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Using a Double Standard for Male and Female Coaching Behaviors

There are five circumstances that I have found are commonly used to justify non-renewal or termination of employment and lower compensation levels for female coaches that, on their face, appear appropriate, but which are in actuality commonly used to mask discriminatory treatment:

1. student complaints about strong coaching pedagogy of female coaches - when such behavior on the part of male coaches is disregarded, thereby representing a discriminatory gender based standard, or when such complaints are purposely misrepresented with regard to abnormality, frequency or seriousness or are the result of improper use of evaluations or failure to use gradually escalating disciplinary practices;
2. lack of team competitive success – when female coaches of women's teams are not provided with the same resources to achieve success as are provided to male coaches of men's teams (positions for which females are not hired), this is considered unequal treatment as prohibited by Title IX;
3. poor student-athlete academic achievement – when such a characterization is misrepresented based on improper use of one or more academic metrics or metrics not used to evaluate male coaches;
4. failure to comply with NCAA rules – when such violations are misrepresented in relation to seriousness or frequency or when male and female coaches with identical violations are treated differently with the female receiving stronger penalties including termination of employment; and/or
5. other concerns never raised prior to a decision to terminate - which are manufactured after the fact to support a decision to terminate or imposed as a mechanism to retaliate or create a hostile environment intended to force an employee to resign due to stress or anxiety.

I find a considerable number of mechanisms typically used to discriminate against female coaches who may be unfairly treated because of their gender, sexual orientation, age or national origin. Such treatment not only includes lesser benefits and compensation compared to male coaches but often also includes the use of techniques to silence, intimidate, isolate, retaliate or cause fear. For example, in attempting to unearth discrimination, I typically try to determine whether female coaches or members of a protected class are treated differently than their male colleagues with regard to the following circumstances, among others, which I believe is a good checklist for managers committed to non-

discrimination:

- the offer of at-will versus multi-year employment agreements and the terms of such agreements;
- the likelihood of having contracts not renewed or employment terminated;
- receipt of compensation commensurate with experience and qualifications;
- inclusion in department social or fundraising events;
- recognition of performance achievements such as bonuses, salary increases and/or contract extensions;
- inappropriate comments related to protected status;
- purposeful isolation or obstruction preventing participation in normal conversation or department activities;
- acknowledgement on the occasion of significant life events typically noted among all employees;
- proper use of performance evaluations;
- respectful verbal or inclusive treatment as employees;
- the occurrence of treatment changes following raising concerns regarding equitable treatment;
- double standards for regarding pedagogy of the protected class ranging from reaction to student or parent complaints to criticisms of pedagogy based on inappropriate gender or other stereotypes;
- double standards in the application of disciplinary processes;
- favored treatment of non-members of the protected class;
- double standards in responses to minor or serious violations of institutional or NCAA rules;
- use of fear or other tactics to induce anxiety or a stressful hostile environment;
- use of stereotypical reasons for not hiring, promoting or fairly compensating members of the protected class; and
- failure to provide insufficient resources necessary for program success (e.g., recruiting budgets, scholarships, facilities, sufficiently paid and numbers of assistant coaches, administrative support, promotions and publicity that would result in fan attendance or revenue success, etc.)

In summary, in my analysis of the circumstances of a lawsuit, looking for these overt and covert indicators of discrimination in the athletics environment is essential.

Topics

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