabo, 1988). Finally, in 1988, the Civil Rights Restoration Act (CRRA) restored the power of Title IX by mandating that all federally-funded institutions (the vast majority of all accredited colleges and universities) comply with Title IX in all programs, athletics included. That meant if any part of an organization received federal funding, the CRRA applied to all programs within it. This act was helpful to athletics; however, by itself, it didn't encourage people involved in athletics to really challenge inequities. In 1992, in *Cook v. Colgate University*, the U. S. District Court for the Northern District of New York emphasized that, "equal athletic treatment is not a luxury. . .to grant equivalent benefits and opportunities. . . Equality and justice are. . .essential elements now codified under Title IX." Also in 1992, in *Franklin v. Gwinnett County Public Schools*, the U. S. Supreme Court ruled that "equal opportunity" does not require strict numerical equity between genders, rather it requires compliance in three areas, and that if schools intentionally violated any one of the three, women in athletics could sue for financial damages. The three areas are: (1) equitable participation opportunities provided to male and female students; (2) athletic financial aid

allocated to male and female participants must be proportionate to the numbers of athletes of each gender; and, (3) equity in all other benefits, opportunities, and treatment given participants of each gender (American Council on Education, 1993). This third item includes the following:

- a. Equipment and supplies -- Uniforms and other apparel, sport-specific and general equipment and supplies, instructional devices, and conditioning/weight training equipment. Equivalence is measured by factors such as quality, amount, suitability, maintenance and replacement, and availability of equipment and supplies.
- b. Scheduling -- Equivalence is measured by such factors as the number, length, and time of day of practice opportunities; the number and quality of competitive events and opportunities for pre- and post-season competition; and the times of days of these events. Prime practice time must be equally shared.
- c. Opportunity to receive coaching (and academic tutoring), assignment, and salary of coaches (and tutors) -- Regarding assignment of coaches, equivalency is based on factors such as training, experience, professional qualifications, and standing. Equivalency in compensation is determined by comparing factors such as: pay rate, length of contracts, conditions of contract renewal, experience, coaching duties, and working conditions.

- d. Travel and per diem allowances -- Equivalency is measured by factors such as modes of transportation; quality of housing, per diem allowances, and dining arrangements during travel; length of stays before and after competitive events.
- e. Locker rooms, medical and other facilities -- Equivalence is measured by quality, availability, and exclusivity of use of practice and game facilities and locker rooms as well as the maintenance and preparation of these facilities. Equivalence for medical training facilities and services is measured by the availability of such as well as assistance by qualified personnel and insurance coverage. Equivalence for housing and dining hall opportunities must also be met.
- f. Publicity and promotion opportunities and experiences -- Equivalence is measured by the availability and quality of sports information personnel, access to other publicity resources, and the quality and quantity of publications and other promotional devices.

As a result of this decision, over 300 lawsuits have been filed relative to gender equity in middle and secondary schools, as well as colleges and universities, particularly in athletics (Carroll and Ryder, 1994). Female student-athletes across the United States started using Title IX to challenge program cuts such as the dropping of women's sports or refusing to grant varsity status to a women's club sport in athletic departments. Now, college coaches and administrators are using Title IX to challenge differences in pay scales

between head coaches of men's sports and head coaches of women's sports. The number of salary equity discrimination suits brought by intercollegiate coaches of women's sports has grown markedly in recent years. The cases usually centered around two types of claims.

The first type was based on (1) Title IX; (2) the Federal Equal Pay Act of 1963; (3) Title VII of the Civil Rights Act of 1964; and, (4) a variety of state laws involving claims that coaches of same sport teams be paid the same amount regardless of gender. The second type of claims was based primarily on Title VII. These claims were brought by coaches who were terminated in retaliation for raising concerns about an institution's Title IX compliance (NCAA Gender-Equity Task Force, Summer 1993).

Federal legislation affecting equal employment opportunities of varying degrees include Title VII of the Civil Rights Act of 1964 (amended in 1972), the Age Discrimination in Employment Act of 1967 (amended in 1986), the Equal Employment Opportunity Act of 1972, the Pregnancy Discrimination Act of 1978, and the Americans with Disabilities Act of 1990. It was, however, the Equal Pay Act of 1963 which came first and led the way for all subsequent legislation regarding equal employment opportunities. The Equal Pay Act requires that all employees, regardless of their gender, be given equal pay for equal work of equal skill, effort, and responsibility done under similar working conditions with the same employer. The jobs being compared do not need to be identical, but they must be substantially similar. A pay difference is permitted but must be attributed to a seniority system, a merit system, a commission system, or a system

based on any factor other than gender. (Salaries, employee benefits, and pensions are included for purposes of equal pay.) Title VII of the Civil Rights Act of 1964, a much broader law, prohibits employers from discrimination in employment opportunities or salaries on the basis of race, color, religion, gender, or national origin. These prohibitions apply to many types of employment situations such as: hiring, work assignment, transfers, promotions, layoffs, discharges, and compensation (NCAA Gender-Equity Task Force, Summer 1993). The authority of both of these federal statutes became unclear however when looking at coaching because, as Ira Shepard, legal counsel for the College and University Personnel Administrators, pointed out: "These acts were written for two people, a man and a woman, on an assembly line putting widgets in a box. It's tougher to fit it into a model where there are other factors and the comparisons are not cut and dried" (Blum, 1994). Some cases have been successful, others have not as courts have allowed salary disparities if there were qualitative differences in the coaches' responsibilities, experiences, or abilities to raise funds. The recent wave of pay equity litigation showed that compensation decisions were complex.

In Stanley v. University of Southern California (1994), the U. S. Court of Appeals for the Ninth Circuit rejected Marianne Stanley's claim that the lower court had improperly denied her request to be reinstated as the university's head women's basketball coach until a trial on her claim could be held. Stanley had sued the University for \$8 million contending that she was entitled to receive the same compensation as the head men's basketball coach because their jobs required equal effort, skill, and responsibility,

and were performed under similar working conditions. She claimed violations under the Equal Pay Act, Title IX, and various state laws. The court found that quality differences in responsibilities of these two coaches existed, that Raveling (the head men's basketball coach) had a more demanding job, and therefore a pay difference was justified. The court reviewed the head men's coach's qualifications and experience and stated that an employer may consider the market value of a coach's skills in determining salary and other compensations.

In Tyler v. Howard University (1993), a District of Columbia Superior Court jury awarded \$2,452,000 (later reduced by the judge to \$1,114,000) and legal fees to Howard's head women's basketball coach who claimed the university had discriminated against her, violating Title IX, the Equal Pay Act, and various state laws. Tyler alleged that she was paid half of what the head men's basketball coach made, had less support staff, and had unequal facilities. Howard University asserted that Tyler failed to prove that the head men's and head women's coaching positions were substantially equal and therefore, she had failed to prove a violation of either Title IX or the Equal Pay Act. Howard also argued that Tyler failed to prove gender was the reason for the pay difference. Instead, Howard stated that the difference was based on the qualifications of the head men's coach. The judge's revised award in favor of Tyler included the following:

\$600,000 in lost wages on the grounds of gender discrimination under Title IX;

\$138,000 in liquidated damages under the Equal Pay Act;

\$72,000 for emotional distress under the gender discrimination claim; and

\$250,000 for emotional distress under the retaliation claim under the Human Rights Act.

In addition to the \$1,060,000 judgment against Howard University, a judgment of \$54,000 was awarded against an individual defendant for defamation of character.

In Bowers v. Baylor University (1994), the former head women's basketball coach filed a \$4,000,000 suit against Baylor University solely on Title IX violated claims. This case is still in the courts.

In action involving an athletics administrator, Mary Zimmerman, the former associate athletic director at San Jose State University, brought a suit against the university seeking \$1,200,000 in damages. She claimed that she had been fired for advocating gender equity. Her claim was under Title VII, Title IX, and various state law claims. In May 1994, the two parties settled out of court and San Jose State University agreed to pay Zimmerman \$328,000. With a 273-162 win-loss record over 13 years as the University of Minnesota's head volleyball coach, Stephanie Schleuder decided to challenge what she considered to be the status quo by asking for pay equal to that of coaches of revenue male teams. Her contract was not renewed. Also negotiating a contract at the University of Minnesota was Linda Hill-Macdonald, the head women's basketball coach. Her contract was negotiated to an \$80,000 salary and a three-year contract. She previously made \$65,000 but the \$80,000 salary was still only about 65% of the \$115,000 per year that Clem Haskins, the University of Minnesota head men's basketball coach, earned. Haskins

