

Equity in the Impact of Title IX on Officiating in the United States

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ABSTRACT

Gender equity in the United States has received considerable attention since the passage of Title IX in 1972. This synthesis seeks to explore the impact on the officiating industry for both male and female referees. Based on a critical mass of research conclusions were drawn to infer how Title IX has helped the officiating industry grow by increasing the job opportunities for officials seeking a career in sports. Conclusions drawn from the critical mass include that there are similarities and differences of female officials to male officials in general. However, the intent of Title IX was to create gender equity. The findings from the current research and conceptual writing on the topic demonstrate that the American sport industry has farther to go in creating equal opportunity for both males and females to benefit from the increased sport participation that has occurred as a result of Title IX. Further, a major finding in this synthesis is that there is inadequate research on Title IX and its impact on the makeup of officials who cover the games that both males and females play. With the female athlete participation rate almost five times that of the pre 1972 rate, why has that not translated over into the officiating realms, this is not clearly understood. In some instances, findings support that female participation in officiating has decreased since the enactment of Title IX. Although not a tenant of gender equity legislation specifically, only a small number of females officiate in the male dominated professional sports. More research is needed on opportunity as well as potential differences in males and females in decision making to determine if this exclusion from male professional sport is warranted or simply an avenue for discrimination that Title IX has not impacted.

CHAPTER 1

INTRODUCTION

In 1972 Public Law 92-318 was passed forever changing how interscholastic programs would be run. The law famously known as Title IX states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance” (Titleix.info, 2014, p. Paragraph one). The basis behind this law is to provide gender equality in the form of availability to participate in interscholastic activities. Under this law both males and females are required to receive equal, or near equal opportunities to participate, as well as budgeting dollars for their financial needs in running a program. If the ratio of males to females in your school is 55%-45% than your sport opportunities should match.

Background

Before the law there were very few opportunities for females to participate in interscholastic athletics, because the money that was spent for interscholastic athletics was spent on the males. With this law, opportunities would be more prevalent to an equal amount of males and females to participate in scholastic activities. Sports that were offered to both males and females would have to be given the opportunity to play on the same fields, at the same times, with the same type of amenities given to the males as well as the females. Since its inception a lot of research has been done on how the law has impacted many individuals, but not much research has been done on how it has impacted the officials who officiate these athletic competitions. Before the law men would have teams that traveled farther, played more games, and received the better facilities, better coaches, better officials, and the better start times (McDonagh & Pappano, 2008). Not only were the chances for females few and far between but

when they were given the opportunity; what they had resembled something far less than their male counterparts. Basketball for example had a similar objective, scoring more points than your opponent by throwing a ball in a hoop, but the rules in which the game was governed were different. In fact the officials of the female games were often not certified officials like the ones the males received (McDonagh & Pappano, 2008). The players on the court were confined to specific area in the early history of the women's game.

Since the law has been passed participation numbers for females have drastically increased, so much so that it is now almost five times the pre 1972 rate, the year Title IX passed (National Collegiate Athletic Association (NCAA), 2010). Facilities have only improved since the law as well as the latest trend at the high school and college level is the race to build the latest and greatest facilities to give your team the competitive edge to win. This is called the "college arms race" which is highlighted in the recent ESPN article *Arms Race Proves Recession-Proof* (Bennett, 2012).

Female athletics with respect to opportunities and programming has changed for female so that programs are designed in relation to opportunities to look more like the male's game. This has resulted in not only a higher level of play for females but also for rules and other officiating aspects to be changed to further resemble the male game. Take women's basketball for example, very few rule differences now exist. In fact for basketball, other than the size of the ball, there are only three major rule differences; they only continue to diminish with the addition of the 10 Second Back Court Violation to the women's game this year. With the change of the women's game looking more like the men's, certainly officiating has to be impacted. Title IX has changed the women's game from a referee's standpoint, but how has the law impacted those officials? In general, officiating research is non-existent with respect to male versus female

outcomes. Gender equality is an ever growing issue in the United States, and this notion has promoted any changes around and put pressure on officiating as an unexplored topic with respect to Title IX and how one has impacted the other. An important consideration to have is how questions related to the officiating industry have been influenced by the changes in social as well as legal aspects of sports.

Scope of the Synthesis

Title IX has impacted the student athletes, as well as the universities, and schools they represent, but what impact has the law had on the referee and umpires that service these games? In this synthesis a critical mass of current literature has been examined to determine the following questions:

1. How has Title IX impacted the officials?
2. Have the opportunities/participation rates for people who join the officiating ranks increased or decreased since the passage of the law?
3. Has the opportunity to officiate women's games impacted the male games negatively by the retention of officials changing to the women's game?
4. Does the law affect the decision making of the officials in anyway, whether in game, or in the preparation/ recovery of the game?
5. How has the law affected payment for officials?

All of these questions can be posed to Title IX supporters to see if the law itself has impacted sports in a negative way. Conclusions can be drawn from previous research on topics related to official's decision making, officiating retention, and participation rates to draw these conclusions. Information and data that should be of interest for this synthesis includes results on the retention of officials, enrollment numbers of officials, opportunity for officials, and data

based on decision making of those involved in the officiating industry. Research for the synthesis should include a thorough examination of the literature that will pertain to Title IX and how the retention of officials relates to it. Enrollment numbers or officiating numbers is another aspect that should be evaluated to see if there is more of an opportunity for someone to begin to officiate. Previous practices pre Title IX should also be examined to see if one particular gender has had an adverse affect to officiating for that particular gender's sport. Using articles to determine what changes have occurred since 1972 and finding a correlation between that change and Title IX will allow for a conclusion to be made on how it has changed the officiating industry in either a positive or negative light. By gaining an insight of what research is out there on the officiating industry will allow for conclusions to be made on how the law has impacted the field.

Definitions

Official. A person charged with certain duties, usually to govern the rules of a particular sport. (Dictionary.com, 2014, search Official) (Another way of saying referee or umpire that is not sport specific).

Referee. A judge having the duty to see that the rules of the game or sport are played correctly and judge when the rules are broken. (Dictionary.com, 2014, search. referee)

Retention. The act of officials returning to work for the following season.

Title IX. A portion of PL92-318, Education Act, states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance” (Titleix.info, 2014, p. paragraph one).

Umpire. One selected to settle disputes about the application of the rules; person selected to rule on plays of a game (Dictionary.com, 2014, search umpire).

Summary

Title IX has without a doubt had a positive impact on participation rates throughout the country in high school and collegiate sports, but rarely if ever has someone looked into how Title IX has impacted the officiating industry. The law itself could have an impact on how officials make the countless split second decisions they have to from play to play and game to game. The law could affect the participation rates in the officiating industry and the retention of these officials within their own sports. Previous studies have shown that Title IX has impacted participation rates across the United States dramatically, but this synthesis will show how it has affected the officials who work those games. In doing this synthesis conclusions to these big questions will, for once, be answered.

CHAPTER 2

METHODS

In trying to answer these questions there are several articles online as well in journals in Drake Memorial Library. Finding these articles required an online system, through the library, called sportdiscus. Another online system used was called ProQuest Research, both online systems allows you to search for articles with code words, including, “Title IX”, “officiating”, “umpiring”, “retention”, and “examining”.

As well as finding articles on Title IX and how it relates to officiating there needed to be articles on officiating and retention of the officials. This could help show a correlation of the law and the industry and how the two correlate with one another. In order to find these in the same database code words such as “retention officials”, “retention umpires”, “retention referee”, “gender official”, “female referee” and “officials” were used. These code words allowed for results that produced articles that pertain to the subject area of this synthesis. With these searches the articles that were used for this synthesis had to be published since the passing of Title IX. Articles that show direct links between the law and the retention of officials were targeted. With very low hits from the data base searches conducted, a broader criterion was used and included articles that targeted the college sport industry as a whole. To use an article for this synthesis not only did an article have to be published post 1972, but it could also relate to one of the following: decision making, recruiting, retention, game assignments and official abuse. When broadening the research criteria, information about sports officials in other countries came into play as they too are experiencing similar gender equality movements as this country.

For examining the pay of officials for the men’s and women’s sports, a copy of the New York State Section V Officials contract was attained, which breaks down game fees for each

sport. This shows how game fees for officials have been determined to be in compliance with Title IX, and possibly show some downfalls of the law in relation to the officiating industry. Other support articles were found by searching for supportive arguments in possible search engines, or through various references used in journal articles found through the sportdiscus application online. Articles that pertained to the officiating realm, or helped form a correlation to the craft were kept to help see the change Title IX has caused throughout the high school and collegiate realms. If the article was published post the passing of Title IX and pertained to a subject area in which conclusions could be drawn from it to support the ideas of this synthesis, it was referenced within.

CHAPTER 3

RESULTS

The current literature examining Title IX focuses on questions around the students, the school districts, and the universities, but rarely, if ever, has it examined how it has impacted the officials, who rule on their sporting events, were affected by the law. Research for this synthesis concluded the following sections: officiating retention, gender effects, official abuse, game assignment, and equal pay.

Retention of Officials

Retention has always been a problem in the officiating industry. There is a common myth among those who enjoy sports that anyone can officiate; however, they soon come to realize that skills are needed for successful performance as an official and in some cases after problems arise they realize that the job is truly not for everyone. Research backs this claim by the retention rates in officials, specifically, Warner, Tingle, and Kellett (2013) which examined why basketball referees did not return the following season and concluded that there were many different on court and off court factors. The only on court factor was the problematic social interactions that happened during the games with players and coaches (Warner et al., 2013). Off court factors ranged from the training they received, the lack of referee community, referee advancement, lack of administration consideration, administrator decision making and sport policies (Warner et al., 2013). Surprisingly the off the court factors were more problematic in keeping officials than the on court factors.

Part of retaining good officials is recruiting them to begin working in the first place. Referee Development Officer Bill Mildenhall (2014) states that “matching the number of referees to the booming number of players has been a challenge...” (Reid, 2014, paragraph 1). In

finding new officials for basketball games the Reid article mentions that new female officials are especially hard to find, and that the percentage of female officials, to female players is a big discrepancy. One way for new officials to be found is to look at the other genders officiating board and see who may have possibly been passed over for a promotion (Warner, et al., 2013). This may be a way to lure officials from one board to another to increase participation rates. The article mentions that this may seem like a true possibility but is not the case. In order to rebrand yourself as an official after you transfer boards you have to reprove yourself and beat down the door to get noticed and get games, for the job is not necessarily how good of an official you are, but it is who you know (Warner, et al., 2013). The article concludes by stating “it is clear from this research that both on-court and off-court experiences are considered throughout all phases of referee development. However, off court experiences become more salient to referees as they develop, from our research, are fundamental to their retention” (Warner, et al., 2013).

Gender

Increasing the participation rates, or the recruiting of new officials, is always a troublesome area. Finding new officials is not easy, and the recruiting of current officials to return the following year. Another aspect examined in research includes the female participation rates in the officiating industry and how well they advance up the ranks. One article examines how the participation rates for females in the rate of officiating has changes post Title IX, and how those females who officiate are perceived (Graf & Konoske, 1999). Gender effects in evaluations of officials can affect one’s officiating schedule, ability to remain at the same level they are currently officiating at, or possibly advancing up the ranks to a higher level of competition (Graf & Konoske, 1999). This article found that contrary to popular belief male officials would be more successful as an official than a female, they are perceived to be similar

in performance at the high school level (Graf & Konoske, 1999). With this being the case at the high school however, ESPN recently wrote an article explaining to the audience how hard it was for women officials to get into the elite levels of sports (McManus, 2011). Those that are actually grading the officials, and looking to hire the best of the best say that the gender of the individual has nothing to do with who gets hired and who does not. “Our goal is to get the best people working this game” Carl Johnson NFL’s head of officials said (McManus, 2011, paragraph 21). Judgement by officials is a crucial aspect of their job, being 50% of the reason why he or she is there. Officials commonly use the term “being on the same page” and having the conclusion that the female official is more likely to assess a technical foul raises questions of how well they both can work together (Christensen, Graf & Yabko, 2009). This conclusion raises further questions as to if the males are not as good as recognizing when to call the foul as the females, or if the females jump the gun in making the call, either way the two coexisting as one on the court can be difficult with this conclusion.

Official Abuse

One of the most common things people know about officials is that they will get abused. In the officiating industry there is a line that many say to new officials: “officiating is the one job where you are supposed to start off being perfect, and only get better from there!” When it comes to the abuse of officials on the field or court, the research shows that it has no gender bias (Duggan & Rainey, 2014). In a study designed to see how common it is for officials to be abused, and how the abuse takes place, it is concluded that assaults on males were as common as those of their female counterparts (Duggan & Rainey, 2014). In this study it concluded that abuse among officials is common, some serious, and the punishment for the individuals doing the abuse vary greatly from situation to situation. According to Reid’s article Mildenhall said the

following: "...female officials have to work a little harder for acceptance, but once this is achieved they are simply looked upon as another official" (Reid, 2014, paragraph 21).

Game Assignment

Game assignments are one of the most important aspects to an officials career, it is the process of handing out the games that they will officiate. Game assignments are handed out differently depending on the sport and level that the official is at. One thing is very common, it can be political. With Mildenhall's quote in the reid article it could be concluded that a female official working harder to establish herself could indeed affect her schedule negatively. Her schedule may not grow as quick as maybe a new male officials schedule would, because he does not have to work as hard to show he belongs. Different things go into the assigning of games, the records of the two teams, or previous history of the teams may require officials who have a higher approval rating, or score, to work those games. Games where a blowout, one is which there is a large point discrepancy, may occur would be an excellent time for new officials to get their feet wet, as the pressure of the game will be far less than that of a close game. This type of input goes into game assignments as it is best to have the better officials work the games that the score may be close and contain game deciding calls. Take for example the playoffs of a particular sport, the best officials work those games, not the new ones.

Pay

Officials are compensated handsomely for their time at the high school and college levels, and for better or worse Title IX has had an effect on that. In looking at what officials are paid in Section V in New York State male and female sports that are comparable are paid identically (O'Brien, Shambo, Gil, & Mangione, 2012-2015). The amenities that the officials receive for male officials and female officials are identical for both genders, and to all the sports.

Each is entitled to a locker room where they can change within the company of those of the same gender as themselves, water during half-time, and security during games or contests (O'Brien et al., 2012-2015). The contract between the high schools in Section V and the officials who call their athletic contests has no gender bias for sports, or officials.

Summary

This synthesis sought to answer questions related to Title IX and officiating, and how gender may or may not play a role into a referee or umpires job. The research conducted was broken down into five sections, the first being officiating retention, retaining the current officials and recruiting of new officials. This is hard to do because of various on court and off court factors. The second being gender effects in the industry. The research suggests that a female is more likely to assess a technical foul than a male. This raised questions on if both genders could officiate on the same page. The third being official abuse. Research showed that the female has to work harder to establish herself as an official, but once she does so, she is looked upon as just another official. She receives the same abuse as any other official would. The fourth being game assignments. With females having to work harder to establish themselves, this causes for her schedule to not grow as fast as maybe her male counterpart. The fifth and final one being equal pay. It was found that Section V in New York State male and female sports that are comparable are paid identically. Also female and male officials were not identified directly, meaning that what one gender official receives, so does the other. The contract has no bearing on whether the sport is for male or female, and no bearing on whether the official is male or female, it is the same throughout.

CHAPTER 4

DISCUSSION

Before Title IX was entered into law there was an obvious gender gap visible to anyone who watched athletics. Since the passage of the law in 1972 it is obvious to the casual observer that the gap between male and female sports in schools has certainly narrowed (Titleix.info, 2014). A vast amount of research has been done to see how successful the law has been in helping the gender gap narrow in student participation rates, without hindering the participation rates of males. What is missing from the published literature is a focus on how the law has impacted the officials who work these various sporting events. With the research compiled in this synthesis it is easy to see that Title IX has had a enormous impact within the officiating industry both on the field or court as well as off of it. The following discussion is broken up into sections on: how Title IX has impacted the officials, females officiating since Title IX, nature of officiating based upon gender, compensation for officiating, future research, and conclusions.

How has Title IX Impacted the Officials?

Before the law sports were very male centered, with female sports receiving far less attention than their male equivalent. Since the enactment of Title IX, there is a potential impact on all aspects of the athletic atmosphere. This can range from sport participation from players, coaches, athletic directors, and specifically the officials who cover the athletic contests. This in turn can influence the individuals who are charged with interpreting the rules of the sport and ensuring fair play during the athletic competitions. From a more logistical and rudimentary aspect, the number of officials required to cover all the games has increased just by the sheer fact that female participation in athletics has increased nearly five times the pre 1972 rate [National Collegiate Athletic Association (NCAA), 2010]. With more people participating in athletics, a

direct relationship between participants (doubling with the increased female participation, up almost five times the pre 1972 rate) and the need for quality officiating is expected. With the increase in demand for officials, the industry has certainly grown in the quantity of officials as well as the opportunities that are provided to them, but this has not translated into more female officials.

Females Officiating Since Title IX

With the increased demand for officials it would be easy to conclude that female participation has risen in the officiating industry. Female participation in the officiating field has actually decreased since the passage of the law (Acosta & Carpenter, 2000). This can cause a discrepancy in trying to interpret the data. The overall demand for officials has increased based on the amount of games increasing, with a higher athlete participation rate, yet according to Acosta and Carpenter, 2000 that higher demand of officials is filled with males, as opposed to females. This can certainly cause into credibility of the law itself, is it truly benefiting all involved without discriminating against others based upon their gender. The participation rates for officiating, as a whole, has certainly increased while, according to Acosta and Carpenter's research female participation in the officiating industry has actually decreased in the time since 1972.

Officiating appears to be more of a male dominated profession, with very few females working in male dominated sports such as football (McManus, 2011). In fact in the National Football League (NFL), the highest level of professional American football, have only had one female official, who served as a replacement during the officials strike in the 2013 season (Freeman, 2013). In Major League Baseball (MLB), the highest level of professional baseball, they have never had a female umpire get past AA in their minor leagues (Weber, 2009). Which

shows that baseball has a long way to go in gender equity since AA is two steps below MLB in the rankings of professional baseball. This means that baseball has never once seen a female umpire at its highest level (Weber, 2009). The National Basketball Association (NBA), the highest level of professional basketball, may serve as a bright spot for female officials as the top level of basketball has had four female officials, and currently is the only major American sport with three female officials working their games today (Dwyer, 2012). Title IX certainly doesn't have a direct impact with these professional sports, because they do not receive federal funding, but surely with the scouting of college athlete talent the same could be done for the officials. With the industry being dominated from a male perspective throughout history, Title IX has shifted the participation rate from an athletes perspective but not influenced the officials in a way where there is more female participation or even exists in a meaningful way at the professional level. Based on the available research, there is a significant gap in information needed to address this question in this synthesis.

Other questions can be raised as to why the rates of female officials have decreased since 1972 are unexplored. Specifically, has the need to officiate the increased amount of women's games impacted the male games negatively by the loss of experienced male officials jumping to the women's game? Again there is no current research that could be found to help answer this question. Not much was discussed in any of the existing research of officials jumping from one gender to the other.

Nature of Officiating Based on Gender

The research that does exist suggest the notion that males and females officiate the same game differently. There is research that suggests a female is more likely to issue a technical foul, than her male co-worker (Christensen, et al., 2009). With the gender finding on technical

fouls it makes one wonder if males receive the better games than the females, based upon this finding? Research has been done to see if such a problem exists and calls into question whether it is a Title IX violation in itself? Bob Jordan examines this point in a newspaper article from May 19, 2001, stating that “A Title IX-based complaint has been filed with the U.S. Department of Education’s Office for Civil Rights concerning basketball refereeing in the Shore Conference” (Jordan, 2001, paragraph 5). The article raises questions as to whether officials for the games that are so similar in rules should be officiated by the same officials. In other words why have two official boards for one sport? The question is one that raises questions to how the games are officiated, and how well the games themselves are being officiated. Why have an official on one board who is better than other officials on another board sit at home while the first works? Why not put the best officials on the floor (Jordan, 2001)? Is it a violation to not allow the best officials to work both genders? There is no research that answers any of these questions.

Compensation for Officiating

Contractually both male and females receive identical amenities and pay for the same sports. With the sports contract attained, it was concluded that like sports were paid the same regardless of the varying time commitment between them. Softball for example is paid the same as baseball, while one game averages an hour and a half, and the other averages over two hours (O'Brien, et al., 2012-2015). In this situation the baseball umpires are hurt with Title IX forcing this, as they are not being paid as much in their average per hour pay as the softball umpires. These similar sports have nearly identical rules, yet the slight rule differences cause a large time commitment gap that the contract fails to recognize in compensation of these officials.

Basketball, where the sports are almost identical for men and women, are paid identically, with the average time commitment being close to the same regardless of the gender

being officiated. This difference may seem small, but to the umpires who work the baseball games it means a great deal. As in any work environment, the hourly commitment to a job should be equitable and for baseball umpires in relation to softball, this is not the case. These two sports, although similar, should have a different pay scale as the sports time requirements differ. In this aspect it should be argued that Title IX is hindering the baseball umpires pocketbook, at least in Section V in New York State where the contract was attained.

Future Research

In the upcoming years more could be done to help grow the officiating industry into something more balanced between male and female officials. Research related to motivation and social constraints is needed to determine why females choose not to officiate in male dominated sports such as baseball or football, and why those who try do not advance. Research should be expanded into how the industry chooses to promote and hire new officials to determine if there is a better more efficient way, so that the good officials are retained, and turn over can be avoided. Research should be done into how a board who services both genders in the same sport affects not only the different male and female participants, but also the officials.

Finally, more research should be conducted on how males and females interpret identical plays to insure that gender bias is accounted for in officiating crews. If differences do exist, then the strengths of both males and females can be combined in the assignment of officiating crews to important sporting events. Researchers who are interested in sports and officiating could specifically draw upon the research that currently exists on how the female brain is different than the male brain and determine how to best provide equity in an environment that requires consistency in judgment across the entire officiating crew (the team of officials working a

particular game). If this research is conducted it will help grow it into that more of a gender neutral profession, where the female official, now against the norm, can instead be the norm!

Conclusions

If legislation has helped female athletics grow and demonstrate equity for both genders, it is safe to assume that Title IX has certainly helped the officiating industry grow. By the increased participation alone, the law provides the industry with a higher demand for well-trained officials which in turn benefits all interested participants. This allows for more individuals to participate in the governing of sports and provides an avenue for those interested to pursue a career in officiating. The research suggests, however, that not all aspects of sport have achieved a level of equity and this is most evident in the use of female officials in professional sports. Females continue to struggle breaking into officiating for some levels of female sports and virtually all aspects of upper level male sports. Both the NFL and MLB have zero female officials employed at this time (Freeman, 2013; Weber, 2009). Title IX may have helped improve female student's prospect of playing sports, but has neglected to address officiating.

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APPENDIXES