

Title IX Litigation Alert

January 29, 2018

Key Points

- Three female coaches at two California community colleges allege that unequal pay violates Title IX.
- All three claim that they are paid less than their male counterparts despite having similar duties and that the pay disparity is due solely to their gender and/or their affiliation with women's sports teams.
- While most recent Title IX cases have focused on campus sexual misconduct and assault, Title IX still applies to possible gender inequality in college and university athletics



Female Coaches Cite Pay Disparity in Case Alleging Title IX Violation

A new lawsuit against the State Center Community College District (SCCCD) in California alleges that three female coaches were paid less than their male counterparts in violation of Title IX. All three plaintiffs are longtime head or assistant coaches of the women's softball, volleyball and/or golf teams at Fresno City College or Reedley College. Both colleges receive federal funding. The coaches claim that they all perform equal or greater duties than their male counterparts, but are paid less despite their exemplary performance. Moreover, the plaintiffs allege that they were assigned fewer "duty days" in order to justify their lower compensation, but that those duty-day assignments were made for no reason other than the coaches' gender and/or the fact that they are associated with women's athletics.

The claimed inequity goes beyond mere salary differences. In their complaint, the coaches' Title IX count alleges specifically that the SCCCDD has discriminated, and continues to discriminate, against female employees, female student athletes and female athletic programs as a whole by providing more and better pay and resources to their male counterparts. The complaint cites better facilities, publicity, game scheduling and other benefits provided to male coaches, athletes and programs for no reason other than that they are male. In addition to monetary damages, the female coaches are seeking a declaratory judgment that the SCCCDD has engaged in a pattern and practice of discrimination against female athletes and athletic programs—in addition to the female coaches—solely on the basis of gender.

While campus sexual misconduct and assault have been the recent focus of Title IX lawsuits, this case may mark a return to the historical use of Title IX to enforce gender equality in college and university athletics. Southern Methodist University (SMU) was also recently sued by a group of current and former members of the women's crew team. The plaintiffs in that case allege that SMU failed to provide adequate and competent medical staff, which caused the rowers to sustain chronic hip injuries. The SMU

suit further alleged that the medical staff that was provided to the women's crew team gave priority treatment to male football players.

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