

Book Review: More than a Game: One Woman's Fight for Gender Equity in Sport

Rebecca J. Mowrey

Follow this and additional works at: <http://scholarship.law.marquette.edu/sportslaw>



Part of the [Entertainment and Sports Law Commons](#)

Repository Citation

Rebecca J. Mowrey, *Book Review: More than a Game: One Woman's Fight for Gender Equity in Sport*, 14 Marq. Sports L. Rev. 259 (2003)
Available at: <http://scholarship.law.marquette.edu/sportslaw/vol14/iss1/34>

This Book Review is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. For more information, please contact megan.obrien@marquette.edu.

BOOK REVIEWS

*MORE THAN A GAME: ONE WOMAN'S FIGHT FOR GENDER EQUITY IN SPORT**

Cynthia Lee A. Pemberton

[Boston, MA: Northeastern University Press, 2002]

vii + 309 pages [\$17.95 U.S. (paper)]

ISBN 1-55553-525-9

“If and when the women’s basketball team starts making money, they too can have shoes, but until then as long as the men’s programs are making the money, it’s okay with me that they get more” (p. 9). It is 1989 and early in Cindy Pemberton’s academic career serving as assistant athletic director for women’s sports, aquatic director, head women’s and men’s swim coach and an instructor in the health, human performance, and athletics department at Linfield College when she utters these words. By 1992 she would be embarrassed by these remarks and by 1995 find herself suing college administrators over allegations of sex discrimination and retaliation including reassignment and position elimination stemming from her push for Title IX compliance.

More Than A Game: One Woman’s Fight For Gender Equity In Sport is Cindy Pemberton’s compelling autobiography that successfully puts a human face on Title IX related litigation. Unique in this regard, Pemberton walks you through six years of her professional and personal life while she battles gender inequities at work and advocates for full implementation of Title IX.

In the first chapter the author is quick to acknowledge her own ignorance of Title IX and lack of appreciation for this law admitting that “I’d spent my athletic life benefiting from Title IX, and I hadn’t had a clue it existed, let alone what it was about (p. 9). I’d been a female athlete, and later a college coach, riding the wave of Title IX. . . (p. 10). The fact that someone serving as an intercollegiate Assistant Athletic Director of Women’s Sports in 1992 had no knowledge of Title IX is an interesting and disturbing revelation. Individuals following the current activities of the Commission on Opportunity in Athletics and the Commission for Changes to Title IX might find this

*. Reproduced with permission from the Volume 13, Number 1 of the *Journal of Legal Aspects of Sport*, Volume 13, Number 1, pages 97-100 (Winter 2003).

noteworthy as well.

Throughout this book Pemberton candidly addresses her initial ignorance of and disregard for Title IX, her subsequent process of self-education about this law, and her evolution to active advocate and nationally recognized Title IX authority. Her story begins simply enough as she learns about Title IX through the Oregon Women's Sport Leadership Network Newsletter and national and regional announcements regarding the twenty-year anniversary of Title IX. Enlightened, she assumes that others in her athletic department will share her enthusiasm for Title IX adherence. She naively admits that she assumed her colleagues would support these reforms since it was the law and also, in her eyes, the right thing to do. Pemberton even sent a memo to the Athletic Director conveying some of her observations about gender inequities within their department and noted that they could work together towards resolving the areas of noncompliance with the law. This memo began a six-year ordeal for the author that she recounts with great detail. Pemberton's ability to provide so much detail stemmed from her desire to document everything, even to the point of recording and transcribing voice mail messages and making copious notes from committee meeting dialogue.

A strength of *More Than A Game: One Woman's Fight For Gender Equity In Sport* is that the author's career path and Linfield College are not atypical in the United States and should provide easy reference for readers. The author accepted her first full-time position in higher education at Linfield College in McMinnville, Oregon. Linfield College (LC) would likely match the profile of many institutions of higher education. LC is a small (approximately 1200 students), private (historically connected with the American Baptist Church), undergraduate, liberal arts institution located about 50 miles southwest of Portland. The College was a member of the National Association for Intercollegiate Athletics (NAIA) and then later petitioned for NCAA Division III membership. LC enjoyed athletic success claiming three NAIA national titles in football and one in baseball.

A central criticism of Pemberton's book is that no details are spared. *More than a game. . .* reads like a journal at some points and seems to be weighed down with the personal reflections of the author. While the details are important, there are sections in the book where one or two examples would have sufficed. There is also a sense in some chapters that the author is trying too hard to justify her thinking or actions to the reader. This criticism is easily overshadowed, however, by the opportunity to follow the event-by-event progression of her situation.

A unique quality of this book is the insight the author provides regarding the relative advantages and disadvantages of using consulting groups to address Title IX issues. Pemberton's experiences highlight the fact that some

consulting groups focus on identifying Title IX deficiencies and strategies for compliance, while other consultants focus on ways to shield an institution from accusations of non-compliance. Again, her honesty regarding the successes and failures of these individuals and groups adds great value to reading *More Than A Game: One Woman's Fight For Gender Equity In Sport*.

Pemberton's book would serve nicely as an optional or supplemental reading in any course where Title IX or gender issues are discussed as the reader develops an appreciation of the depth of commitment and personal sacrifice that those who advocate for gender equity and policy reform might encounter. Readers looking for a brief synopsis of Title IX cases will find Chapter One of interest, and in Chapter Nine the author addresses the following issues frequently associated with discussions of Title IX: attempts to "protect" football, the dropping of minor male sport programs, using junior varsity programs as evidence of expansion, quotas, capping team rosters, and fund raising restrictions.

One consistent thread Pemberton weaves through several chapters is her disillusionment and disappointment with the legal process in terms of fairness, effectiveness, and civility. Chapter 22 illustrates this point as she describes the deposition process as

... awful things. They are long, personal, and insulting. They are seemingly endless question-and-answer sessions in which every query is an attempt to incriminate. They aren't about telling the truth. They're about digging for dirt and working to find ways to twist the truth and use it as a weapon (p. 230).

Pemberton's penchant for providing detailed notes and quotes throughout the book will likely help readers understand the context of her criticism of the legal process.

From an historical perspective, this book is a welcomed and unique contribution to gender and legal studies, sport management, educational leadership, and conflict resolution research. Historical research is dependent upon primary sources, which are difficult to identify when participants are required to remain silent as part of their settlement. Although Pemberton's case was settled out of court, she provides vivid and detailed accounts of alleged retaliation, mental and physical duress, mediation efforts, professional roadblocks, and leadership coaching sessions.

Throughout the book the reality of living in a small, tight-knit community where you are the subject of dispute and are shunned professionally is painfully revealed. I would recommend this book to anyone contemplating action to rectify gender inequities or injustices in any professional or societal setting. While some might fear that this would discourage those who are

considering action, reading *More Than A Game: One Woman's Fight For Gender Equity In Sport* would help inform such a decision.

This book would also be an invaluable resource for individuals employed in or considering employment in an educational setting who are not familiar with Title IX. Additionally, academic administrators and researchers in organizational leadership will benefit from reading this book as a lengthy case study, which provides appealing legal, behavioral, and organizational issues for discussion. Admittedly, the autobiographical nature of the book limits these discussions to Pemberton's perspective unless one is inclined to contact other individuals identified in the text.

In her epilogue, Pemberton hesitantly resolves that going through the entire ordeal was worth it and that she would do it all again to effect change. She states, "When I speak on Title IX, people often ask how it's possible that compliance with a 1972 law remains largely unrealized. Even more remarkable is that after countless Title IX lawsuits and a virtually unblemished win record in favor of women and girls, the burden of compliance still falls heavily on athletes, coaches, and parents willing to pursue litigation" (p. 223). As a coach, faculty member, and administrator, Pemberton was one of those willing to pursue litigation to achieve compliance with the law. The chronicle of her journey as a whistle-blower at Linfield College and the ensuing retaliatory harassment she encountered makes reading *More Than A Game: One Woman's Fight For Gender Equity In Sport* powerful, informative, and memorable.

REBECCA J. MOWREY
Department of Wellness and
Sport Sciences
Millersville University

*TILTING THE PLAYING FIELD: SCHOOLS, SPORTS, SEX AND TITLE IX**

Jessica Gavora

[San Francisco, CA: Encounter Books, 2002]

181 pages [\$24.95 U.S. (cloth)]

ISBN 1-893554-35-X

In the study of sports law, there is no more controversial subject than issues related to Title IX. In *Tilting the Playing Field: Schools, Sports, Sex and Title IX* Jessica Gavora does nothing to make the subject less inspirational. In fact, after reading this book I am certain that whichever side of the Title IX battle your heart lays will become more filled with rage (or outrage). Gavora holds no punches and no one is free from support, contempt or ridicule. In fact, even the most neutral, compassionate and level-headed Title IX reader will likely feel a call-to-arms in a statistical “war” that has gone haywire since its official beginning in 1972 with the passage of this federal law that prohibits discrimination on the basis of gender in all federal programs that receive federal financial assistance.

Gavora’s book does not provide a specific plan to resolve the “substantial proportionality” test quandary of Title IX enforcement that has permeated American “kangaroo” courts and federal agencies. Still, she does express her extreme discontent with what she believes has become of this, the only practiced test of the three “safe-harbor” provisions of Title IX. The book does not offer solutions to the federally mandated “separate and equal” status of women’s sports in the college and university setting. The inexplicable sport of college football is noted but is not given much preferential status by Gavora, and specific methods to pare Title IX back to sensible interpretation and modification are not offered either. Gavora’s book is essentially an uncomfortable and personal expose on how the powerful players involved in a political battlefield have turned a federal law designed to prevent discrimination into a weapon to hurt others, namely men.

Gavora’s readers are faced with a challenge that has become largely prevalent in the application of federal laws in the post civil rights era: does the ending of discrimination of a group of persons actually discriminate against another group of persons, and is that fair or even right? Gavora certainly gives the reader pause and encourages us to look at people as individuals with unique talents, abilities and skills rather than sharply defined categories and

*. Reproduced with permission from Volume 13, Number 2 of the *Journal of Legal Aspects of Sport*, pages 181-184 (Spring/Summer 2003).