



# Beyond X's & O's:

Gender Bias and Coaches of Women's  
College Sports

Executive Summary

# Letter from the CEO

The Women's Sports Foundation was founded more than 40 years ago by Billie Jean King to serve as the collective voice for women's sports. Since our inception, we have been conducting evidenced-based research on a variety of subjects, recognizing that data drives public debate, action and policy, which can lead to greater access, opportunity, leadership and gender equity for women's sports.

Despite the dynamic growth of college sports and the expanding female participation, spurred in part by the passage and enforcement of Title IX, this growth is not replicated in the workplace. Females hold less than 23% of all coaching positions across all NCAA sports. In 1972, before the incorporation of women's sports into the NCAA, more than 90% of the coaches of women's teams were women. By 2014, only 43% of the coaches of women's teams and less than 3% of the coaches of men's teams were women. This not only represents a historic shift, but also is especially alarming as women's leadership in other sectors, such as business, law and medicine, is higher than 23% and growing.

- The intent of this study was to determine what has contributed to this downward shift. Do female coaches of college women's sports have a more difficult path to hiring, promotions, and pay increases than their male counterparts?
- Is there more of a reluctance on the part of female coaches to raise questions about discrimination or Title IX that has been described in lawsuits, discussed at conferences and portrayed in media coverage; and, if yes, is it because they fear they will lose their jobs?
- Is there a subtle, and/or not-so-subtle, gender bias around the intersection of sexual orientation and racial or ethnic backgrounds that contributes to the decline of women coaches?
- Are there double standards in the handling of athlete/parent complaints when the coach is female versus male?
- Is there an association with discussions around gender bias in academic institutions, especially in traditionally male-dominated disciplines like STEM, and those being raised around women's sports leadership?

With this study, we now have data-driven research that confirms there is gender bias in the intercollegiate women's sports coaching workplace. The bias exists and is specifically directed at coaches of women who are female, rather than all coaches of women's sports.


This study also revealed that both male and female coaches of women are more likely to discuss discrimination and Title IX issues with their departments but hesitate to speak with campus leadership. A reversal of this could lead to more campus-wide, interdisciplinary solutions to gender bias rather than the current "siloeing" of sports from the larger campus.

This study answered many of the questions mentioned above, but a significant number remain:

- Is the growing popularity of women's sports and the greater resources and higher salaries allocated to them why men now view coaching women's sports as a viable profession?
- Was this shift facilitated because many more men are in hiring positions and can ease this career choice for men?
- Are there differences in gender bias by sport, level of experience, or NCAA division?

Our plan is to follow up with additional research to answer questions this study raised as well as to look at gender bias around other leadership positions. Importantly, there are systemic issues that this research uncovered that can lead to policy changes. We encourage policymakers and administrators to read the report and the detailed policy recommendations, which we believe will foster nondiscriminatory work environments for female and male coaches in intercollegiate athletics.

This report is the result of male and female coaches' and administrators' input, expertise and experience. These extraordinary leaders remain as passionate about women's sports and women's leadership today as they did when they were competing, coaching and in administration positions. Importantly, our personal and professional appreciation goes to Don Sabo, Ph.D.; Marjorie Snyder, Ph.D.; and Donna Lopiano, Ph.D., who have worked hours, days and months from conception to completion...and recognize that this is still a work in progress. The Women's Sports Foundation has the privilege and responsibility to push for social change around gender equality in sports. We are honored to work in collaboration with so many talented women and men who share our vision of a culture that values all peoples' talent, expertise and leadership potential.



Deborah Slaner Larkin  
CEO, Women's Sports Foundation

# Acknowledgments

## Authorship

This report was authored by Don Sabo, Ph.D., Philip Veliz, Ph.D., and Ellen J. Staurowsky, Ed.D.

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### Photo credits

Mount Holyoke College: pages 5, 13

Women's Sports Foundation: pages 8, 10

### About the Women's Sports Foundation

The Women's Sports Foundation exists to enable girls and women to reach their potential in sports and life. We are an ally, an advocate, and a catalyst. Founded by Billie Jean King in 1974, we strengthen and expand participation and leadership opportunities through research, advocacy, community programming, and a wide variety of collaborative partnerships. The Women's Sports Foundation has positively shaped the lives of millions of youth, high school and collegiate student-athletes, elite athletes, and coaches. We're building a future where every girl and woman can #KeepPlaying and unlock the lifelong benefits of sport participation. All girls. All women. All sports. To learn more about the Women's Sports Foundation, please visit [www.WomensSportsFoundation.org](http://www.WomensSportsFoundation.org)

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# Executive Summary

Today there are more women athletes and women working in college sport than ever before, a function of the overall growth and popularity of athletics within American culture and the economy of higher education. Ironically, despite the expansion of college sports, women are underrepresented in significant leadership roles (Ware, 2011). Women make up approximately 23% of all head coaches at the college and university level, and even among the ranks of head coaches of women's teams, they are a minority at 43% (Acosta & Carpenter, 2014).

To date there has been little systematic evaluation of gender relations and differential treatment of women in the coaching workplace. This nationwide online survey was designed to generate facts and analysis of the workplace experiences and views of both female and male coaches of intercollegiate women's sports. This research is unique in that nobody has heretofore assessed male coaches of women's teams and made comparisons with female coaches. Results reported here are based on the responses of a nationally representative sample of 2,219 current coaches of women's sports who work at schools across the spectrum of college sports. An additional nationwide sample of former coaches of women's sports (N=326) participated in the survey. This report includes descriptive statistics in order to illustrate basic findings and subgroup differences, and analytical statistics were used to test hypothesized differences between subgroups such as female and male coaches.

The key findings generated by this study appear below.



## Gender was the most powerful factor that shaped the workplace experiences and attitudes of coaches of women's sports.

1. **Men Said to Have More Professional Advantages than Women.** About two-thirds (65%) of current coaches felt that it was easier for men to get top-level coaching jobs, while three-quarters (75%) said men had an easier time negotiating salary increases. More than half (54%) believed that men are more likely to be promoted, to secure a multiyear contract upon hiring (52%), and to be rewarded with salary increases for successful performance (53%). See Table 1-ES on following page.
2. **Potential Retaliation and Less Pay.** Thirty-three percent of female coaches indicated that they were vulnerable to potential retaliation if they ask for help with a gender bias situation. More than 40% of female coaches said they were "discriminated against because of their gender," compared to 28% of their male colleagues. Almost half (48%) of the female coaches and just over a quarter of the male coaches (27%) in the study reported "being paid less for doing the same job as other coaches." Twice as many female coaches as male coaches felt their performance was evaluated differently because of gender (15% versus 6%). See Table 2-ES on following page.
3. **Female Coaches Have Less of a Voice than Male Coaches.** While 65% of female coaches agreed that they could voice opinions openly in their department, 35% disagreed. Just 36% of female coaches indicated they were "fully involved with the decision-making process" within their athletic departments.
4. **Gender Differences in Job Security and Fair Treatment.** Thirty-six percent of female coaches and 27% of male coaches agreed that their job security was "tenuous." More female coaches (46%) than male coaches (36%) reported being called upon to perform tasks that were not in their job descriptions. See Table 3-ES on page 7. While 5% of male coaches believed that male coaches were "favored over female coaches" by management, 31% of female coaches believed so. Just 35% of female coaches felt men and women "are managed in similar ways," compared to 61% of male coaches. See Table 4-ES on page 7.

**Table 1-ES: Perceptions of Professional Advantage: Percentages of Current Coaches Who Believe That “Men Have It Easier than Women,” by Gender**

	Current Coaches				sig.
	Male (n=555)		Female (n=1,209)		
	Easier for Men	Easier for Women	Easier for Men	Easier for Women	
Easier to get a top-level coaching job	33%	30%	80%	4%	***
Easier to negotiate salary increases	34%	13%	91%	1%	***
Easier to receive fair professional evaluations	11%	7%	44%	1%	***
Easier to be promoted	19%	23%	70%	2%	***
Easier to negotiate clear contract conditions for performance evaluation	16%	6%	64%	1%	***
Easier to secure a multi-year contract upon hiring	21%	7%	67%	1%	***
Easier to secure clear conditions for termination of a contract upon hiring	9%	5%	46%	1%	***
Easier to influence decision-making in the department of athletics	30%	9%	68%	1%	***
Easier to allocate the fiscal resources in the department of athletics	25%	6%	65%	0%	***
Easier to participate in hiring practices in the department of athletics	12%	7%	33%	3%	***
Easier to receive fair administrative handling of complaints brought by students	7%	15%	36%	3%	***
Easier to be awarded salary increase for successful performance	19%	11%	68%	0%	***

\*,.05, \*\*,0.01, \*\*\*<.001 Significance levels are based on Chi-square tests of independence (2x3)

**Table 2-ES: Percentages of Current Coaches Who Agreed That They Had Professional Concerns About Gender Bias, by Gender**

	Current Coaches		sig.
	Male (n=564) Agree	Female (n=1,221) Agree	
I am reluctant to ask for help with a gender bias situation because I fear possible retaliation.	19%	33%	***
I have been criticized for my coaching style.	25%	27%	
I have considered leaving coaching because of gender discrimination.	9%	20%	***
I am reluctant to ask for help with a gender bias situation for fear it would be seen as a weakness.	12%	27%	***

\*,.05, \*\*,0.01, \*\*\*<.001 Significance levels are based on Chi-square tests of independence (2x2)

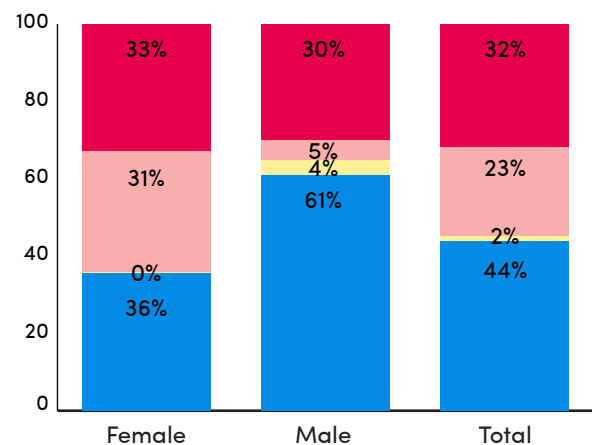
**Table 3-ES: Job Security and Opportunity to Advance, Current Coaches**

	Current Coaches		sig.
	Male (n=564) Agree	Female (n=1,221) Agree	
I feel my job security is tenuous.	27%	36%	***
Men coaches at my institution receive more support for professional development than women coaches.	9%	19%	***
I have been assigned tasks that were not part of my job description.	36%	46%	***
In my department, I am able to gain support for what I need to be successful.	75%	69%	*
I would apply to coach a men's team if I thought I had a realistic chance of being hired.	63%	44%	***
I did not get a coaching job due to my gender.	40%	12%	***
My direct supervisor typically does not conduct my annual performance evaluation.	17%	23%	**

\*, .05, \*\*<.01, \*\*\*<.001 Significance levels are based on Chi-square tests of independence (2x2)

5. **Gender Bias and Title IX Still the “Third Rail.”** While some female and male coaches were hesitant to speak up about gender bias and Title IX inside their athletic departments, even more expressed reservations about doing so with university officials outside of the athletic department. Overall, 31% of female coaches and 20% of male coaches in this study believed that they would “risk their job” if they spoke up about Title IX and gender equity. LGBTQ female coaches were the most apt to fear raising concerns about Title IX and gender equity, with 34% believing they would risk their jobs if they spoke up. See Table 5-ES on following page.
6. **Unequal Resources Between Men’s and Women’s Teams.** About one in three (32%) current female head coaches and 19% of current male head coaches believed that men’s sports received more resources than women’s sports. Less than half (46%) of female coaches and 58% of male coaches believed that men’s and women’s teams were treated equally.
7. **Some Racial Discomfort Expressed.** Eighty-two percent of white coaches felt comfortable expressing concerns about racial and ethnic discrimination, while 62% of black coaches shared that sentiment.
8. **Concerns About Homophobia Remain Visible.** Among head coaches of women’s teams, 15% of female coaches and 9% of male coaches reported that they found a “noticeable level of homophobia” among some of their colleagues. Similar numbers found it “difficult to speak up” about homophobia within their

**Table 4-ES: Current Coaches’ Perceptions of Management Practices, by Gender**



- Men coaches and women coaches are managed in the same ways
- Women coaches are favored over men
- Men coaches are favored over women
- Don't know

Significance levels are based on Chi-square tests of independence (2 x 4).  $p < .001$



**Table 5-ES: Current Coaches' Comfort Levels Around Expressing Gender Equity Concerns, by Gender**

	Current Coaches		sig.
	Male (n=564) Agree	Female (n=1,221) Agree	
I feel comfortable going to administrators in my department with concerns about gender equity and Title IX.	81%	66%	***
I feel comfortable going to administrators on my campus outside the athletic department with concerns about gender equity and Title IX.	74%	58%	***
I feel I would risk my job if I spoke up about Title IX and gender equity.	20%	31%	***
I am reluctant to ask for help with a gender bias situation for fear it would be seen as a weakness.	12%	27%	***

\*,.05, \*\*,<.01, \*\*\*,<.001 Significance levels are based on Chi-square tests of independence (2x2)

also less pervasive among current coaches of women's sports than their former counterparts. We conclude that progress toward gender equity has been made, yet it remains more an objective than a reality.

The survey results here provide an evidence-based framework critically assessing the "state of professional play" in the workplace of coaching women's sports. A list of policy recommendations appears at the end of this report in order to help coaches, athletic administrators and academic administrators to better utilize college sports as an institutional vehicle for equitable participation and opportunity. The policy recommendations are also aimed at college presidents and chancellors, without whose support and leadership, the creation of meaningful change in the women's sports workplace is likely to be impeded.





# Evidence-Based Policy Recommendations

This research report provides evidence-based analyses of the workplace experiences and views of both female and male coaches of intercollegiate women's sports. The findings, when taken in their totality, suggest that while many women coaches perceive gender bias, fewer of their male counterparts recognize it. Based on the information from this report, these policy recommendations are meant to help coaches, athletic administrators and academic administrators better utilize college sports as an institutional vehicle for equitable participation and opportunity. The policy recommendations are also aimed at college presidents and chancellors, without whose support and leadership, the creation of meaningful change in the women's sports workplace is likely to be impeded. The policy recommendations were authored by Donna Lopiano, Ph.D., CEO, Sports Management Resources, and reviewed by a panel of coaches, athletic administrators, attorneys, scholars and gender equity experts.

## Compensation

### Recommendation 1:

Institutions of higher education should require their respective offices of human resources to regularly audit compensation practices of their athletic programs, comparing the compensation of males versus females and racial/ethnic minorities versus white employees, and compensation for LGBTQ individuals as opposed to heterosexuals in identical or comparable positions to ensure that differences in compensation are due to legitimate factors other than sex, sexual orientation, gender identity, race/ethnicity or disability.

### Recommendation 2:

Prior to the approval of compensation offers to new hires (including the provision of special benefits such as the use of courtesy cars, country club memberships, etc.) or increases in salary and benefits to current head or assistant coaches of athletic teams, the institutional Office of Human Resources should ensure that such offers meet standards established by the 1997 Equal Employment Opportunity Commission Enforcement Guidance on Sex Discrimination in the Compensation of Sports Coaches in Educational Institutions (retrieve at: <http://www.eeoc.gov/policy/docs/coaches.html>).

**Rationale:** Collegiate athletic directors often enjoy lower levels of scrutiny for coach compensation decisions despite the fact that the sex-separate nature of athletic teams puts institutions at higher risk for differential treatment of male and female coaches contrary to legal requirements. This less-rigorous oversight is a function of one or more of the following factors:

1. the mistakenly belief that the athletic director is knowledgeable of applicable laws related to sex discrimination in employment<sup>1</sup>,
2. coaches' rates of pay are seldom included in collective bargaining agreements that traditionally cover higher education faculty and are carefully reviewed by legal counsel to ensure the use of gender-neutral criteria in the differentiation of pay categories and eligibility for pay increases,
3. requests for higher administration approval for compensation increases are presented as individual requests that can hide the existence of compensation patterns that are more favorable to male than female coaches overall or the discriminatory treatment of female coaches who may be less likely to receive multiyear employment agreements, bonuses, courtesy cars or other benefits;
4. again on an individual basis, athletic directors will often plead for an immediate decision in order to immediately hire a coach so as not to lose ground recruiting; such quick decisions often result in less scrutiny;

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<sup>1</sup> Section 86.51 of Title IX prohibits discrimination on the basis of sex in regards to employment. It specifically requires educational institutions to make employment decisions in a nondiscriminatory manner and prohibits the segregation or classification of applicants or employees in any way that could adversely affect applicants' or employees' employment opportunities or status because of sex. This includes decisions made with regard to rates of pay or any other form of compensation, or changes in compensation. In addition, the Equal Pay Act 1963 and Title VII of the Civil Rights Act of 1964 also prohibit compensation discrimination on the basis of gender. Title VII forbids discrimination because of sex against any individual in hiring or with respect to his/her compensation, terms, condition and privileges of employment. The Equal Pay Act prohibits employers from paying employees at a rate less than employees of the opposite sex at the same establishment for equal work on jobs that require the same skill, effort, and responsibility performed under the same conditions.



5. athletic directors may present marketplace justifications for higher compensation of male compared to female coaches that are inconsistent with Equal Employment Opportunity Commission directives specific to the employment of athletic coaches<sup>2</sup>; even many HR offices are unaware of such EEOC coach-specific rules; and
6. administrators making compensation decisions mistakenly believe that compensation and benefits funded by gifts from private donors, external foundations or so-called athletic department self-generated revenues need not comply with the same standards used for non-athletics employees.

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<sup>2</sup> In the fall of 1997, the Equal Employment Opportunity Commission (EEOC) issued an example-filled directive, *Enforcement Guidance on Sex Discrimination in the Compensation of Sports Coaches in Educational Institutions*, that specifically addressed athletic coaches' compensation equity. This directive interprets both Title VII and the Equal Pay Act as these laws relate to discriminatory employment situations frequently experienced by female coaches.

## Hiring and Promotion Practices

### Recommendation 3:

All of the following model hiring and promotion policies and processes should be adopted to offset the hiring and promotion favoritism toward males that currently exists in male-dominated occupational fields such as collegiate athletics. Such standardized HR policies and procedures will produce more neutral outcomes with regard to sex, sexual orientation, gender identity, race/ethnicity and disability.

1. **Hiring Manager.** A Hiring Manager reporting to the Director of Human Resources should be responsible for ensuring that athletic department hiring processes conform to all legal and best-practice requirements. The Hiring Manager should be required to attend the first meeting of every athletic department search committee to (a) present data on the current compensation and representation of athletic department employees by sex, sexual orientation, gender identity, race/ethnicity and disability; (b) review the processes to be used by the search committee to meet EEOC standards; and (c) detail specifically prohibited practices. Committee members should be invited to contact the hiring

manager with any questions or concerns. With regard to presentation of data on current compensation and representation of minorities, percentage of male and female employees should be examined by hierarchy of position and should include the hiring practices of supervisors responsible for such hires in addition to aggregated data.<sup>3</sup>

2. **Succession Planning Lists.** All athletic department employees with hiring/supervisory responsibilities (usually senior administrative positions such as athletic director, associate and assistant athletic directors, senior women administrators, head coaches, program directors and other key professional (non-classified) positions) should be required to maintain succession planning lists for each position under their administrative jurisdiction, which shall include a minimum of three prospective applicants of color and three females.<sup>4</sup> These lists should be reviewed annually as part of the hiring/supervisory employee's annual performance evaluation.

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<sup>3</sup> *Such data should be available to all department employees and be used as a tool to educate employees on the need to increase the representation of women, members of the LGBTQ community, racial/ethnic minorities, and people with disabilities. Such data also counters allegations of reverse discrimination. Data should be presented (1) in the aggregate (% of underrepresented groups among all employees, by hierarchy of position (% by senior staff, head coaches of men's and women's sports separately, assistant coaches of men's and women's sports separately, program directors and other professional positions, as well as secretarial/clerical) and (3) by hiring supervisor – the track record of each supervisor with hiring responsibilities. Data in the aggregate does not reveal issues such as supervisors with no or dismal records of minority hiring, minority employees dominating lower level positions and not being adequately represented among higher paying positions, or the absence of female coaches of men's sports.*

<sup>4</sup> *It is common knowledge among Division I athletic directors that persons holding these positions carry an index card in their wallet with the top 3-5 candidates they would go after if they ever lost their head football or men's basketball coach. Because these positions are of high priority for success, aggressive marketplace pursuit of possible applicants rather than a consideration of only those individuals who may apply is the rule rather than the exception. These lists are also important because part of the motivation for maintaining them is the realization that timely replacement of head coaches is necessary to retain recruiting competitiveness. If correcting the underrepresentation of women, members of the LGBTQ community, racial/ethnic minorities, and people with disabilities is important, these systems must be adopted for all coaching and other significant professional positions in which these minorities are underrepresented. Such a succession planning requirement removes the most common excuse for not hiring underrepresented minorities: reliance on paper applications with no aggressive marketplace recruiting of applicants and a resulting "no minority candidates applied."*

3. **Job Descriptions.** Job descriptions for coaching positions of men's and women's programs in the same sport and the same financial support tier must be identical unless appropriate gender-neutral justification can be presented. Federal law requires that coaches of the same quality be provided to male and female athletes. The position description serves as part of the employee's contract and determines employee accountability. When part of an employment contract, the manager can expect the employee to perform only the duties that are listed on the job description. An approved position description should exist for every employee in the athletic department. The Hiring Manager should be responsible for reviewing existing positions and approving position descriptions for new hires to ensure that they accurately describe position expectations. The athletic director should be responsible for developing all position descriptions. The position description should include the following elements:

- Title of the position
- Supervisor—who the position reports to
- Overall purpose of the position
- Employees supervised by this position
- Inclusive list of primary responsibilities, including supervisory responsibilities
- Education and other formal certification requirements
- Experience required and preferred at a specific competency level
- Essential functions of the position (for ADA purposes)

4. **Salary Range and Compensation Elements.** The athletic director should be required to designate minimum limits of salary, benefits and compensation to be offered for each open position, which should conform to institutional policy; be based on: (1) minimum required educational preparation (degrees, coaching certification), (2) minimum required experience (years of coaching experience), (3) minimum expectations of coaching success (ranking in conference, qualification for post-season play, etc.), (4) scope of basic coaching duties (percentage of team recruited vs. walk-on players, local vs. national or international recruiting, supervision of large staff of assistants), and (5) assigned duties above basic coaching duties (fundraising, public speaking, teaching classes); and indicate the top of the salary range the institution is prepared to offer based on applicant credentials that exceed minimum expectations. The salary range for coaching positions of men's and women's programs in the same sport

and the same financial support tier<sup>5</sup> should be identical. Any difference in marketplace salaries actually offered must be based on the experience and qualifications of the person, not the sex of the athletic team, and shall be consistent with EEOC 1997 Enforcement Guidance on Sex Discrimination in the Compensation of Sports Coaches in Educational Institutions.

## 5. Search Committee Requirements.

- a. **Positions.** A search committee should be required for every non-classified (clerical, administrative nonprofessional) position in the following categories:
  - Athletic director
  - Senior staff members—associate and assistant athletic directors
  - Head coaches
  - Program directors
  - Other professional positions designated by the athletic director
- b. **Appointment.** The athletic director, in consultation with the Senior Woman Administrator and Faculty Athletic Representative or chair of the intercollegiate athletic council, should appoint the search committee.
- c. **Composition.** The members of the search committee should include the following individuals:
  - The direct supervisor of the position
  - A limited number of athletic department employees whose jobs will be most affected by the new hire
  - If applicable, non-campus, non-athletic personnel whose responsibilities intersect with the position
  - Members of the faculty who are members of the intercollegiate athletic council and/

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<sup>5</sup> Many athletic programs do not treat sports equally with regard to financial support and expectations for success. Priority sports are provided with a higher level of resources (i.e., scholarships, recruiting budgets, salaries for head and assistant coaches, etc.). Title IX requires that the proportion of male and female athletes in each tier (benefitting from the same treatment and benefits) be equal. Title IX does not require equal treatment of males and females competing in the same sport (i.e., men's and women's basketball) if, for example, the overall athletic program is equal as between women and men. Thus, a school can choose to place men's basketball in the highest tier and women's basketball in the lowest tier while placing women's volleyball in the highest tier and men's volleyball in the lowest tier as long as the proportion of male and female participants (not teams) in each tier are equal.

or tenured faculty<sup>6</sup>, the number, gender and race/ethnicity of whom shall result in a search committee consisting of a majority of underrepresented minorities

- The Chair of the Search Committee should be a tenured faculty member

In addition, if the position is directly involved with providing services to student-athletes, a student-athlete should be appointed. If the position is of high visibility or interest to the alumni or community, consideration should be given to appointing representatives of external stakeholders. A majority of members of the search committee should be institutional employees.

- d. **Record of Meetings.** The Chair of the Committee shall be responsible for producing the minutes of all search committee meetings, which shall include detailed reasons that candidates are not selected or are selected over others.
- e. **Function.** The responsibility of the search committee is to provide a ranked list of applicants to the supervisor responsible for hiring the new employee, who, in consultation with the athletic director, shall be responsible for selecting the person to be offered the position.
- f. **Operating Procedures.** At its initial meeting, the search committee shall be required to do the following:
  - Review the position description and placement of advertising
  - Review and, if necessary, add to the succession list of the supervisor of the position
  - Review policies and procedures related to the hiring process
  - Agree on the minimum number of minority applicants (women, members of the LGBTQ community, racial/ethnic minorities and people with disabilities) in the applicant pool required prior to closure of applications
  - Create a schedule of meetings
  - Establish deadlines for reading application folders
  - Create a timetable for finalist interviews
  - Agree on interview questions for references from a draft of such questions prepared

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<sup>6</sup> The power and influence of the athletic director on many college campuses is considerable. There should be a majority of the search committee who are independent (i.e., not employed by the athletic department) and whose employment cannot be affected by their decisions (i.e., tenured faculty).



by the supervisor for the position to be hired and noting that only the supervisor is authorized to contact references

- Agree on interview questions to be asked of all candidates from a draft of such questions prepared by the supervisor for the position to be hired
- Review the rating sheet to be used to review candidate applications and the rating summary sheet to be submitted to the hiring manager<sup>7</sup>

7. **Commitment to EEOC Procedures and State Laws Where Applicable.** The Hiring Manager shall ensure, through review of Search Committee minutes and rating summaries, that the Search Committee is engaging in practices fully consistent with the institution's obligation to follow Equal Employment Opportunity Commission policies and procedures. For any position in which females, members of the LGBTQ community, racial/ethnic minorities or people with disabilities are underrepresented, the Hiring Manager [or HR director] shall not approve an athletic department request for an exception under the emergency hire provisions of such policy because of recruiting or other needs.<sup>8</sup> This prohibition shall not preclude temporary appointments to fill the position for a period that shall not exceed three months to ensure that the critical functions of the program are performed during a search process.
8. **Posting the Position.** The athletic director or his/her designee should be responsible for creating the short and long forms of the position posting in consultation with the institution's office of human resources and should be responsible for developing an advertising list that ensures outreach to underrepresented populations with athletic-related credentials. If necessary, the search committee or hiring manager shall suggest additional distribution outlets. All postings and distribution of the official position description used during the hiring process should include the institution's equal opportunity employment statement as provided by the institution's office of human resources. All applicants should be required to submit at least three references and a resume as well as complete the required institutional employment application form. Position opening announcements and position descriptions should be

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7 A commitment to a documented unbiased application review process by the search committee is critical. Too often, search committees are not convened for coaching and other professional positions, thereby relegating decision-making to athletic director (80% male) or the athletic director and a small group of athletics senior staff, usually majority male.

8 Athletic departments often use these emergency hire provisions to evade requirements for extensive position posting and advertising and the use of search committees.



sent to all prospective employees on the succession list of the position's supervisor and other potential applicants identified by the search committee.

9. **Aggressive Marketplace Recruiting.** Aggressive marketplace recruiting through personal solicitation (telephone calls and in-person visits) with qualified individuals by the position supervisor or others should be required and is an especially important process to ensure a sufficient number of underrepresented minorities in the applicant pool. However, those engaged in such solicitation should be cautioned never to convey that a candidate will get the job if the candidate decides to apply or that the candidate will enjoy an application or interview process that is not equal for all other position applicants.
10. **Commitment to Minority Finalists.** A policy should be established that a minimum number of qualified minority applicants to participate in the finalist in-person interview pool.

## Fair, Non-Discriminatory Treatment

### Recommendation 4:

Key to the perception and reality of fair treatment and rewarding work environment is the establishment of policies and processes governing orientation to workplace operation systems and policies, clear communication of performance expectations, regular and constructive performance evaluation and a standardized and sound approach to addressing performance concerns for all new employees. The athletic director and all athletic department employees with hiring and supervisory responsibilities should be required to participate in a

training program conducted by the institution's office of human resources that specifically addresses these policies and processes as well as legal obligations related to prohibited discriminatory practices.

### Recommendation 5:

The following model HR policies and systems applicable to all coaches and all employees should be adopted by athletic departments:

1. All new employees should receive a one-on-one orientation to office operations (copiers, supplies, IT, HR basics, pay process, etc.) and introductions to co-workers by the office manager or other designated employee.
2. All new employees should receive a one-on-one policy orientation to include a comprehensive review of the department policy manual and staff conduct policies. In addition, post-orientation, such critical policies should be annually reviewed at staff meetings, including the rights of employees to file complaints, how to file such complaints and retaliation/whistle-blower protections.
3. All employees should receive an updated position description each year, which includes the title of the position, who the position reports to, overall purpose of the position, employees supervised by the position, an inclusive list of primary responsibilities, performance outcomes expected, required and preferred education and other formal certification requirements, and required and preferred experience requirements at specific competency levels.
4. All employees should receive an annual appointment letter or multiyear contract indicating terms of employment. If multiyear employment agreements are offered, they should be equally available to employees in comparable positions without regard to sex, sexual orientation, gender identity, race/ethnicity or disability.
5. Every employee should receive a formal annual performance evaluation conducted by the employee's supervisor using a common evaluation instrument applicable to all employees and including measurable objectives consistent with the employee's job description. The annual performance evaluation should also include and document a discussion of compensation, promotion and eligibility for multiyear employment contracts, including the conditions required for each, recommendations for professional development and actions to be taken by the employee to pursue such development, and the anticipated timeframe for the completion of such actions. The annual evaluation should also include a discussion of whether changes need to be made in the official position description and a request

for employee suggestions for improving his or her program area, or generally, the athletic department.

6. Every head and assistant coach should be annually evaluated by their respective student-athletes according to a standard instrument used for all coach employees. The evaluation should not require the student-athlete to identify himself or herself and should be administered by the coach's immediate supervisor with appropriate common prefacing remarks used by all supervisors on the importance of objective and considered evaluations.
7. Every coach should be annually observed in practice and competition settings by his or her supervisor with formal written suggestions for improvement and acknowledgement of model teaching performance.
8. Concerns with the performance of any coach should be immediately addressed and handled according to the principle of "gradual escalation"<sup>9</sup> using performance improvement plans, noting that instances of serious misconduct are exceptions that should be handled with immediate corrective action.

**Rationale:** The absence of model HR policies or their selective and discriminatory application is the most common cause of perceptions and the actuality of unfair and biased treatment. These detailed policies and practices protect supervisors from unfair allegations and employees from unfair treatment.

## Title IX Gender Equity Requirements

### Recommendation 6:

Institutional policies, complaint, and investigation procedures and remedies should be consistent with policies and processes required by the Office for Civil Rights. Institutions of higher education should ensure that their Title IX Compliance Officer (a position required by federal law) receives training in Title IX athletics, sexual harassment and sex discrimination (including pregnancy) requirements and is not an athletic department employee (in order to prevent any conflict of interest in the investigation of any Title IX complaint).

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<sup>9</sup> *Gradual escalation as a process of employee performance improvement in which the supervisor immediately responds to performance concerns (not accumulating such concerns and waiting for the annual end of year performance evaluation) via a gradual escalation of formality, documentation of performance improvement agreements and eventually written warnings of corrective actions to be taken if performance concerns are not remedied within a time certain.*

### Recommendation 7:

Institutions of higher education should adopt a confidentiality policy with regard to protection of the identity of employees reporting gender equity concerns and include an option for anonymous complaints. The Title IX Compliance Officer should be required to annually meet with all athletic department employees to review Title IX gender equity requirements, explain prohibitions related to retaliation, detail procedures to be used to express gender equity concerns and convey institutional policy related to confidentiality regarding the identity of those who express concerns.

### Recommendation 8

Institutions of higher education should require their Title IX Compliance Officer to conduct (or cause an independent, expert third party to conduct) a comprehensive Title IX athletics program assessment at least once every three years. A detailed written and timetabled plan to address correction of identified deficiencies in the equal treatment of male and female athletes should be required. Such Title IX total athletic program assessment should be publicly reported and distributed to all athletic department employees for review, with instructions on who to contact for further information or any gender equity concerns.

**Rationale:** Title IX athletics assessments require total program comparisons – the treatment of all female athletes compared to the treatment of all male athletes – related to participation, competition levels, the provision of financial aid based on athletic ability and numerous other treatment and benefits areas. In other words, a comparison of the men's and women's basketball programs is not a proper analysis. Further, with the exception of athletics-related financial aid, the analysis is qualitative rather than based on budgetary expenditures. In addition, the analysis may be complex if the athletic program places the same men's and women's sports in different financial tiers with regard to higher- and lower-priority sports. Coaches simply do not have access to total program information or knowledge of Title IX requirements to conduct such an analysis. That being said, a pattern of significantly different budgets (per capita expenditures) favoring men or women in the same sports should be considered a "red flag" indicator of the need for a more careful total program equity analysis. The NCAA has created the Institutional Performance Program (IPP), which is a database that provides useful information needed for a diversity and gender equity review. Along with the EADA, the IPP is a tool that institutions should use for their reviews.

### Recommendation 9:

Title IX requires that male and female athletes be provided with the same quality coaches. Athletic

departments should carefully examine current practices regarding provision of financial support for coaches to engage in professional development activities, such as attendance at clinics, coaches conferences, national sport governing body or coaching association licensing or certification programs, etc., to ensure the equal treatment of coaches of male and female teams and male and female coaches.

## Sexual Orientation and Gender Identity Issues

### Recommendation 10:

The following policies related to sexual orientation and gender identity should be adopted by athletic departments, consistent with general institutional policies that prohibit sexual harassment and discrimination based on sexual orientation or gender identity. These policies should apply to all employees and students. The Office of Civil Rights has ruled that Title IX also includes sexual orientation and gender identity, thus there is a legal basis for the following recommendations.

1. No athletic department employee, athlete, parent, fan or athletic activity attendee should harass or threaten (including by the use of anti-LGBTQ slurs, comments, or chants, pushing or shoving, signage, graffiti, etc.) any coach, athlete or team on the basis of sexual orientation or gender identity. Such actions on the part of athletic department employees shall constitute serious professional misconduct, which may result in the immediate suspension or termination of employment. Such actions on the part of student-athletes representing the institution shall constitute serious misconduct, which may result in immediate suspension or removal from a team and/or loss of athletics financial assistance. Athletic department employees attending athletics events at which parents, fans or other attendees engage in such harassment shall take whatever actions are necessary to restore a safe educational environment, shall report such incidences to the Title IX compliance officer and shall inform any coach or student-athlete who is the victim of such harassment of their right to and procedures for initiation of a formal complaint to institutional or other authorities as specified in the institution's Title IX sexual harassment policy.
2. The athletic department shall annually distribute and review at staff and student-athlete meetings the institution's gender equity and sexual harassment policies. Such policies and complaint procedures shall also be posted in all locker rooms.
3. Athletic department non-discrimination policies should specifically prohibit discrimination on the basis of sexual orientation and gender identity in the department and on teams. Such policies should include the following specific provisions:



- a. Coaches and athletes of all sexual orientations should be able to openly identify themselves if they choose to without fear of negative consequences (loss of job, scholarship, starting position; negative performance evaluation; dropped from team).
  - b. Coaches and athletes of all sexual orientations and gender identities should be welcomed to bring spouses/partners to department or team functions when other athletes or coaches are invited to bring their spouses/partners, and inclusive language should be utilized to acknowledge the possibility that same-sex/same-identity partners may attend.
  - c. Partnership benefits available to heterosexual coaches and other department personnel should also be available to coaches and staff with other sexual orientations or gender identities.
  - d. A coach's or athlete's sexual orientation or gender identity should not be a factor in determining their eligibility for teams, coaching positions, or athletic or academic honors or awards.
  - e. Coaches or athletes should be allowed to participate in community or college LGBTQ social, educational or political events or organizations without fear of reprisal.
4. The athletic department should be committed to regularly offering educational programs and athlete and employee policy handbook or other publications with content supporting inclusivity and an athletic department culture that is welcoming and respectful to all athletes and students. Such programming and content should include:
    - a. staff development programs for coaches and other support staff on addressing homophobia and transphobia in athletics;
    - b. educational programs for athletes that address homophobia and transphobia and include departmental policies addressing anti-gay and gender identity discrimination;
    - c. a directory of school- or community-based counseling, and LGBTQ social and educational groups; and
    - d. the existence of local or state statutes that enable discrimination against members of the LGBTQ community.

## Involvement in the Workplace

### Recommendation 11:

Acknowledging that decision-making authority is vested in senior administrators rather than coaches, athletic directors should consider the adoption of staff meeting policies that enable all coaches to provide input and openly voice opinions about major athletic department decisions. The purposeful addition of such a regular staff meeting practice will do much to eliminate fears that some coaches have special access to decision-makers while others do not.

## Governance

### Recommendation 12:

National athletic governance associations should require member institutions to undertake a periodic certification program or other third-party peer review of the operation, processes and policies of its member institution athletic programs to ensure compliance with legal requirements and best practices, including the employment and compensation of coaches. If deficiencies are identified, they should be remedied within a time certain or constitute cause for institutional penalties, including ineligibility for post-season championships or revocation of membership. Evaluation against specific standards, which describes the purpose of certification or accreditation program, requires significant retrieval and analysis of data in order to address trends and patterns over time. Such longer-term analysis is much better suited to address such issues as hiring practices, compensation practices and compliance with federal civil rights laws related to equal opportunity and treatment of underrepresented minorities. The recommendations offered in this section should be adopted as standards to be examined by such certification program.

### Recommendation 13:

National and conference athletic governance organizations should require that member institution athletic programs must establish policies that require a minimum number of qualified minority applicants to participate in finalist in-person interview pool for all coaching positions.



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