

# Examining the Ability of Title IX to Provide Equitable Participation Opportunities for Black Women College Athletes

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The purpose of this study was to reveal Title IX fueled obstacles which prevent Black women from achieving equity in college sports. The researchers sought to provide a critical analysis of the synchronous burden of race and gender discrimination experienced by Black women in college sports. The study found this form of discrimination is unique to Black women as they experience sex discrimination similar to White women and race discrimination similar to Black men, but neither White women or Black men experience simultaneous forms of race and gender discrimination as Black women do. Title IX is a single-axis equity law which uses sex to factor discrimination, yet as Black women experience both race and gender discrimination synchronously this law does not protect Black women from discrimination in the way they experience it. Yet, examining the effectiveness of Title IX to prevent race and sex discrimination is problematic because even with the law, schools have not achieved gender equity in college sports since its enactment in 1972. Another challenge is the National Collegiate Athletic Association (NCAA) Emerging Sports Program for Women uses a single axis lens to increase athletic opportunities for women. Therefore, Black women are barred from benefiting from the increased access and athletic opportunities produced through the Emerging Sports program as it uses sex as a solo determinant to increase athletic opportunities. It is worth noting the extreme lack of research on Black women in sports has rendered Black women college athletes invisible in data on women's sports. This adds to the complexity of examining forms of discrimination experienced by Black women in college sports. The study found racial clustering, the single-axis lens of Title IX, and NCAA gender equity programs collectively provide harm to Black women in college sports and uniquely attack their ability to achieve equity in college sports.

*Keywords:* Title IX and Black women, Black women in NCAA sports, gender equity in college athletics



## Introduction

It is undeniable that the 37 words authored by Sen. Birch Bayh of Indiana, championed by Reps. Edith Green of Oregon and Patsy Mink of Hawaii, and signed into law by President Richard Nixon, have increased participation opportunities for women in college sports (Johnson, 2022). In 2022, Title IX turned 50 and many commemorated the anniversary through examining the impact of this civil rights law on the growth of women's sports, with reports published by the National Collegiate Athletic Association (NCAA) (Wilson, 2022); National Women's Law Center (NWLC) (2022); USA Today (Armour et al., 2022); and the Women's Sports Foundation (WSF) (Staurowsky et al., 2022). Further the NWLC and WSF reports also addressed a need to examine obstacles to Title IX compliance that have historically prevented women and girls from achieving gender equity in sports.

It is through these reports and others that the 50-year landscape of Title IX's impact on women's sports was revealed. Furthermore, these documents are vital to uncovering the obstacles embedded in the formation of Title IX which have created participation barriers for Black women and girls in sports. For example, in the Women's Sports Foundation report, *"50 Years of Title IX: We're Not Done Yet"*, the researchers found after 50 years of Title IX, "... 86% of all NCAA athletic programs across all divisions offered higher rates of athletic opportunities to male athletes disproportionate to their enrollment" (Staurowsky et al., 2022, p. 3). These statistics are not surprising as historically girls' opportunities have lagged behind boys' opportunities in sports (Butler & Lopiano, 2003; Carter-Francique & Flowers, 2013; Cooper & Newton, 2021; Kaplan et al., 2021; Staurowsky, 2011, 2020, 2022). Yet, since research consistently has cited Title IX's challenges in preventing sex discrimination in sports, there is a need to further examine obstacles preventing this law from assisting women from achieving gender equity in participation opportunities in college sports.

The NWLC identified another Title IX obstacle by noting that high schools were offering 1.3 million fewer chances for girls to play sports compared to boys (Staurowsky et al., 2020 as cited in NWLC, 2022, p. 3). Moreover, NWLC (2022) reported that Black girls participate at far lower rates than White girls or Black boys. These discrepancies are exacerbated as young people transition from high school to college sport programs. In addition, this data revealed a distortion of Black girl's participation rates through racial clustering or stacking of Black girls on basketball and track and field teams. Comparable results were found by Staurowsky et al. (2022) in the WSF report, where researchers noted racial clustering is a barrier which prevents Black women in college from achieving gender equity in college sports, where Black women are overpopulated in sports which require less financial funding such as basketball and track and field. Consequently, racial clustering explains the increased numbers of Black women participants on college athletic track and field and basketball teams, which means more Black women vie for the same sport opportunities as opposed to pursuing opportunities in a category referred to as emerging sports for women (Staurowsky et al., 2022).

The concept of developing an emerging sports program for women was introduced to the NCAA by the NCAA Gender Equity Task Force in 1994. At that time, a study of gender equity within NCAA member schools revealed that more than 20 years after the passage of Title IX, schools were underfunding women's sports and failing to provide equal access for athletic participation to women. The goal of the NCAA Emerging Sports for Women program is to provide NCAA member institutions a resource tool to increase sporting opportunities for women at their schools. More details highlighting the NCAA Emerging Sports for Women Program will be examined thoroughly later in this study. Additionally, the impact of racial clustering and NCAA emerging sports teams on skewing representation numbers, limiting access and opportunities for Black women in college sports, will also be introduced in this case study.

The NCAA report "*The State of Women's Sports*" also described racial clustering as a barrier for Black women in achieving gender equity, citing "In 2020, almost one-third of participants on women's teams for NCAA championship sports were minority females. However, more than half of minority female participants played basketball and indoor/outdoor track" (Wilson, 2022, p. 8). Staurowsky et al. (2022) and NWLC (2022) both concurred with this notion, identifying racial clustering as a tool which distorts sex discrimination data in women's sports by omitting the actual number of Black women represented on sports teams.

Title IX uses a single axis lens which solely focuses on sex discrimination and ignores race (Staurowsky et al., 2022). The combination of racial clustering and the single axis lens through which equal access is viewed under Title IX contribute to a distortion within participation data for Black women in college sports. Additionally, as the NCAA officials developed the Emerging Sports program as a resource tool for complying with Title IX policies, they failed to consider the ways in which race and gender intersect, resulting in the creation of a list that favored White women athletes while limiting participation opportunities for Black women in college sports.

## **Intersection of Race and Gender under Title IX**

Scholars have used an intersectional lens to examine discrimination experienced by Black women in sport (Carter-Francique & Flowers, 2013; Cooper & Newton, Corbett & Johnson, 2000; Dees, 2008; Flowers, 2015; McDowell & Carter-Francique, 2016; Pickett et al, 2012; Staurowsky et. al., 2022). Examining both the racial and gendered forms of discrimination sustained by Black women is critical in comprehending the gender equity barriers they are currently facing in sports. Alfred Mathewson (1996) frames these challenges in his article "*Black Women, Gender Equity, and the Function at the Junction*". Professor Mathewson uses a legal lens to examine the meaning of gender equity and then provides proposed frameworks to structure equitable athletic opportunities for Black women in college sports. Furthermore, the article examines two law articles which both focus on the structural and systemic barriers which fuel discrimination for Black women. In sum, these sources speak to the power of the legal lens to provide a robust understanding of the discrim-

ination Black women face and how they can be redressed from this experience.

Focusing on the works of Crenshaw (1988) and Mathewson (1996), this study employs intersectionality to frame the discrimination Black women experience. For context, Crenshaw suggests “Black women are sometimes excluded from feminist theory and antiracist policy discourse because both are predicated on a discrete set of experiences that often does not accurately reflect the interaction of race and gender” (Crenshaw, 1988, p. 140). In relation to sport, intersectionality posits that the data on sex discrimination in college sports typically represent discrimination of White women while omitting the suffering of Black women due to the same form of discrimination (Carter-Francique & Flowers, 2013; Cooper & Newton, Corbett & Johnson, 2000; Dees, 2008; Flowers, 2016; McDowell & Carter-Francique, 2021; Pickett et al, 2012; Staurowsky et. al., 2022).

To separate the discrimination experience of Black and White women in college sports, we can use Crenshaw’s theory of intersectionality. Specifically, Crenshaw (1988) states “Because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated” (Crenshaw, 1988, p. 140). Mathewson (1996) dives deeper into this notion, arguing “The essence of gender is a White woman model; the essence of Blacks is a Black male model” (Mathewson, 1996, p. 243). Therefore, solely Black women face the burden of navigating both gender and race simultaneously. This notion suggests that Black women not only have to tackle discrimination faced by their White female and Black male counterparts, but they also must face additional obstacles overcoming simultaneous discrimination due to race and gender, hence double jeopardy (Crenshaw, 1988; Flowers, 2015; Mathewson, 1996).

The 2007 Rutgers women’s basketball team and Don Imus controversy provides a realistic example of double jeopardy. In 2007, the Rutgers women’s basketball team emerged as the Cinderella team of the tournament, having made it to the NCAA women’s championship game for the second time under legendary head coach C. Vivian Stringer. In the aftermath of Rutgers being defeated by the University of Tennessee, the women competing in the game from Rutgers were defamed by shock jock Don Imus during his radio show the next day which aired at the height of the morning commute nationally. Horrifically, Imus focused his discussion of the game not on the accomplishments of the players but on their physical appearance. For example, Imus said, “That’s some rough girls from Rutgers. Man they got tattoos . . . That’s some nappy-headed hos there. . . .And the girls from Tennessee, they all look cute” (Baldwin, 2019, para. 10). Imus’ decision to focus on athletes’ physical appearance versus athletic ability was a form a sex discrimination. No members of the Rutgers or Tennessee basketball teams were excluded from this form of discrimination as they were all competing in the same basketball game. In an interview Dr. Akilah Carter-Francique, scholar on Black women in sports, stated:

There are those societal expectations that fall in line with gender norms that are couched in patriarchy about how women should present themselves . . . From hair to makeup to clothing . . . so that they can be more in line

with this notion of girlhood, of womanhood, of what is deemed femininity (Pruitt-Young, 2021, para. 11).

Dr. Carter-Francique's unpacking of sports' patriarchal structure highlights a societal push to enforce femininity in women's sports. While all members of the Rutgers and Tennessee basketball teams were subjected to Imus' sexist comments, when Imus attacked members of the Rutgers women's basketball team by defaming them as "nappy headed hoes", he solely attacked the Black women on the team hence forcing them to face the double jeopardy of being discriminated against based on sex and race. Yet, Black women in college sports are not monolithic and therefore do not experience this form of double jeopardy similarly. The case of Moody vs. Iowa State University (ISU) can be used as an example of this. In 2016, Nichole Moody, a former ISU women's basketball player, filed a civil rights lawsuit seeking damages for race and retaliation discrimination against ISU and her former coach William Fennelly (Flowers, 2016).

In this case, Moody cited frequent racial discrimination throughout her four years on the ISU women's basketball team. She reported being called a "thug" by William Fennelly, then the head coach of the women's basketball team. The lawsuit also made a claim of retaliation of discrimination as Moody reported Fennelly worked in getting her released from the San Antonio Stars. In contradiction to the racial discrimination cited by Moody, some on her team shared their support of Fennelly, and a hashtag #standbycoach was developed and shared through social media. Also, ISU was able to recruit four Black women to the team during the lawsuit. One recruit, Rae Johnson, reported she attended practices at ISU and games and did not witness the racial hostility alleged by Moody. Johnson further noted she found Fennelly's reputation as a "hard-driving coach" as a positive (Birch, 2016, para. 9). However, a former college athlete of Fennelly's, Cheyenne Shepard, supported Moody's claims of racial discrimination. In a letter to the *DesMoines Register*, Shepard identified herself as non-Black Cuban, but stated she had also been subjected to Fennelly's hostile environment given her race. Moreover, Shepard corroborated Moody's claims of Fennelly directing racially charged words to Black women competing on his women's basketball team (Shepard, 2016).

In 2017, the state of Iowa Attorney General's office reached a settlement in this lawsuit. Moody was awarded \$35,619.13 per the agreement however there was no admission of liability by any of the defendants (Flowers, 2016, para.7). Moody experienced an isolated form of racial discrimination which was shared by some and contradicted by other athletes on her team of the same gender and race. Yes, Black women can obviously share common experiences of discrimination and systematic oppression, however, as individuals, each college athlete's story is shaped differently. The Moody case establishes that those on the same team who share the same gender and race can experience the same and/or different types of discrimination. Insightfully there is a need to understand not only the commonality of discrimination felt by Black women.

## **Defining Race, Gender, and Gender Equity in Sports**

This study provides a critical analysis of the impact of race and gender on equity policies and programs used by the NCAA. Therefore, there is a need to explain and define terms used throughout this study. The NCAA uses the definitions published by the U.S. Census to define race and gender in its demographic data and research (NCAA, 2022). This study employed the race and gender definitions used by the NCAA (2022) and U.S. Census Bureau (2022).

The U.S. Census Bureau (2022) uses the social definition of race which accepts the racial and national origins of the term while recognizing race as a sociocultural group. Yet, this definition of race omits the biological, anthropological, and genetic component of race (U.S. Census Bureau, 2022). Race is a social category which distinguishes one's genetic dissimilarity from another (Cunningham, 2011; Coakley 2021). Coakley (2021) states race exists when individuals use a classification system based on physical traits which divide people into distinct categories.

The terms Black and White are used in this study to convey racial categories. Black was used to describe "a person having origins in any of the Black racial groups of Africa (NCAA, 2022; US Census, 2022) and White was used to describe "person having origins in any of the original peoples of Europe, the Middle East or North Africa" (NCAA, 2022; U.S. Census Bureau, 2022).

Moreover, this study conformed to the definitions used by the NCAA (2022) and U.S. Census Bureau (2021) regarding gender, gender equity, and sex discrimination. According to the U.S. Census Bureau (2021) gender omits the biological attributes of men and women and instead accepts the sociocultural behaviors associated with masculinity and femininity. Moreover, Cunningham (2011) cites that gender includes "the social roles expected of men and women, including expectations related to attitudes, behaviors, and interests perceived to be appropriate for, or typical of, men and women" (p.103).

In concert with this terminology, woman and female express categories of gender in this study. For example, this case study denotes women student-athletes as those competing on NCAA teams which were developed for females or women in college athletics.

The authors of the present study acknowledge using the terms females and women interchangeably can cause complexity in identifying the specific population being examined in this study. We also recognize, however, that Title IX uses jurisprudential underpinnings which link the term female exclusively to White females (Mathewson, 1996). This is a key finding in this study as it provides a path towards explaining how statistics and narratives on Black women are sometimes invisible in women's sports research and discussions.

Furthermore, the jurisprudential underpinnings of gender equity laws can also be used to shine a light on the complexity of Title IX to provide equitable opportunities for Black women in college sports as it does for White women. To provide more context, Mathewson (1996) further states:

The gender equity jurisprudence gives them the right to participate where

there are opportunities; it does not create opportunities in general where there are not already existing opportunities for boys or require the expenditure of resources where they are not already expended for boys (p. 248).

As Title IX of the Education Amendments of 1972 prohibits sex discrimination in any education program or activity receiving federal financial assistance and the NCAA uses Title IX to assess gender equity in its programs, there is also a need to address the meanings of gender equity and sex discrimination used in this study. This study defines sex discrimination as introduced by the Office of Civil Rights (OCR, 2020) and uses the NCAA (2022) interpretations of gender equity.

According to the OCR (2020) Title IX prohibits discrimination based on gender identity which includes

situations where individuals are harassed; disciplined in a discriminatory manner; excluded from, denied equal access to, or subjected to sex stereotyping in academic or extracurricular opportunities and other education programs or activities; denied the benefits of a school's programs or activities; or otherwise treated differently because of their sexual orientation or gender identity" (OCR, 2020, para.8).

Therefore, Title IX uniquely prohibits discrimination based on gender identity which for Black women is a burden as the law ignores race.

In addition, the NCAA Gender Equity Task Force in 1992 established "an athletics program can be considered gender equitable when the participants in both the men's and women's sports programs would accept as fair and equitable the overall program of the other gender" (NCAA, 2016, para. 6). Like the complexity of Title IX which focuses uniquely on gender, the NCAA being bound to adhere to the OCR rules and regulations of Title IX also uses gender to establish and assess equitable programs for women. This provides challenges for Black women as they only receive benefits and protections based on gender and not race.

## **Using an Intersectional Lens to Establish Title IX as a Single Axis Law**

It is well documented that Title IX as a gender equity law uses a single axis lens to prohibit sex discrimination in college sports (Cooper & Newton, 2022; Crenshaw, 1988; Evans, 1998; Flowers, 2015; Mathewson 1996; McDowell & Carter-Francique, 2016; Pickett et al., 2012; Staurowsky et al., 2022). The single categorical axis of Title IX prevents the law from providing equitable opportunities for Black women in college sports as it ignores race, therefore not providing a remedy for race discrimination (Crenshaw, 1988; Evans, 1998; Flowers, 2015; Mathewson 1996; Pickett et al., 2012; Staurowsky et al., 2022). Accordingly, Title IX does not provide protection in the manner that Black women experience discrimination and hence cannot remedy the simultaneous discrimination of race and gender. Sport and Title IX scholar, Dr. Erin Buzuvis, affirmed this thought in an interview:

. . . when Congress passed the law, it was building off existing laws that targeted racial discrimination to make an analogous but separate framework

for gender-based discrimination. And even gender-based discrimination in college athletics was hardly the primary focus of a piece of legislation that would fundamentally transform American life (Nerkar, 2022, para. 3).

Mathewson (1996) shares the sentiments of Dr. Buzuvis but dives deeper into unpacking this thought by separating the impact of cause of action of the discrimination and remedies of discrimination provided Black women in college athletics. Specifically, “the problem is not one of a single-axis cause of action, but rather one of single-axis remedies” (Mathewson, 1996, p. 249). Wherefore, as Title IX provides remedy for sex discrimination and does not mitigate racial discrimination, the law creates an “imbalance in gains” between Black and white women athletes in college (Crenshaw 1988; Mathewson, 1996).

Interestingly, Professor Crenshaw states the single-axis framework of Title IX “erases Black women in the conceptualization, identification and remediation of race and sex discrimination by limiting inquiry to the experiences of otherwise-privileged members of the group” (Crenshaw, 1989, p. 138). As a result, in “race discrimination cases, discrimination tends to be viewed in terms of sex- or class-privileged Blacks; in sex discrimination cases, the focus is on race- and class-privileged women” (Crenshaw, 1988, p. 138).

Title VI of the Civil Rights Act of 1964.41 (Title VI) prohibits discrimination based on race in educational systems receiving federal funds. Both Black women and Black men benefit from Title VI, yet this law still does not provide protection in the way Black women experience discrimination as Title VI does not regulate forces of gender discrimination. Therefore, just as Title IX does not provide the same protection for White and Black women in college sports, Title VI similarly does not provide the same protection for Black men and Black women in college sports. Mathewson (1996) provides a caveat to this theory by introducing how the idea of Title IX providing same treatment changes when Black women and men attend Predominately White Institutions (PWI) versus Historically Black Colleges and Universities (HBCUs). Explicitly, Mathewson (1996) argues Black women should receive the same treatment as Black men, however HBCUs provide a caveat to this notion. For example, HBCUs “requires participation numbers to mirror the gender composition of an institution’s student body, Black women would be entitled to more participation opportunities than Black men at many historically Black institutions” (p. 250). In support of this argument, Mathewson (1996) debates PWIs need not mirror the gender makeup of its Black student body and therefore can increase participation opportunities for White women. Using an intersectional lens to examine this notion further, treatment of Black women cannot be examined in either the PWI or HBCU systems without acknowledging the simultaneous experience of racism and sexism sustained by these college athletes. Crenshaw (1988) argues “any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated” (p. 141). It is worth noting an interaction of privilege, race, and gender is essential to understand how Black women in college sports experience discrimination differently than White women and/or Black men. The simultaneous experience of racism and sexism attacks the privilege



of whiteness and maleness as race and sex are significant when they are experienced asynchronously and cannot be remedied through Title IX for sex discrimination or Title VI for race discrimination. Crenshaw (1988) critically examines this theory and shares that anti-discrimination laws are limited to race and sex. Consequently, these laws are defined in terms of experiences of those who are privileged based on the racial characteristics of privileged Black people or Black men and sexual characteristics of White women.

Summarizing this thought, Black women in college sports are marginalized by anti-discrimination laws which support race and gender as asynchronous forms of discrimination. The problem is Black women in college sports can only receive protection from discrimination when their experiences are reflected in antidiscrimination laws which strive for equality in sports. Further the privilege of whiteness and maleness aligns with the single-axis lenses of Title IX and Title VI hence preventing remedies of synchronous forms of discrimination experienced by Black women in college sports. As such these laws do not equally provide remedy from discrimination for Black women in college sports as neither law was developed to support an intersectional frame of discrimination.

## **Exploring NCAA Gender Equity Programs**

The NCAA Emerging Sports Program for Women (Emerging Sports Program) was founded in 1994 as a recommendation from the NCAA Gender Equity Task Force (The Task Force). The Task Force conducted a study and reported a need to strengthen and increase opportunities for women in college sports. For example, the study found only 30% of women athletes were being provided an opportunity in the early 90's to participate in college sports (NCAA, 2016, para. 6). The NCAA uses the Emerging Sports Program to assist its member institutions in strengthening gender equity in their athletic programs. Specifically, an emerging sport is defined as meeting the definition of a sport, being accepted, and recognized by the NCAA as providing additional athletics opportunities to women student-athletes (NCAA, 2016).

The Committee on Women's Athletics and NCAA staff members (the committee) manage the Emerging Sports program. The committee facilitates and manages the program through monitoring and engaging with emerging sport representatives. To be considered an emerging sport, an applicant sport is recommended to the committee and then to members of Divisions I, II and III sports. Each division determines whether an applicant sport will be added to the Division's emerging sport list (NCAA, 2016, para.12).

The Committee on Women's Athletics defines a sport "as an institutional activity, sponsored at the varsity or club level, involving physical exertion for the purpose of competition against teams or individuals within an intercollegiate competition structure" (NCAA, 2016, para. 7). Furthermore, the committee specifies a sport "operates under standardized rules with rating/scoring systems ratified by at least one official regulatory agency and/or governing body" (NCAA, 2016, para. 10). Therefore, institutions that sponsor an emerging sport must follow NCAA regulations which

include playing and practice seasons, financial aid, recruiting, eligibility, and amateurism. Violations of rules related to an emerging sport are addressed in the same manner as rules violations of NCAA championship sports.

Since the Emerging Sports Program was established in 1994, five sports have earned NCAA championship status: rowing in 1996, women's ice hockey and water polo in 2000, bowling in 2003 and last, women's beach volleyball in 2015 (NCAA, 2016). Currently, six sports are identified by the NCAA as emerging sports: acrobatics and tumbling, equestrian (Division I and II), rugby, triathlon, wrestling, and STUNT (DII) (NCAA, 2023).

Once 40 Division I and II and 28 Division III institutions sponsor a sport at the varsity level, the sport is no longer identified as an emerging sport and is established as a championship sport (NCAA, 2022). According to the NCAA (2023), "A varsity intercollegiate sport is a sport that has been accorded that status by the institution's president or chancellor or committee responsible for intercollegiate athletics policy" (para. 13).

The purpose of the Emerging Sports Program is "to grow meaningful intercollegiate sport participation opportunities for female student-athletes in sports that have the potential to reach the required number of varsity teams to be considered for NCAA championship status" (NCAA, 2016, para. 13). However, the program has struggled to provide opportunities for Black women in college sports. Emerging sports teams typically represent country club sports which historically have restricted access based on race and income (Carter-Francique & Flowers, 2013). Further these teams do not yield a high participation rate of Black women in college sports or Black girls in high school sports (Carter-Francique & Flowers, 2013). As such, the NCAA Emerging Sports Program and emerging sports teams are problematic in growing participation opportunities for Black women.

For example, in 2022, the largest number of Black women participating on an emerging sports team was 78 in Acrobatics and Tumbling. In comparison, 604 of the Acrobatics and Tumbling athletes identified as White women and 216 identified as "Other". The NCAA uses the term "Other" in the database to denote college athletes who identify as American Indian/Alaska Native, Asian, Hispanic/Latino, Native Hawaiian/Pacific Islander, and/or Two or More Races (NCAA, 2022). The NCAA demographics categories were modeled after the U.S. Department of Education data collection. As such, the following definitions for ethnicity/race are used in the database:

American Indian/Alaska Native - A person having origins from North America and who maintains cultural identification through tribal affiliation or community recognition.

Asian - A person having origins from the Far East, Southeast Asia, or the Indian Subcontinent.

Hispanic/Latino – A person of Cuban, Mexican, Puerto Rican, Central or South American or other Spanish culture or origin.

International - A person who is not a citizen or national of the United States and who is in this country on a visa or temporary basis.

Native Hawaiian/Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Two or More Races – A person identifying with more than one race/ethnicity category. Unknown – A person whose race/ethnicity is unknown (NCAA, 2022).

Table 1 shows demographic data for women competing in the five NCAA emerging sports in 2022. Racial demographic data provided on the table represents NCAA athletes who identify as White, Black and Other women. Again the NCAA uses the term “Other” is cluster all of the other race denoted above besides those who identify racially as Black and White.

Table 1  
*2022 Emerging Sports for Women Data*

Sports	White Women	Black Women	Other
Acrobatics & Tumbling	604	78	216
Equestrian	1,209	18	177
Rugby	405	78	186
Triathlon	180	5	67
Wrestling	289	59	218

NCAA (2022). NCAA Demographic Database. Retrieved from NCAA Demographics Database - NCAA.org

STUNT was added to the emerging sports list in January 2023 so no demographic data were available during the time of this study. Therefore, only five emerging sports were examined in this study: acrobatics and tumbling, equestrian, rugby, triathlon, and wrestling.

Overall, 3,789 women competed on an NCAA emerging sports team in 2022, and of that 71% identify as White, 28% were noted as “Other”, and 6% identify as Black. The data revealed the NCAA Emerging Sports program is not equally providing opportunities for Black women as compared to White women.

Also, the addition of emerging sports teams in the NCAA is also providing greater opportunities for “Other” racialized women as compared to Black women. The data also suggest that these women identified as “Other” may not experience racism in the same ways Black women do, particularly when discussing access to structural and economic resources. For example, research has noted that economics

and accessibility play a vital role in providing sport opportunities (Veliz et al., 2019). For example, Veliz et al. (2019) found,

For public schools that offered sports to students during the 2015-16 school year, low-poverty schools indicated offering 17.1 sports compared to only 12.2 sports at high-poverty schools. Low-poverty schools indicated offering 31.7 sports teams compared to only 18.4 sports teams at high-poverty schools (p. 3).

These statistics suggest Black women face the burden of limited access to emerging sports teams due to the economic inequality barriers they are confronted with in high school.

It is appropriate to note that funding of high school sports supports greater or less access to athletic opportunities for athletes. Schools with less financial resources will offer less sporting options, conversely high schools with more funding resources will offer more sporting opportunities. Athletes attending high schools which offer more sporting options will consequently have more accessibility to emerging sports teams versus athletes attending poverty level high schools who might be racial stacked into sports which require less funding. Pickett et al. (2012) stated, "among each of the most widely available sports (except for basketball and track & field), African American female participation is less than 10%" (p. 1587). It is worth noting high schools attended by some lower income Black girls tend to not offer sports found in the NCAA Emerging Sports Program which could lead to less access to college athletic scholarships (Pickett et al., 2012).

Black girls attending lower income high schools can also contribute to an increased number of participants on basketball and track and field teams in college. Therefore, racial clustering can be used to explain the larger numbers of Black women college athletes on track and field and women's basketball teams. Racial clustering will be discussed further in the next section of this study.

Furthermore, if Black girls are subjected to economic factors with fewer sporting opportunities on the high school level in comparison to White girls, this can also greatly impact their ability to participate on emerging sports teams in college. Evans (1998) argues "many colleges and universities have complied with Title IX by adding women's sports, such as golf, squash, and tennis, which are played predominantly by white women" (p. 7). Therefore, as universities use Title IX to comply with gender equity laws and continue to add emerging sports, which Black high school girls have limited access to, Black women will continue to have less participation opportunities in college sports in comparison to White females.

Thus, it is not feasible to change the structure of Title IX as Black women have benefited from this legislature as women. However, it is viable to restructure the NCAA Emerging Sports Program to offer emerging sports which have not historically restricted access based on race or economics. Further, using growing trends amongst Black girls in high school sports to introduce new emerging sports could also potentially assist in increasing the participation rate of Black women on emerging sports teams.

## Racial stacking in NCAA Women's Sports

Racial stacking or clustering describes the collection of athletes in a particular sport and/or athletic team position based on race. Yetman and Eitzen (1984) define stacking as the selection of Black athletes for certain team positions based on stereotypical natural athletic ability whereas White athletes are selected based on their stereotypical ability of superior critical thinking. In the NCAA's report on the state of college sport in Title IX's 50<sup>th</sup> anniversary year, there is mention made of racial clustering skewing participation data on Black women. As Wilson (2022) noted, “. . . in 2020, almost one-third of participants on women's teams for NCAA championship sports were minority females. However, more than half of minority “female participants played basketball and indoor/outdoor track” (p.11).

Yet, prior to explaining how racial stacking skews participation rates of Black women in college sports it is key to summarize thus far, this study has found that Black women athletes are omitted from NCAA women's sports data, do not benefit from NCAA gender equity programs as their White female counterparts do, and are not protected from anti-discrimination laws as they experience race and gender simultaneously. In this section of the study racial clustering was examined using data from the NCAA Demographics (2022). The database provides racial and gender demographics of college athletes in DI, DII, and DIII member institutions. The database also reports information on college athletes, coaches, and administrators and provides a general view of current and historical data of racial and ethnic groups by gender, sport, division, and title.

The present study examined data from 2022 which provides participation numbers of Black, White, and “Other” women who competed in NCAA college athletics on women's teams. These data also include numbers of women college athletes at HBCUs and all divisions of the NCAA.

The authors of this study acknowledge the NCAA Demographics Database provides a limited scope of Black women college athlete participation. Specifically, women born outside of the United States who identify as “Black” are omitted from this data set. For example, the NCAA does not provide racial demographic data for international students. International is defined as “a person who is not a citizen or national of the United States and who is in this country on a visa or temporary basis” (NCAA, 2022, para 9).

Moreover, women who identify as Black could fall into multiple categories specifically, two or more races. The NCAA (2022) defines students of two or more races as “a person identifying with one race/ethnicity category.” (para, 9). Last, the NCAA Demographics Database data are self-reported by its member schools, therefore, the authors also acknowledge the possibility of misidentification of racial/ethnic categories of college athletes if the athlete does not solely provide these data.

An examination of NCAA data across all divisions in 26 sports for the 2022 academic year, revealed outdoor track and field had the highest representation of Black women at 20%, whereas White women represented 60%, and 20% were identified

as other. These data aligned with Staurowsky et al. (2022), who reported “Black women’s participation in sports has been historically limited to track and field and women’s basketball due to limited access to resources,

. . . and being unjustly deemed unfit to participate in ‘country club sports’ (i.e., tennis, golf, swimming)” (p. 4).

Also, there is a disproportionate representation of Black women college athletes on track and field and basketball teams as compared to the emerging sports teams. For example, the lowest representation of Black women college athletes was on the NCAA triathlon teams where only 3% identified as Black, 71% identified as White, and 26% identified as Other. Disappointingly, no Black women were represented on the Rifle or Skiing teams in 2022, and there were no Black women represented on NCAA rifle teams during the 2021 season either.

In total, only 28 Black women participated in rifle during the 2012-2022 academic year, whereas 777 White and 177 women who self-identified as other participated. Country club sports like skiing, tennis, or golf, denote an historical racial and class divide that continues to widen as socio-historical trends in sport are used to justify the disengagement of Black females from these sports. As such, country club sports which have historically limited access to people of color through access and/or costly memberships have typically had fewer Black women athletes’ representation when compared to White athletes.

Shown below in Table 2 are the participation numbers for NCAA athlete’s competing in all divisions of women’s sports in 2022. These numbers also include HBCU women’s participation numbers for all NCAA divisions in 2022.

Table 2  
*2022 NCAA Women College Athlete Participation DI, II, & III Data*

Sports	White women	Black women	Other
Acrobatics & Tumbling	604	78	216
Basketball	8,409	5,066	3,384
Beach Volleyball	1,100	50	349
Bowling	576	144	153
Cross Country	10,875	1,059	2,998
Equestrian	1,209	18	177
Fencing	297	32	396
Field Hockey	5,321	111	1,077

Golf	3,530	127	2,047
Gymnastics	1,091	131	485
Ice Hockey	2,161	32	658
Indoor Track & Field	17,564	5,602	5,611
Lacrosse	11,041	420	1,801
Outdoor Track & Field	18,575	6,075	6,308
Rifle	57	0	11
Rowing	5,168	157	1,500
Rugby	405	78	186
Skiing	294	0	97
Soccer	21,232	11,341	7,246
Softball	15,686	1,203	4,490
Swimming	10,218	219	3,143
Tennis	4,242	446	3,697
Triathlon	180	5	67
Volleyball	12,808	2,046	3,750
Water Polo	857	17	482
Wrestling	289	59	218

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NCAA (2022). NCAA Demographic Database. Retrieved from NCAA Demographics Database - NCAA.org

Racial clustering of Black women in track and field and basketball misrepresents the numbers and data on participation opportunities for Black women in college athletics. These findings can be used to explain the overpopulation of Black women in sports which require less financial funding. These findings can also explain the extreme underrepresentation of Black women on NCAA Emerging Sports teams. Also, as the NCAA uses the Emerging Sports Program as a tool to provide gender equity assistance to its member institutions, it is encouraging to see the use of a resource which promotes sports that have historically denied access to members based on race and finances.

In addition, the extremely low representation of Black women on Emerging Sports teams further validates this program is not properly increasing gender equity in the NCAA. Furthermore, as the Emerging Sports Program supports Title IX compliance, its current iteration uses a single axis lens of gender to increase equity in the NCAA. The single axis form of increasing gender-based opportunities discriminates against Black women in college sports as it does not account for the access and treatment discrimination Black women have historically faced while participating in sport.

While college participation rates of Black women athletes' have increased since the enactment of Title IX (Butler & Lopiano, 2003; Cooper & Newton, 2021; Flowers, 2015; McDowell & Carter-Francique, 2017), the "single axis" lens of Title IX and racial clustering require a more critical lens to understand how and where Black women are participating in collegiate sport.

## **Conclusion**

The present study explored case studies using intersectionality as an analysis tool to critically examine the barriers constructed by Title IX, and the rippling impact on Black women which prevents them from equitable participation in college athletics. Moreover, this study examined 2022 data from the NCAA Demographic Database to comprehend the current participation numbers of Black women in college sports. The NCAA database was also used to examine the impact of the NCAA Emerging Sports Program on providing athletic opportunities for Black women.

The overarching concern found in this study was Title IX cannot provide a simultaneous remedy for race and gender and hence, this law provides protection for White women while not protecting Black women college athletes. Evans (1989) argued: "despite the simultaneous influence of race and gender endured by Black women, the legal remedies for race and gender discrimination are separate" (p. 6).

Furthermore, as Title IX is the primary vehicle for gender equity protection amongst colleges and universities, institutional barriers will continue to directly impact the low participation numbers of Black women in college athletics. Subsequently, invisibility suffered by Black women will continue to increase, further increasing the gap of athletic participation between them and their White female counterparts.

Yet, surpassing the inequity surrounding the limited numbers of Black women participating in sports, statistics on college sports also present another challenge as



most data are limited to athletes receiving financial aid at non-HBCU Division I schools. Unfortunately, data on Black women participating in HBCU athletics and those not receiving financial aid are extremely obscure. Therefore, there is a need for expanded research to address HBCU Black women athletes and Black women athletes who are not receiving financial aid to attend college.

The omission of Black women in college athletics research presents a blurred view of gender equity in college sports. Consequently, this practice provides a notion which defines and accepts programs which are employed to increase opportunities for women in college sports like the NCAA Emerging Sports Program as blanket strategies for equity. However, athletic equity practices and strategies which ignore race and focus solely on gender will fuel athletic participation barriers for Black women. Therefore, there is a need to examine gender equity strategies used in college sports to better understand the effectiveness of these tools on providing equity for all athletes.

In conclusion, as Title IX is an educational amendment and not an athletic policy, the single axis lens cannot be resolved without legislative intervention. However, impactful changes can be made to the NCAA Emerging Sports Program to provide more equitable opportunities for Black women in college athletics. An example is supporting the addition of sports which require less financial support from institutions and athletes. Another strategy could be to include high school sports which yield a larger population of Black, Indigenous, and other People of Color (BIPOC) girls. Last, promoting emerging sports which have not historically restricted access and participation based on race and gender could also support growth of athletic opportunities for Black women in college.

## References

- Armour, N., Axon, R., Berkowitz, S., Datagir, A., Jacoby, K., Luther, J., Schnell, L., & Wolken, D. (2022). Title IX: Falling short at 50. *USA Today*. Retrieved from <https://www.usatoday.com/in-depth/news/investigations/2022/05/26/title-ix-falling-short-50-exposes-how-colleges-still-fail-women/9722521002/>
- Baldwin, C. (2019, December 30). Rutgers controversy was one of Don Imus's biggest regrets. *Patch.com*. Retrieved from <https://patch.com/new-jersey/new-brunswick/rutgers-thing-one-imus-few-regrets-he-told-interviewer>
- Birch, T. (2016, April 16). Iowa State recruits unswayed by lawsuit against Bill Fennelly. *Des Moines Register*. Retrieved from <http://www.desmoinesregister.com/story/sports/college/iowa-state/basketball-womens/2016/04/27/iowa-state-recruiting-bill-fennelly-nikki-moddy-lawsuit-allegations/83396474/>
- Butler, J., & Lopiano, D. (2003). Title IX and race in intercollegiate sport. NY: Women's Sports Foundation. Retrieved from [https://www.womenssportsfoundation.org/wp-content/uploads/2016/08/title\\_ix\\_and\\_race\\_full.pdf](https://www.womenssportsfoundation.org/wp-content/uploads/2016/08/title_ix_and_race_full.pdf)
- Carter-Francique, A. R., & Flowers, C. L. (2013). Intersections of race, ethnicity, and gender insport. In E. Roper (Ed.), *Gender relations in sport*. Sense Publishers. 73-93

- Coakley, J. (2021). *Sports in society: Issues and controversies* (13<sup>th</sup> ed.). McGraw Hill.
- Cooper, J. N., & Newton, A. (2021). Black female college athletes' sense of belonging at aHistorically Black College and University (HBCU). *The Journal of Negro Education*, 90(1), 71-83.
- Corbett, D., & Johnson, W. (2000). The African-American female in collegiate sport: Sexism and racism. In D. Brooks and R. Althouse (Eds.), *Racism in college athletics: The African American athlete's experience*, *Fitness Information Technology, Inc.* 199-255
- Crenshaw, K. (1988, May). Race, reform, and retrenchment: Transformation and legitimation in antidiscrimination law. *Harvard Law Review*, 101(7), 1331-1387. Retrieved from <https://harvardlawreview.org/wp-content/uploads/2020/09/Crenshaw-Race-Reform-and-Retrenchment-pdf.pdf>
- Cunningham, J. (2011). Diversity in sport organization (2<sup>nd</sup> ed.). Holcomb Hathaway.
- Dees, J. A. (2008). Access or interest: Why Brown has benefited African-American women more than Title IX. *University of Missouri Kansas City Law Review*, 76, 625-642.
- Evans, T. M. (1998). In the Title IX race toward gender equity, the Black female athlete is left to finish last: The lack of access for the "Invisible Woman," 42 *Howard Law Journal*. 105-28
- Flowers, C.L. (2016). Former women's basketball star files civil rights lawsuit against Iowa State University. *Sport Litigation Alert*, 13(12). Hackney Publications.
- Flowers, C. L. (2015). Legal issues and the Black female athlete's collegiate experience at HBCU's. In B. J. Hawkins, J. Cooper, A. R. Carter-Francique, & J. K. Cavil (Eds.), *Black college athletes: The sporting life at Historically Black Colleges and Universities* (pp. 129-144). Rowman & Littlefield Publishing Group.
- Kaplan Hecker & Fink, LLP. (2021, August 2). NCAA gender equity external review report: Phase I. Retrieved from, <https://kaplanhecker.app.box.com/s/6fpd51gx-k9ki78f8vbhqcqh0b0o95oxq>
- Mathewson, A. D. (1996). Black women, gender equity, and the Function at the Junction. *Marquette Sports Law Journal*, 6(2), 239-266.
- McDowell, J., & Carter-Francique, A. (2016). Experiences of female athletes of color. In E. Staurowsky (Ed.), *Women and sport: Continuing a journey of liberation to celebration* Human Kinetics. 95-115
- McDowell, J., & Carter-Francique, A. (2017). An intersectional analysis of the workplace experiences of African American female athletic directors. *Sex Roles*, 77(5), 393-408.
- National Women's Law Center. (2022). Title IX at 50: A report 'by the National Coalition for Women and Girls in Education. Retrieved from <https://nwlc.org/resource/newge-title-ix-at-50/?ms=titleixat50page>
- Nerkar, S. (2022, June 22). Title IX didn't guarantee Black women an equal playing field. *Fivethirtyeight.com*. Retrieved from <https://fivethirtyeight.com/features/title-ix-didnt-guarantee-black-women-an-equal-playing-field>

- NCAA (2016). Emerging Sports for Women Program. Retrieved from, <https://www.ncaa.org/sports/2016/3/2/emerging-sports-for-women>
- NCAA (2022). NCAA Demographic Database. Retrieved from, <https://www.ncaa.org/sports/2018/12/13/ncaa-demographics-database.aspx>
- NCAA (2023). NCAA Emerging Sports for Women Process Guide. Retrieved from, <https://www.ncaa.org/sports/2016/8/26/ncaa-emerging-sports-for-women-process-guide.aspx>
- Office for Civil Rights (2020). Requirements under Title IX of the Education Amendments of 1972. Retrieved from, [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)
- Pickett, M. W., Dawkins, M. P., & Braddock, J. H. (2012). Race and gender equity in sports: Have White and African American females benefited equally from Title IX? *The American Behavioral Scientist*, 56(11), 1581-1603.
- Pruitt- Young (2021, July 23). The sexualization of women in sports extends even to what they wear. *NPR.org*. Retrieved from, <https://www.npr.org/2021/07/23/1019343453/women-sports-sexualization-uniforms-problem>
- Shepard C., (2016, April 20). Ex - player: I was the target of Fennelly's meanness, too. *Des Moines Register*. Retrieved from, <https://www.desmoinesregister.com/story/opinion/columnists/iowa-view/2016/04/20/cheyenne-shepherd-bill-fennelly-nikki-moody-iowa-state/83301328/>
- Staurowsky, E. J., Flowers, C.L., Buzuvis, E., Darwin, L., & Welch, N. (2022). *50 years of Title IX: We're not done yet*. Women's Sports Foundation. Retrieved from [https://www.womenssportsfoundation.org/wp-content/uploads/2022/05/13\\_Low-Res\\_Title-IX-50-Report.pdf](https://www.womenssportsfoundation.org/wp-content/uploads/2022/05/13_Low-Res_Title-IX-50-Report.pdf)
- Staurowsky, E. J., Watanabe, N., Cooper, J., Cooky, C., Lough, N., Paule-Koba, A., Pharr, Williams, S., Cummings, S., Issokson-Silver, K., & Snyder, M. (2020). *Chasing equity: The triumphs, challenges, and opportunities in sports for girls and women*. Women's Sports Foundation.
- Staurowsky, E. J., & Weight, E. A. (2011). Title IX literacy: What coaches don't know and need to find out. *The Journal of Intercollegiate Sport*, 4(2), 190-209.
- Veliz, P., Snyder, M., & Sabo, D. (2019). *The state of high school sports in America: An evaluation of the nation's most popular extracurricular activity*. Women's Sports Foundation. Retrieved from <https://www.womenssportsfoundation.org/wp-content/uploads/2019/10/state-of-high-school-sports-report-final.pdf>
- U.S. Census Bureau. (2021, December 16). *About age and sex*. Retrieved from, <https://www.census.gov/topics/population/age-and-sex/about.html>
- U.S. Census Bureau. (2022, March 1). *About the topic of race*. Retrieved from <https://www.census.gov/topics/population/race/about.html>
- Wilson, A. (2022). The state of women in college sports. National Collegiate Athletic Association. Retrieved from, [https://s3.amazonaws.com/ncaaorg/inclusion/title-ix/2022\\_State\\_of\\_Women\\_in\\_College\\_Sports\\_Report.pdf](https://s3.amazonaws.com/ncaaorg/inclusion/title-ix/2022_State_of_Women_in_College_Sports_Report.pdf)
- Yetman N., & Eitzen, S. D. (1984). Racial dynamics in American sport: Continuity and change. In S.D. Eitzen (Ed.), *Sport in contemporary society*. New York. (2) 88-95