AN ANALYSIS OF TITLE IX COMPLIANCE IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

by

CAROLINE COURSEY

A Dissertation Submitted to the Faculty in the Educational Leadership Program of Tift College of Education at Mercer University in Partial Fulfillment of the Requirements for the Degree

DOCTOR OF PHILOSOPHY

Atlanta, Georgia

2019
AN ANALYSIS OF TITLE IX COMPLIANCE IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

by

CAROLINE COURSEY

Approved:

Kevin Jenkins, Ed.D.
Dissertation Committee Chair

Joseph Ballon, Ph.D.
Dissertation Committee Member

Olivia Boggs, Ph.D.
Dissertation Committee Member

Jane West, Ed.D.
Director of Doctoral Studies, Tift College of Education

Kevin Jenkins, Ed.D.
Chair, Educational Leadership

Keith E. Howard, Ph.D.
Interim Dean of Graduate Studies

28 Mar 19

28 Mar 19

3/28/2019

3-28-19

28 Mar 19

03/29/2019
ACKNOWLEDGEMENTS

Thank you to my committee members for your support and guidance throughout the progression of this study: Dr. Kevin Jenkins (chair), Dr. Joseph Balloun, and Dr. Olivia Boggs. I also appreciate the love and support of my entire family during this academic journey.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>v</td>
</tr>
<tr>
<td>LIST OF FIGURES</td>
<td>viii</td>
</tr>
<tr>
<td>ABSTRACT</td>
<td>ix</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
</tr>
<tr>
<td>1. INTRODUCTION TO STUDY</td>
<td>1</td>
</tr>
<tr>
<td>Problem Statement</td>
<td>2</td>
</tr>
<tr>
<td>Purpose of the Study</td>
<td>3</td>
</tr>
<tr>
<td>Theoretical Framework</td>
<td>4</td>
</tr>
<tr>
<td>Research Design</td>
<td>5</td>
</tr>
<tr>
<td>Research Questions</td>
<td>5</td>
</tr>
<tr>
<td>Significance of the Study</td>
<td>5</td>
</tr>
<tr>
<td>Limitations and Delimitations</td>
<td>6</td>
</tr>
<tr>
<td>Definition of Terms</td>
<td>7</td>
</tr>
<tr>
<td>Summary</td>
<td>8</td>
</tr>
<tr>
<td>2. REVIEW OF RELEVANT LITERATURE</td>
<td>9</td>
</tr>
<tr>
<td>Title IX</td>
<td>9</td>
</tr>
<tr>
<td>Historically Black Colleges and Universities</td>
<td>18</td>
</tr>
<tr>
<td>3. METHODOLOGY</td>
<td>38</td>
</tr>
<tr>
<td>Research Questions</td>
<td>39</td>
</tr>
<tr>
<td>Research Design</td>
<td>40</td>
</tr>
<tr>
<td>Population</td>
<td>40</td>
</tr>
<tr>
<td>Sample</td>
<td>41</td>
</tr>
<tr>
<td>Data</td>
<td>41</td>
</tr>
<tr>
<td>Subjectivity Statement</td>
<td>41</td>
</tr>
<tr>
<td>Instrumentation</td>
<td>42</td>
</tr>
<tr>
<td>Data Collection</td>
<td>42</td>
</tr>
<tr>
<td>IRB Approval</td>
<td>43</td>
</tr>
<tr>
<td>Data Analysis</td>
<td>43</td>
</tr>
<tr>
<td>Reporting Results</td>
<td>44</td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS (Continued)

<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary</td>
<td>44</td>
</tr>
<tr>
<td>4. RESULTS</td>
<td>46</td>
</tr>
<tr>
<td>Research Questions</td>
<td>46</td>
</tr>
<tr>
<td>Findings</td>
<td>47</td>
</tr>
<tr>
<td>Summary</td>
<td>52</td>
</tr>
<tr>
<td>5. DISCUSSION, CONCLUSIONS, AND RECOMMENDATIONS</td>
<td>53</td>
</tr>
<tr>
<td>Summary of Findings</td>
<td>53</td>
</tr>
<tr>
<td>Conclusions and Implications</td>
<td>55</td>
</tr>
<tr>
<td>Suggestions for Future Research</td>
<td>55</td>
</tr>
<tr>
<td>REFERENCES</td>
<td>58</td>
</tr>
<tr>
<td>APPENDIX</td>
<td></td>
</tr>
<tr>
<td>A. LIST OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES SAMPLES</td>
<td>67</td>
</tr>
</tbody>
</table>
LIST OF FIGURES

Figure 1. Female proportionality gap in HBCU sample................................. 48

Figure 2. Enrollment in HBCU sample........................................................... 48

Figure 3. Female undergraduate enrollment in HBCU sample from 2003-2016. ............... 49

Figure 4. Proportion of female student enrollment out of total enrollment across HBCU sample from 2003-2016. ........................................................................................................ 49

Figure 5. Percentage of female students at HBCU sample (A-L) in 2017. ...................... 50

Figure 6. Percentage of female students in HBCU sample (M-Z) in 2017..................... 51

Figure 7. Average endowment for HBCU sample from 2003-2016............................. 51
ABSTRACT

CAROLINE COURSEY
AN ANALYSIS OF TITLE IX COMPLIANCE IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES
Under the direction of J. KEVIN JENKINS, Ed.D.

Historically black colleges and universities (HBCUs) generally have majority female student populations, yet some studies have concluded that HBCUs have poorer compliance with Title IX when compared with predominantly white institutions (Ruckman & Bridges, 2014; Anderson et al, 2006). Therefore, this study analyzed Title IX compliance in a group of HBCUs in 2003, 2010, and 2016 to determine trends in compliance by computing a proportionality gap percentage for each selected year. A quantitative research design was utilized, and enrollment data was analyzed via an ANOVA method to determine if statistically significant changes in enrollment occurred at the 2003, 2010, and 2016 years. The enrollment data was compared to the proportionality gap percentages for 2003, 2010, and 2016 via Pearson correlation to determine if a relationship exists between enrollment and compliance. Lastly, endowment data was analyzed for a subset of institutions to determine if any relationship exists between endowment size and compliance with Title IX.
CHAPTER 1

INTRODUCTION TO STUDY

Historically black colleges and universities (HBCUs) were created to provide educational opportunities for black Americans at a time when other opportunities were not available (U.S. Department of Education, 1991). As stated by President George Bush, "At a time when many schools barred their doors to black Americans, these colleges offered the best, and often the only, opportunity for a higher education" (U.S. Department of Education, 1991). While most of these barriers are removed, HBCUs have continued to play an important part in higher education for black Americans (U.S. Department of Education, 1991). However, as Ruckman and Bridges posit, one area where HBCUs need improvement is compliance with the law prohibiting sex discrimination in higher education (2014).

The law prohibiting sex discrimination in higher education can be found in Title IX of the 1972 Educational Amendments, which provides that "[n]o 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" (Title IX, 1972). To encourage compliance, the law provides that universities that do not comply with Title IX risk losing federal funding, which would result in students being unable to utilize federal resources such as federal student loans to attend these institutions (Title IX, 1972). To examine this phenomenon,
and to determine if compliance with Title IX in HBCUs is heading in a positive direction, this study analyzed HBCU compliance with Title IX over the years 2003-2016. Compliance with Title IX is measured by a proportionality gap analysis (Anderson, Cheslack, & Ehrenberg, 2006). The proportionality gap is calculated by comparing the difference between the percentage of female athletes, whereas athletics comprises those females participating in an athletic program, and the percentage of female students at the university (Anderson et al., 2006). The literature posits that a proportionality gap of 3-5% is acceptable to be compliant with Title IX (Anderson et al., 2006). Thus, this study analyzed the evolution of the proportionality gap of HBCUs to determine if it exceeds the acceptable 3-5% range over the years 2003 to 2016. The data for athletic participation and total female enrollment was compiled to compute the proportionality gap percentages for the same sample of HBCUs studied in Ruckman and Bridges (2014) for 2003. This study then analyzed trends in the proportionality gap and enrollment to determine if significant changes have occurred, then computed a Pearson correlation coefficient for proportionality gap and enrollment.

Problem Statement

Despite the existence of Title IX, which aims to prohibit sex discrimination in higher education, many universities are still not in full compliance with the law (Ruckman & Bridges, 2014). In particular, when analyzing compliance with Title IX via a proportionality gap analysis, HBCU compliance with Title IX is worse than non-HBCU compliance (Ruckman & Bridges, 2014). The impact of noncompliance is evidenced by a 2008 study conducted by the College Sports Council, which found that 61% of the
students enrolled in the nation’s HBCUs are female (College Sports Council, 2008). Athletic compliance with Title IX requires compliance with the substantial proportionality test, which does not involve an inquiry into student interest levels, but instead, requires that athletic opportunities for each sex should be substantially proportional to the percentage of the student body makeup for that sex (Office of Civil Rights, OCR, 1979; Ruckman & Bridges, 2014). However, the College Sports Council report found that only two of 75 HBCUs met this standard (College Sports Council, 2008) which means that the majority of the female students at HBCUs are not participating in sports at the same rate as men, as determined by the substantial proportionality test.

Purpose of the Study

The purpose of this study was to determine if HBCU compliance with Title IX has improved since 2003 and to examine potential variables that may provide insight into any movement: upwards, or downwards, with respect to Title IX compliance. The two variables selected for this study were enrollment and endowment information, as both would relate to financial health of the institution. Enrollment numbers translate into tuition numbers, and endowments represent the assets invested by the college or university to support educational goals into the future (American Council on Education, 2014). This study provides a useful reference point for those HBCUs that are trending downward with respect to their proportionality gap percentages to reassess their efforts toward Title IX compliance and hopefully use the information to redirect efforts to achieve higher compliance.
The suspected reason for noncompliance is financial issues, as the financial health of HBCUs has declined since their inception including their endowments. As mentioned above, endowments represent the amount dedicated by the university for future educational goals, and thus, are tantamount to money in a long-term savings account for an individual (American Council on Education, 2014). Of the 101 total HBCUs, only three have endowments over $250-million: Howard ($685-million), Spelman ($366-million) and Hampton ($279-million). The other 97% of HBCUs struggle with finances and endowments, including some endowment levels as low as $300,000.00 USD. However, when universities do not comply with Title IX, they risk losing Title IX funding, along with potentially losing other sources of federal funds. Therefore, achieving and monitoring compliance with Title IX is important in the interest of providing equal opportunities to all students regardless of sex at these institutions.

Theoretical Framework

This study applied intersectionality theory as the theoretical framework. Intersectionality theory contends that lives and choices are best understood as result of our social location (Manuel, 2006). Using intersectionality theory as a lens to view the research problem, the findings of this study suggest that HBCU compliance with Title IX at the same level as a non-HBCU is complicated by other factors plaguing historically black institutions, such as enrollment declines and deteriorating financial health. Therefore, the intersection of these other issues prevents HBCUs from having the same amount of resources to devote to Title IX compliance as non-HBCUs.
Research Design

A quantitative research design was used for this study. Specifically, the study calculated the proportionality gap for men and women in the HBCU sample over the years 2003-2016 and computed an analysis of variance at points 2003, 2010, and 2016 to determine if the changes in the proportionality gap percentage over those years are statistically significant. An analysis of variance procedure was computed for enrollment changes at points 2003, 2010, and 2016. Finally, a Pearson correlation coefficient was computed to extract the strength of the relationship between enrollment and proportionality gap percentages. Regarding enrollment, a smaller subset of HBCUs were analyzed via descriptive statistics which revealed two outliers.

Research Questions

1. Has the proportionality gap with respect to Title IX compliance involving athletes improved in HBCUs from 2003 to 2016?

2. Has undergraduate student enrollment improved in HBCUs from 2003 to 2016?

3. Is there a statistically significant relationship between enrollment and proportionality gap percentages during the years 2003-2016?

Significance of the Study

This study adds current data to the literature regarding Title IX compliance among HBCUs, which will assist those universities in assessing what needs to be done to abide by the law. Further, this study analyzed enrollment and proportionality gap percentages over the 2003-2016 time period to determine trends and statistical significance of those trends. Finally, this study analyzed endowment health via descriptive statistics and
computed Pearson correlations between enrollment and proportionality gap percentages. Determining why the overwhelming majority of HCBUs are not complying with Title IX has a direct effect on the futures of students attending these institutions. Thus, by determining the current state of compliance, this study may offer possible explanations into why the majority of HBCUs are not complying with Title IX.

Limitations and Delimitations

A delimitation of the study is that, because the study utilizes a quantitative approach, qualitative factors that might help to explain noncompliance with Title IX were not considered or revealed. Another delimitation of the study is that the time span examined in this study is restricted to the years 2003 to 2016. Thus, any trends or factors involved prior to 2003, including the years closest to the passage of Title IX in 1972, will not be included in this study.

A further delimitation of the study is the decision to only study enrollment and endowment health to search for possible explanations for failure to comply with Title IX. Therefore, any other possibly explanatory variables will not be considered. This study focuses on two quantitative variables, enrollment and endowment size, when analyzing factors associated with noncompliance with Title IX. However, many other variables are present at HBCUs, and academic institutions in general, that are omitted from study due to data availability or desire to maintain a focused scope of analysis.

Finally, some of the increase in female participation at any institution of higher learning, including HBCUs, may be the result of changed attitudes towards women since the women's movement, and therefore, not a result of Title IX (Kane, 1988). For
example, public perception of women in sports and associated attitudes towards women has changed since the 1970's, and as a result, more women are attending college and universities (Kane, 1988). As a result of increased female attendance, female participation in athletics has increased as a result of such enrollment increases (Kane, 1988). This study does not consider any effect that changed attitudes towards women may have on HBCU compliance with Title IX, and thus, any analysis of such effect would be a possible area for further study.

Definition of Terms

HBCU means “historically black college and university” and comprises academic institutions that were created before 1964 to provide opportunities for learning specifically for black Americans (U.S. Department of Education, 1991).

“Proportionality gap” means the percentage gap between the number of students of a specific sex and the number of athletes of that same sex at a higher education institution (Ruckman & Bridges, 2014).

“Substantial proportionality” means the “institutional figure that approaches true proportionality” (Ruckman & Bridges, 2014, p. 7-8). Thus, if a student body comprises 60% female and 40% male students, athletic participation should include roughly 60% female athletes and 40% male athletes.

“Title IX” means the federal law which was passed in 1972 to provide equal opportunities to students at higher education institutions in the United States. The law can be found in Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. §§ 1681–1688, and was included in a set of amendments providing other
regulations to higher education. The set of amendments are referred to as the
“Educational Amendments of 1972.”

Summary

HBCUs have played an important part in history by providing educational
opportunities to black Americans when other opportunities were not available (U.S.
Department of Education, 1991). However, one study has shown that the majority of
HBCUs are not compliant with the laws prohibiting sex discrimination (Ruckman &
Bridges, 2014). This study provides more recent analysis regarding HBCU compliance
with Title IX, which is the federal law that prohibits sex discrimination in higher
education (OCR, 1979). By analyzing the proportionality gap for HBCUs for the years
2003 through 2016, this study will determine if improvement has occurred during that
time period with respect to HBCU compliance with Title IX. In addition, this study will
examine enrollment and endowment trends over the same time period to determine if a
possible relationship exists between enrollment, endowment health, and Title IX
compliance in HBCUs.
CHAPTER 2

REVIEW OF RELEVANT LITERATURE

The literature review begins with a discussion of Title IX and HBCUs generally, including a discussion of problems plaguing HBCUs. The review will then discuss the details involved with compliance with Title IX and will provide literature-based insight into the three-prong test. Intersectionality theory will also be discussed, which is used by this study to as a theoretical framework to possibly identify potential reasons for noncompliance in Chapter 5.

Title IX

Title IX was enacted to assure all citizens equal rights to any federally funded education program (Ruckman & Bridges, 2014). Specifically, Title IX provides: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal financial assistance” (Title IX, 1972). However, even 45 years after the enactment of Title IX, the majority of colleges and universities are still not in compliance with the law’s requirements (Bendici, 2016). The universities that have been found to be noncompliant have included even the most prestigious of universities such as Harvard and Princeton (Lave, 2016). The estimated reasons for noncompliance are many, including an overall complex legal landscape worsened by a perceived lack of guidance from the government regarding what exactly is needed to comply with the law (Bendici, 2016). Regardless of the reasons, by not complying with Title IX, these
colleges and universities are not providing the same opportunities to women as are provided to men according to the mechanisms used to assess proportionality which will be discussed in greater detail later in this dissertation (Theune, 2016).

The Title IX statute is located within the complex web of laws that comprise the U.S. Code, and specifically, at 20 U.S.C. Sect. 1681. The regulations implementing Title IX are located in the Code of Federal Regulations (C.F.R.), and specifically, Chapter 34 of the C.F.R. (34 Code of Federal Regulations) Part 106. Basically, the ingredients for ensuring equal access to academic opportunities in higher education institutions are provided in the U.S. Code, and the recipe guiding colleges and universities regarding regulations that should be followed to comply with Title IX are provided in the Code of Federal Regulations.

Just providing the laws, and the regulations for guiding colleges and universities towards compliance with Title IX is useless without an entity to enforce those laws. Thus, the responsibility for ensuring colleges and universities comply with Title IX is vested in the Office of Civil Rights of the U.S. Department of Education (Peterson & Ortiz, 2016). To assist with institutions of higher learning to obtain or improve compliance with Title IX, the OCR occasionally releases specific guidance written in terms that are more understandable and practical than the U.S. Code or C.F.R. language (Ellman-Golan, 2017). For example, in 2015, OCR released a “Dear Colleague” letter emphasizing the urgency of school districts, colleges, and universities in hiring a Title IX coordinator (U.S. Department of Education, 2015).
Despite the fact that the majority of colleges and universities are not in compliance with Title IX, scholars maintain that Title IX has still furthered the cause of prohibiting sex discrimination (Acosta & Carpenter, 2014). For example, before Title IX was enacted, it was not uncommon for women to be denied admission to college based on their sex (Acosta & Carpenter, 2014; Chadband, 2012). Also, enforcement of Title IX has caused primary schools to cease assigning students to particular classes based on their sex (Chadband, 2012). For example, before Title IX, female students in primary school were often assigned “Home Economics” while male students were assigned “Shop” to learn metal-working skills (Chadband, 2012). Title IX prohibits such decision making by school administrators, and thus, students are free to choose registration in classes regardless of their sex (Chadband, 2012).

In addition to the above, despite widespread noncompliance with the law, opportunities for women in sports have increased after the passage of Title IX (Acosta & Carpenter, 2014). While undoubtedly the main purpose of colleges and universities comprises education, athletics is embedded within academic curriculums for its valuable opportunities to learn sportsmanship, perseverance, and teamwork (Lu & De Lisio, 2009). The presence of athletics has been debated by scholars, with some argument that athletics is a distraction and misplaced within traditional academic studies (Christensen & Eyring, 2011). However, the fact remains that athletics, even as early as kindergarten and preschool, are embedded within academic curriculums (Christensen & Eyring, 2011). Thus, as a component of a balanced educational experience, students are afforded the opportunity to play sports in colleges and universities and Title IX would govern those
opportunities to prevent sexual discrimination in athletic programs (Lu & De Lisio, 2009).

Title IX has greatly assisted in increasing the balance between female and male participation in colleges and universities, which has typically been male dominated (Acosta & Carpenter, 2014). As Acosta and Carpenter discovered in their study, “[i]n 1970, prior to the enactment of Title IX, there were only 2.5 women’s teams per school and only about 16,000 total female intercollegiate athletes” (2012, p. 1). In 2014, Acosta and Carpenter noted that there was an average of 8.7 female teams per school and approximately 200,000 female intercollegiate athletes (Acosta & Carpenter, 2014). While this increase could be explained by the simultaneous increase in women’s enrollment in higher education that also occurred during that time frame as a result of the women’s movement, scholars posit that Title IX bolstered the increase in women’s sports beyond what would have occurred without the law being in place (Acosta & Carpenter, 2014).

Despite the perception that one may obtain from the various news stories that are reported about Title IX, Title IX does not just apply to athletics (Beavers and Halabi, 2017). Instead, Title IX has broad applicability to all areas of higher education (Beavers and Halabi, 2017). For example and as briefly mentioned in the discussion of OCR’s 2011 “Dear Colleague Letter,” Title IX has been held to apply to providing equal access to higher education for sexual assault victims (Bolger, 2016; Peterson & Ortiz, 2016; Beavers & Halabi, 2017). One may wonder- how would a victim of sexual assault be denied the same opportunities as their counterparts? The applicability addresses the
remedial measures used to rehabilitate and counsel these victims so that they may obtain
the same focus and attention in their classes as non-victims. Furthermore, victims of
sexual assault often incur various costs as a result of the crime including counseling and
legal costs, and therefore, these costs represent a barrier to higher education access in
violation of Title IX (Bolger, 2016). To worsen the situation, many victims receive little
to no assistance from their universities after such assaults (Peterson & Ortiz, 2016).
Therefore, to seek redress, many sexual assault victims file Title IX complaints with the
OCR in the Department of Education (Peterson & Ortiz, 2016). However, these
complaints often face long waiting periods, i.e., several years, before they are resolved
due to the manner in which OCR investigates these complaints (Peterson & Ortiz, 2016).
Improper handling of these complaints has resulted in numerous protests at universities
across the nation (Leon, 2016). While making sure that universities properly handle
these complaints in a manner which satisfies Title IX is ongoing, these sexual assault
complaints being handled under Title IX are examples of the broad applicability of Title
IX to higher education (Leon, 2016).

Any individual attending an academic institution may file a complaint with OCR
relating to an alleged Title IX violation at their academic institution (Beavers & Halabi,
2017). Upon receiving complaints, OCR investigates the institution to determine the
facts and circumstances surrounding the incident (Beavers & Halabi, 2017). The OCR
office includes a number of investigators similar to a police department who gather
information, conduct interviews, and review documentation to determine the details
regarding the claim (Beavers & Halabi, 2017). If OCR finds that a Title IX violation has
occurred, the institution may be provided an opportunity to rehabilitate the situation by performing one or more prescribed actions by OCR (Beavers & Halabi, 2017).

If OCR finds that repeated violations occur despite attempts to rehabilitate the institution, the institution may lose its right to receive financial aid under Title IV (Beavers & Halabi, 2017). By losing the rights to receive funds under Title IV, students are not able to utilize federal grants or student loans to finance their education at that institution (Beavers & Halabi, 2017). Because the majority of students entering college finance their education or utilize financial aid provided under Title V, such a change would likely sound a death knell for the affected institution (Beavers & Halabi, 2017).

To further illustrate the breadth of Title IX and its applicability, Title IX has been applied to bullying issues in higher education. For example, a study performed by Dieterich, Snyder, and Villani analyzed bullying issues affecting students with disabilities in higher education (2015). Like the issues discussed above with sexual assault victims, bullying victims may incur costs relating to bullying incidents, such as psychological assistance costs, that serve as a barrier to higher education (Dieterich et al., 2015). As discussed in the study by Dieterich and colleagues, bullying victims have multiple laws that they may turn to when bringing legal action against an educational institution for failure to prevent or address bullying (Dieterich et al., 2015). One of those laws is Title IX, along with Section 1983 of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Individuals with Disabilities Education Improvement Act (Dieterich et al., 2015).
While Title IX has received praise for opening doors for women in athletics and serving as a legal sword for those suffering in other areas such as sexual assault and bullying, Title IX has not been without criticism (Bolger, 2016). For example, one criticism of the law is that it operates to provide less opportunities for men (Sommers, 2006). Based on court decisions, many schools believe that proportionality is the safest way to ensure that the institution complies with Title IX, even if proportionality means eliminating opportunities for men (Langton, 2009). Thus, as a result, many schools have eliminated certain men’s teams to achieve proportionality, and lawsuits challenging these eliminations have proved largely unsuccessful (Langton, 2009). This elimination of men’s sport teams to achieve proportionality with Title IX is commonly discussed as a criticism of the law, but such actions are probably not necessary in the situations given the flexibility of the three-prong test that will be discussed later in this dissertation (Sommers, 2006).

Another criticism of Title IX is that Title IX disputes should be heard by a courtroom rather than a university (Swan, 2016). As discussed by the U.S. Supreme Court in Davis v. Monroe, Title IX includes an implied private right of action that allows victims to file complaints and pursue justice (Jenkins, 2000). However, with sexual assault in particular, it is important to note that there are several facets to any wrongdoing under the law (Swan, 2016). For example, with sexual assault, there is a criminal component to the assault as a violation of criminal laws, but there is also a civil rights component involved due to the denial of the victim of these sexual assaults to the same access to higher education when compared to their peers (Swan, 2016). Thus, while a
criminal hearing may be involved outside of the higher education system for the violation of criminal laws, the university is an appropriate venue to hear the civil rights portion of these disputes as a violation of the right to equal access to higher education as afforded under the Higher Education Act of 1965 (Swan, 2016). As an example, while O.J. Simpson was acquitted of criminal charges in the criminal case, a civil complaint was brought by the family of the victims which resulted in a verdict against O.J. Thus, two venues and two adjudicating bodies are also used in such situations to administer and provide justice to victims of crime (Abadinsky, 1998).

Arguments against universities hearing these disputes also point to the fact that these institutions do not have the sufficient infrastructure to ensure that these disputes are heard properly while affording constitutional rights to both parties (Swan, 2016). Those who argue for the universities hearing these disputes point out that these disputes are inherently civil rights disputes integral to the institution, and therefore, rightfully fall within the purview of the institution to hear and decide (Swan, 2016). However, courts are highly complex and obviously specialize in adjudicating cases, with clear appeal process and judges elected by the public (Swan, 2016). The fact that the university is an academic institution that specializes in education rather than the justice system, and does not include judges elected by the public, provides room for criticism for schools hearing such claims by their students (Swan, 2016).

Another criticism is that compliance with Title IX is costly and hence difficult for smaller universities to follow and interpret (Pappas, 2016). For example, the law requires that universities organize and maintain Ombuds offices that follow the International
Ombudsman Association (IOA) standards of practice (Pappas, 2016). Furthermore, the addition of women’s athletic teams to achieve or strive towards proportionality, which may or may not be necessary given the flexibility of the three pronged test discussed later in this dissertation, is also expensive for universities (Langton, 2009). Also, as recommended by a Dear Colleague Letter, the Department of Education suggests that universities hire a Title IX coordinator to oversee and manage the university’s Title IX activities, which also requires additional funding and resources (U.S. Department of Education, 2015).

Despite its criticisms, however, some scholars assert that Title IX has advanced the interests of women in higher education as it was intended to do (Theune, 2016). To illustrate the effect of the law, in 1971, which is the year before Title IX was passed, fewer than 30,000 girls competed in college athletics (NCAA, 2018). The effect of Title IX combined with the women’s movement in general in the 1970s can be observed in comparing the number of female athletes in 2012-2013, when more than 200,000 young women played NCAA sports. The difference between 30,000 female athletes in 1971 to more than 200,000 playing sports in 2012-2013 represents a 700% increase since the passage of Title IX. When considering this large increase, the overall increase in women’s participation in higher education over the same time period should also be taken into account (Bishop, 1992). Regardless, Title IX has served women well since its passage but work remains to be done regarding compliance, specifically in HBCUs as will be discussed below (Theune, 2016).
Historically Black Colleges and Universities

As mentioned earlier, HBCU stands for “Historically Black College and University” (Higher Education Act of 1965). The definition of HBCU is provided in the Higher Education Act of 1965 as amended, which provides: “any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary [of Education] to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation” (Higher Education Act of 1965). HBCUs educate more than 60,000 students each year and have produced more than 445,000 graduates (United Negro College Fund, 2017).

Even after the passage of the Civil Rights Act, and the inclusion of black students in traditionally white universities, HBCUs have played an important role in providing a safe, welcoming environment for all students of color (Abdul-Alim, 2016; Toldson, 2016). For example, while Harvard has long been open to black students, black students attending Harvard instead of HBCUs have complained of being subjected to a hostile environment (Abdul-Alim, 2016). Furthermore, black students perceived the marketing and reputation of the school as catering to a white upper-class student population rather than a diverse student population including students of different colors and backgrounds (Abdul-Alim, 2016). For these reasons, black students have not fully integrated into these predominantly white institutions (Abdul-Alim, 2016).
As a result, a social media campaign emerged entitled #iamtooharvard to dispel the image of these institutions only having white student bodies and opening the dialogue about stereotypes of students at these institutions (Abdul-Alim, 2016). This campaign involved students posting photos of themselves on campus and in other school-related environments showing their identity as members of different races and cultures (Abdul-Alim, 2016). The effects of this movement would be difficult to measure and could be the basis for further study (Abdul-Alim, 2016).

In contrast to the difficult environment provided by predominantly white institutions ("PWIs") for black students described above, HBCUs provide a welcoming environment with strong feelings of solidarity within their student bodies (Jackson & Jackson, 2016; Tatiani-Smith et al., 2013). “It’s like being part of an unofficial sorority or fraternity: we understand that there are shared experiences and shared values that connect us, simply because we spent time on an HBCU campus. Hashtag ‘#hbculove’ appears on social media regularly in support of posts by fellow HBCU graduates” (Jackson and Jackson, 2016, p. 154). At HBCUs, students of color feel supported not only by the faculty but also by their peers, as many of the students at HBCUs share similar backgrounds (Gordon, 2012).

Providing a nurturing environment that provides peer-to-peer support is critical to ensuring success of black students at HBCUs (Goings, 2016, Tatiani-Smith et al., 2013). Thus, HBCUs, by providing an inclusive community welcoming to students of color, helps provide their students with a better chance of success than would be available at a PWI institution which does not include as many peers from the same background.
(Goings, 2016, Tatiani-Smith et al., 2013). Goings posits that this peer network for black students aids in the college experience of these students by providing academic role models within the group, and also, providing pooled resources for studying and exam preparation (Goings, 2016). Further, the support available for students at HBCUs serves to aid in the persistence of first-generation students, which are students who come from families with no previous post-secondary education (Shorette & Palmer, 2015; Conley & Hamlin, 2009; Pascarella, Pierson, Wolniak, Terenzini, 2004). First generation students often struggle with adapting to college life, and thus, the welcoming environment of HBCUs would serve these students well and assist in their academic experience (Longmire-Avital & Miller-Dyce, 2012; Tatiani-Smith et al., 2013). Thus, HBCUs serve another important purpose of providing an environment such that these students have peers to turn to for support and resources as they pursue their academic endeavors (Goings, 2016).

The nurturing environment provided by HBCUs has also assisted the unique needs of LGBT students (Mobley & Johnson, 2015). Similar to first generation students, LGBT students face special but different challenges such as finding the courage to “walk in their own truth” and “embrace their authentic selves” (Mobley & Johnson, 2015, p. 79). Because HBCUs have been recognized within higher education for their ability to engage students from a multitude of varied backgrounds, HBCUs serve an important purpose in providing an environment for LGBT students to flourish and further their academic pursuits (Mobley & Johnson, 2015; Tatiani-Smith, et al., 2013). Williams posits that HBCUs are also more likely to provide academic studies and classes regarding
LGBTQ issues (Williams, 2013). The methods and practices utilized by HBCUs to provide such a welcoming environment for students from varied backgrounds may serve as a helpful tool for study by other institutions striving to increase diversity (Gasman & Nguyen, 2015).

HBCUs also serve an important corporate purpose by providing a solid source of diverse candidates for employers looking to increase diversity (Abdul-Alim, 2016). According to a 2015 survey, 93.2% of mega employers such as 3M Co, Bank of America, and ExxonMobil Corporation turn to HBCUs when recruiting diverse candidates. HBCU participation in providing these diverse candidates vastly outnumbers the same level of participation from Hispanic-serving institutions, tribal colleges, and women’s colleges (Abdul-Alim, 2016). In fact, mega-employers turned to HBCUs more than all the previously mentioned institutions combined (Abdul-Alim, 2016).

Beyond black students, the reality is that HBCUs are appealing to a variety of students due to their nurturing environment (Patterson, Dunston, & Daniels, 2013). In fact, in the past 20 years, HBCUs have seen a 64% increase in the enrollment of non-black students (Patterson, Dunston, & Daniels, 2013). One study posits that an HBCU for a non-black student offers a rich cultural education in addition to academic learning, which provides graduates who are positioned to proactively serve social issues in the world regarding racism in a more empowered manner (Greenfield, Innouvong, Aglugub, & Yusuf, 2015). Furthermore, establishing a peer network of students and professors with different backgrounds will add to students’ understanding of the world we live in
and the challenges faced by those in different cultures and socioeconomic statuses (Greenfield et al., 2015).

HBCU served an important role in the women’s movement because HBCUs have long provided scholarships for black women in collegiate athletics, which is an underserved population present in academia generally (Theune, 2016). In fact, HBCUs provided scholarships to black females even before the passage of Title IX in 1972 (Theune, 2016). In a population where finances are often an impediment to college enrollment and persistence to graduation, these scholarships have helped black females obtain college educations and create better lives for themselves (Theune, 2016). For example, at Tennessee State, the “Tigerbelles” track and field team obtained support from work study packages organized by the reigning athletic coach, Coach Edward Temple during a time when the federal government did not provide financial support to any students regardless of color (Theune, 2016). These students that received these scholarships from Coach Edward Temple were often from poor rural areas and would not have been able to afford a college education otherwise (Theune, 2016). Thanks to the opportunities provided by their athletic participation, these black female athletes went on to obtain various college degrees (Theune, 2016). In fact, of the 40 Tigerbelles, 39 graduated from college, 28 earned master’s degrees, and 14 obtained either a M.D. or Ph.D. (Woolum, 1998).

In addition to providing a welcoming environment for academic opportunities for nation’s diverse pool of students, another important role being served by HBCUs in our nation’s workforce is the education of students in STEM fields (Abdul-Alim, 2016). Our
country does not have enough workers skilled in the areas of mathematics, technology, engineering, or mathematics to meet the current job demand, and thus, many employers must resort to hiring or outsourcing these jobs to companies overseas to populate these positions (Greenfield et al., 2015). According to Professor Marybeth Gasman, a professor of higher education at the Graduate School of Education at the University of Pennsylvania, HBCUs “are particularly good in the area of STEM” (Abdul-Alim, 2016, p. 34). Specifically, HBCUs are among the top producers of black Ph.D. recipients in the science and mathematics fields (Toldson, 2016), and produce 31% of African American STEM graduates (Camera, 2017). Jett posits that HBCUs provide supportive structures, mechanisms, and mentors for African-American males studying mathematics that cannot be found in other institutions such as PWIs (Jett, 2013). With our nation facing a shortage of STEM-qualified workers, this role of HBCUs in providing STEM-educated graduates is instrumental in addressing the STEM worker shortage (Greenfield et al., 2015). Furthermore, HBCUs could serve as a model for PWIs in their instructional methods to ensure that STEM students at PWIs can succeed and graduate with STEM degrees in order to add skilled workers to the technological workforce (Greenfield et al., 2015).

Generally, in addition to producing STEM graduates, HBCUs have produced graduates that have gone on to succeed in various career fields and as a result, rise from lower class beginnings to a middle-class lifestyle (Anderson, 1988; Strayhorn, 2008). Some of this result is attributed to the fact that HBCU graduates are more likely to attend
graduate school than their peers attending PWI institutions to pursue post-baccalaureate (BA) and professional education (Wenglinsky, 1996).

However, while serving many important roles in our country, various issues are plaguing HCBUs, and have been for many years (Daniel, 2016; Patterson et al., 2013). For starters, HBCUs have suffered from enrollment decreases due to the fact that African Americans have more education opportunities available to them when compared to years past (National Center for Education Statistics, 2018; see also Daniel, 2016; Deming, Goldin, & Katz, 2016; Smith, 2018). While over 80% of African American college students attended HBCUs in the 1970s, by the year 2010, only 20% of African Americans were choosing HBCUs over other PWIs (Beasley, 2010). In a study focusing on the decision-making process of African-American students in choosing graduate schools, African-American students focused on the school reputation, proximity of the school to home or work, and availability of the specific academic program desired by the student (Strayhorn, Williams, Tillman-Kelly, & Suddeth, 2013). Thus, these African-American students were not examining the racial makeup or diversity percentages of the institutions when making their school selections (Strayhorn et al., 2013). Thus, while many HBCUs have graduate programs, HBCU undergraduate students are not including HBCU status as a factor when considering an institution to further their education as they prepare for graduate studies (Strayhorn et al., 2013).

Some of this enrollment phenomenon is worsened by the White-house led push against undermatching, which involves students attending colleges that are less challenging than more rigorous institutions that those same students are qualified to
attend (Abdul-Alim, 2016). In addition to attending schools that were previously not an option for African American students such as previously white institutions, many African-American students are also attending for-profit institutions which typically provide great flexibility in scheduling and modes of attendance (Deming et al., 2016). Thus, the increase in options and competition for HBCUs for these students have left many HBCUs with less than stellar enrollment numbers, and as a result, struggling to attract new students (Daniel, 2016; Deming et al., 2016; Smith, 2018).

In addition, HBCUs have suffered from below-average graduation rates when compared to FWIs (Abdul-Alim, 2016). These low rates may be attributed to the high percentage of female students attending HBCUs, which according to one study, suffer from lower graduation rates due to a myriad of factors including finances and family support (Farmer, Hilton, & Reneau, 2016). Without adequate support or financial resources to support their academic endeavors, many black female students withdraw or drop from the university after the first year. Therefore, due to the higher proportion of females at HBCUs, this phenomenon results in a major impact on the graduation rates for HBCUS (Farmer et al., 2016).

Further, once students graduate from HBCUs, the students do not command the same types of salaries as their counterparts graduating from non-HBCUs (Abdul-Alim, 2016). However, an explanation for the lower salaries has been suggested to be related to the location of the majority of HBCUs in the south or rural areas (Abdul-Alim, 2016). These areas have lower costs of living, and therefore, will result in lower salaries than more populated areas (Abdul-Alim, 2016). The possibility exists that many students in
these rural areas chose to stay in the area due to family or geographical preferences (Wexler, 2016). Regardless, the data representing lower starting salaries of graduates are available to students to consider when selecting a school to attend, and therefore, do not assist in making HBCUs a financially attractive option for college seekers (Abdul Alim, 2016).

HBCUs also have suffered financial problems, which can be expected from the enrollment decreases over the years and lower than typical salaries post-graduation which would affect alumni support (Abdul-Alim, 2016; Patterson et al., 2013). Endowments at HBCUs have declined in recent years, with only six out of 10 HBCU endowments outperforming the market in 2014, compared to nine out of 10 for historically white schools (HBCU Money, 2015). Also, HBCUs throughout history have received less funding from the federal government, foundations, and corporations when compared to non-HBCUs (Abdul-Alim, 2016). As a result of endowment performance and enrollment decreases, HBCUs are more vulnerable than non-HBCU institutions during times of economic distress such as the Great Recession (Patterson et al., 2013). To worsen matters during economic crises, HBCU enrollment plummets due to the fact that 90% of HBCU students are on financial aid, and thus, likely unwilling to take on student loan debt during such troubling economic times (Patterson et al., 2013).

Compounding the above-referenced problems encountered by HBCUs are typically poor ratings in college ranking systems (Jones, 2013). The U.S. News and World Report is a source for many members of academia, as well as prospective students, when assessing the quality and reputation of an institution of higher learning. However,
scholars have argued that the criteria used by U.S. News and World Report are inherently biased, and therefore, results in HBCUs receiving lower scores, and hence lower than deserved ratings, in the final calculations (Chang & Osborn, 2005; Jaschik, 2007; Kamara, 2007). Because HBCUs typically attract students who are less academically prepared than PWIs, lower ratings will inevitably follow from a comparison to PWIs (Lundy-Wagner, 2015).

The criteria used by U.S. News and World Report includes criteria that one may expect when assessing the quality of an institution, such as retention rates, faculty resources, student selectivity, financial resources, and alumni giving (Jones, 2013). However, one of the additional criteria used by U.S. News and World Report comprises the use of a peer-to-peer review process that allows the leaders of other colleges and universities to rate the reputation of other institutions in the academic community (Jones, 2013). This peer-to-peer rating has been argued to be discriminatory against HBCUs as PWIs who may not appreciate the values brought by HBCUs in the community may assign HBCUs a lower rating than deserved (Kamara, 2007). As previously mentioned, HBCUs serve a unique purpose in our society as institutions with a special focus for providing academic opportunities to students who may not pursue post-secondary education otherwise, amongst other purposes (Abdul-Alim, 2016; Toldson, 2016). Faculty at peer institutions may not take this special purpose into consideration when ranking HBCUs, and if only looking such statistics as graduation rates and starting salaries, may assign a lower ranking than deserved to HBCUs (Kamara, 2007; Abdul-Alim, 2016; Toldson, 2016). Furthermore, HBCUs arguably have not advocated for their
position in academia forcefully enough which would also affect such a peer to peer review system (Lundy-Wagner, 2015).

A challenge at HBCUs that may also contribute to lower than deserved ratings in ranking systems such as the U.S. News and World Report rankings are the special challenges placed on the faculty of HBCUs that are not expected of faculty at PWI institutions (Herbert, 2012). For example, faculty at HBCUs have struggled with teaching English to their students via traditional methods (Spencer-Maor & Randolph, 2016). Because of their backgrounds and challenges associated with poor socioeconomic backgrounds, many students attending HBCUs are lacking skills needed to excel in English writing and reading skills (Spencer-Maor & Randolph, 2016). While PWIs are utilizing innovative means for instruction, the faculty at HBCUs are still “clinging desperately to the patriarchal and hierarchical skill development and deficiency model of writing pedagogy” in order to fill in gaps of knowledge that should have been filled at the middle school or high school levels (Spencer-Maor & Randolph, 2016, p. 179-180).

Somewhat related to the issue discussed above regarding instruction in English language skills that would have normally been obtained in the middle school or high school level, a challenge present at HBCUs is the additional stress on faculty in providing a higher level of social and moral support as a faculty member at such institutions (Herbert, 2012). Female professors are looked upon by their female students as role models and sources of inspiration as a black female working in the professional world, and male professors are important role models for many male students who may have grown up without a father or father-figure in their homes (Herbert, 2012). These
additional responsibilities are not accounted for in the college ranking system or when assessing the "value" of a HBCU education, and thus, HBCUs may not receive full credit for the value they contribute to our society in our traditional ranking systems such as U.S. News and World Report (Herbert, 2012).

Another problem present in HBCUs are criticisms that HBCUs operate as a segregated learning environment rather than an inclusive learning environment (Lee, 2015; Exkano, 2013; Gasman, 2009). However, Wei and Hendrix posit that these scholars are ignoring the hidden diversity of these institutions (2016). For example, the faculty of HBCUs often includes a substantial number of non-black professors (Wei & Hendrix, 2016). Further, Wei and Hendrix found that students at HBCUs were found to provide an equal amount of respect for both black and non-black professors, and the non-black professors felt equally welcome on the faculty in HBCUs (2016). This finding contrasts with the same finding at PWIs, wherein research has shown that black professors receive less respect from their students than non-black professors on PWI campuses (Wei & Hendrix, 2016). Thus, the criticism of segregation by HBCUs can be countered by the presence of non-black faculty and the respectful environment provided for faculty by HBCU students regardless of the color of the faculty, which cannot be said for PWI institutions (Wei & Hendrix, 2016).

Finally, but related to the aforementioned issues in HBCUs, another problem occurring with HBCUs is poor compliance with Title IX (Ruckman & Bridges, 2014) which is the focus of this study. Some of the explanation for noncompliance with Title IX could be a failure to understand or appreciate what exactly is needed to comply
(Curtis, 2017). While this problem also occurs, as previously discussed, at all institutions (PWIs as well as HBCUs), PWIs likely have more resources to dedicate to researching what is needed to comply versus HBCUs (Curtis, 2017). Recently, a large part of the focus on Title IX in recent years has been the application of Title IX to sexual assault cases (Curtis, 2017). As discussed in the literature, the inherent difficulty in these types of "he said/she said" cases lead many institutions struggling with how to handle such complaints. Thus, as a result, the institution fails to comply with Title IX because of a failure to understand or realize the remedial measures that must be undertaken to increase compliance (Curtis, 2017). Instead of application of Title IX to sexual assault cases or any of the other applications of Title IX previously discussed, this study focuses on the application of Title IX to athletics, and the opportunities presented to female students verses male students at HBCU institutions.

As previously mentioned, compliance with Title IX requires a number of infrastructure components to achieve compliance (Ryan, 2017). For example, Ryan posits that committees and systems are needed within the university’s structure to provide planning, mentorship, and advocacy to assist in providing compliance with any laws or regulations (2017). While the Ryan study focused on compliance with the laws regarding parenting and pregnant students, the same infrastructure would be helpful to an institution to comply with the demands of Title IX (Ryan, 2017). However, HBCUs typically have fewer resources, including financial resources, at their disposal when compared to their PWI counterparts (Strayhorn, Williams, Tillman-Kelly, Suddeth, 2013). Therefore, with fewer resources, HBCUs often have staff members serving more than 1 position or role
within the university, and hence, attention to Title IX compliance cannot be given the
time needed to ensure success or improvement (Strayhorn et al., 2013). In response,
some colleges including HBCUs have simply dropped some athletic programs altogether,
surmising that compliance with the law may be easier with the absence of programs
(Thomas, 2011)

As discussed in Chapter 5, intersectionality theory could provide a possible
explanation regarding why HBCUs have poorer compliance with Title IX than non-
HBCUs and provides the theoretical framework for this study. Intersectionality provides
a single axis for viewing social struggles, wherein the struggle seems rational when
considering the other variables in the environment (Cho, Crenshaw, & McCall, 2013).
As applied to this study and as discussed in greater detail in Chapter 5, intersectionality
theory could explain that HCBUs prioritize the prevention of sex discrimination in their
institutions in all areas including athletics, but instead, are having to redirect resources to
staying alive despite their ongoing enrollment and financial issues (Daniel, 2016). Thus,
the failure of HBCUs to comply with Title IX at the same rate and level as their non-
HBCU counterparts is rational when considering that these institutions are simply
fighting to stay alive (Daniel, 2016). The Daniel study discusses these issues in HBCUs
but explores the responsibility and effectiveness of communicating these issues beyond
academia to create a call to action (Daniel, 2016). In contrast, this study will statistically
analyze compliance to determine if compliance has improved, or not, over the time
period from 2003-2016.
Before analyzing the state of compliance of HBCUs with Title IX, it is important to further delve into exactly what is meant by the term “compliance.” Established in 1979 by the Department of Education in the “Intercollegiate Athletics Policy Interpretation,” an institution is determined to be compliant with Title IX based on the following three prongs: 1. The number of male and female athletes being substantially proportionate to their respective enrollments; 2. the institution has a history and continuing practice of expanding participation opportunities responsive to the developing interests and abilities of the underrepresented sex; or 3. the institution is fully and effectively accommodating the interests and abilities of the underrepresented sex (OCR, 1979). The aforementioned requirements are referred to as the “three prong test,” and an institution is held to be compliant if they satisfy any one of the aforementioned three prongs (U.S. Department of Education, 1996).

Substantial proportionality based on the first prong of the three prong test, and proportionality gap analysis which analyzes substantial proportionality, has emerged in the literature as an acceptable method for determining compliance with Title IX (Ruckman & Bridges, 2014). The proportionality gap refers to the “difference between the percentages of the gendered makeup of the student body and that of the student athlete participation opportunities within an institution’s athletic program” (Ruckman and Bridges, 2014, p. 7). Thus, practically, the difference between the percentage of the study body comprised of females, and the actual percentage of female participation in athletics, comprises the proportionality gap (Ruckman & Bridges, 2014, p. 7). In a
school system with two gender categories, male and female, the male proportionality gap number will always be the opposite of the female number.

"Substantial proportionality" means the "institutional figure that approaches true proportionality" (Ruckman & Bridges, 2014, p. 7-8). The literature has provided that an acceptable range for substantial proportionality is 3-5% (Anderson et al., 2006; Sigelman & Wahlbeck, 1999). Thus, proportionality gap analysis computes the proportionality gap for an institution by comparing the number of athletes of a specific sex with the number of students enrolled in that institution of the same sex, and then, determines if the proportionality gap is within the acceptable range of 3-5% (Ruckman & Bridges, 2014).

There have been a handful of previous studies that have researched Title IX compliance in an academic capacity, but no studies have exclusively focused on HBCUs since 2010. Rather, these studies have referenced the fact that HBCU compliance is poorer than non-HBCU compliance in the course of studying compliance in all institutions. For example, the study by Anderson and colleagues analyzed Title IX compliance in universities, but interestingly added a regression analysis to attempt to explain "why" these institutions were not compliant (Anderson et al., 2006). Anderson studied the years 1995/1996 and 2001/2002 and computed the proportionality gap for these institutions for those years. The study by Anderson and colleagues noted that the proportionality gap analysis results for HBCUs in their study were "interesting" (Anderson et al., 2006). Anderson and colleagues posited that the application of Title IX to athletics proves to be complicated because "athletic programs, unlike most academic classes, are usually sex-segregated by sport" (Anderson et al., 2006, p. 225).
The study by Anderson and colleagues, however, did not provide further explanation or inquiry into the level of compliance with HBCUs in particular.

Ruckman and Bridges (2012) is another study that analyzed Title IX compliance including HBCUs. The study analyzed changes in proportionality over time from 2003 to 2010 in all institutions (non-HBCU and HBCU) and focused on analyzing differences in the various types of divisions in the NCAA (Ruckman & Bridges, 2014, p. 8). The study also examined “interesting differences” in compliance between HBCUs and non-HBCUs (Ruckman & Bridges, 2014, p. 10). In the results, Ruckman and Bridges found some improvement in non-HBCUs over the 2003-2010 time period, with non-compliant institutions representing 76-83% of the sample in 2003 to about 71-77% of the sample in 2010 (Ruckman & Bridges, 2014). The mean proportionality gap for non-HBCUs was 12% in 2003, and then 11% in 2010, which represents 1% improvement (Ruckman & Bridges, 2014).

The Ruckman and Bridges study also analyzed 51 HCBUs in 2003, and 54 in 2010 (2014). The study found that 89-88% of the HBCUs in 2003, and 96% of the HBCUs in 2010, failed to meet the substantial proportionality test (Ruckman & Bridges, 2014). The mean proportionality gap for HBCUs was 17.4% in 2003, and 16.8% in 2010, which amounts to .6% improvement (Ruckman & Bridges, 2014). While the .6% improvement is not far from the 1% improvement in the proportionality gap for non-HBCUs, the study noted the larger percentage of non-compliance in HBCUs verses HBCUs which, in 2003 was 12% for non-HBCUs and 11% in 2010, compared to HBCUs percentages comprising 17.4% in 2003, and 16.8% in 2010 (Ruckman & Bridges, 2014).
Thus, the difference in non-HBCU compliance in 2003 comprised 5.4%, and in 2010, comprised 5.8% (Ruckman & Bridges, 2014).

The studies by Anderson and colleagues and Ruckman and Bridges are the sources in the literature that focus on HBCU compliance with Title IX, but other references add to the dialogue in surrounding dicta. For example, the Theune study focused on the shrinking presences of black women athletes at HBCUs and included research regarding black female athletes and Title IX (2016). In the study, Theune discusses the problems of “dual invisibility” of black females as both members of the African-American race and members of the female sex (Theune, 2016). As a result of this dual invisibility phenomenon, black women are often overlooked in the discourse as racism typically focuses on black males, and Title IX discussions typically focus on opportunities for white women (Theune, 2016).

Theune further contributed the decreased presence of black female athletes in HBCUs as a result of the introduction of growth sports at these schools to assist in Title IX compliance (Theune, 2016). “Growth sports” are defined in Theune’s study as new sports which are introduced at a college or university to provide additional athletic opportunities to women (p. 67). These growth sports typically include golf, tennis, and swimming, which Theune refers to as “country club sports” as they typically comprise majority white participation and require a certain level of financial resources to participate (p. 67). Thus, because these growth sports are added to the athletic curriculum at HBCUs specifically to provide additional athletic opportunities for women to comply with Title IX, the numbers of black women participating in athletic
opportunities does not increase because of the socioeconomic challenges that are predominant among black student populations that prohibit access to such sports (Theune, 2016). For example, at Florida HBCU Bethune-Cookman, the student population was 89% black in 2013-2014 yet the women’s golf team for 2013-2014 did not include any black female athletes (National Center for Educational Statistics, 2017).

After discussing possible reasons for the phenomenon in the literature, the results of the Theune study found a notable decrease in the percentage of athletics aid HBCUs awarded to black females while female participation overall in non-HBCUs has increased. In particular, her study found that 79% of the aid in HBCUs was awarded to female athletes in the 2008–2009 academic school year, but then dropped to 71% in the 2012–2013 school year (Theune, 2016). While both of the numbers may seem high and result in the males receiving roughly a quarter of the aid in each instance, it is important to note that the student populations at HBCUs are predominantly female (Theune, 2016). For example, Southern University’s Fall 2013 undergraduate enrollment was 75% female and Coppin State’s undergraduate enrollment was 74% female, wherein both institutions are HBCUs (National Center for Educational Statistics, 2014). Thus, with such high female percentages of student populations in HBCUs, a similarly disproportionate amount of financial aid would be expected but, despite the high percentage of financial aid to these black women at HBCUs, the results of the study still found decreases in the amount of aid to black female athletes despite increases in female enrollment in these same institutions (Theune, 2016).
Further, the Theune study provides additional possible explanations regarding the noncompliance of HBCUs with Title IX. For example, HBCUs have sizable student populations that are over the traditional student age, and therefore, are not interested as much in sports as younger student populations (Theune, 2016). For example, Southern University’s student population in 2013 comprised 56% of students who were over the age of 25 (National Center for Educational Statistics, 2014). As Theune posits, the data does not specify exactly what percentage of the student population over the age of 25 comprises male or female percentages (2016). However, one can assume that similar majority female percentages may be imputed to compose similar percentages in the over 25 category (Theune, 2016). Furthermore, due to the composition of these student bodies including many non-traditional age students, some of the students could have started college, dropped out temporarily to tend to personal or financial issues, then returned to school to find their NCAA eligibility expired (NCAA, 2018).

In conclusion, this background of the literature regarding Title IX, HBCUs, and intersectionality theory should position the results of this study in a manner in which will have more meaning. By understanding the history behind HBCUs, the details of Title IX, and the details of intersectionality theory, the reader is well position to understand the reasoning behind the procedures of this study and the accompanying results.
CHAPTER 3

METHODOLOGY

Historically black colleges and universities ("HBCUs") were created to provide educational opportunities for black Americans at a time when other opportunities were not available (U.S. Department of Education, 1991). While most of these barriers are now removed, HBCUs still play an important part in higher education for black Americans as discussed in the preceding chapter of this dissertation (see also U.S. Department of Education, 1991). However, according to at least one study, HBCUs have a demonstrated need for improvement with respect to compliance with sex discrimination laws (Ruckman & Bridges, 2014).

The legal basis for preventing sexual discrimination in higher education can be found in Title IX of the 1972 Educational Amendments, which provides that "[n]o 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" (Title IX, 1972). If universities do not comply with Title IX, they risk losing federal funding. However, despite occasional guidance from the Department of Education’s OCR regarding compliance with Title IX, along with added Title IX infrastructure at many universities, the majority of HBCUs are still not in compliance with the law (Ruckman & Bridges, 2014). By not complying with
Title IX, the institution is not providing the same opportunities to female students as male students in one or more areas (Title IX, 1972).

The purpose of this study was to populate the literature with more current information relating to the compliance of HBCUs with Title IX. Specifically, this study will analyze the proportionality gap for the years 2003 through 2016 in HBCUs relating to the intercollegiate athletics requirements of Title IX. As Ruckman and Bridges posit, it is "important to keep data current and at the forefront of the ongoing conversation about equal access" (2014, p. 22). Therefore, this study furthers that importance by adding current years to the literature regarding HBCU Title IX compliance with respect to athletics. While other areas besides athletics are governed by Title IX, this study focused on athletics for scope reasons as also discussed in the limitations/delimitations section of this dissertation. Additionally, this study examined enrollment and endowment information for the same time period to determine if a possible relationship exists among enrollment, endowment health, and Title IX compliance in HBCUs.

Research Questions

1. Has the proportionality gap with respect to Title IX compliance involving athletics improved in HBCUs from 2003 to 2016?

2. Has undergraduate student enrollment improved in HBCUs from 2003 to 2016?

3. Is there a statistically significant relationship between enrollment and proportionality gap percentages during the years 2003-2016?
Research Design

A quantitative research design was used for this study. Specifically, the study calculated the proportionality gap in the same 51 HCBUs analyzed in 2003 in the Ruckman & Bridges study (2014). A quantitative research design was appropriate for this study because the researcher was seeking upward or downward trends in numerical data, and also examining the relationship between variables (Creswell, 2013). The data to compute the proportionality gap was obtained from U.S. Department of Education as both number of female/male students, and percentage of female/male participation in sports, for the years 2003-2016 are both categories of data that are publicly available through the “Equity in Athletics” data cutting tool (U.S. Department of Education, 2016). The study also computed an analysis of variance (referred to as an ANOVA) for proportionality gap percentages and enrollment for the years 2003, 2010, and 2016 to determine if statistically significant changes have occurred over the 2003-2016 time period. Endowment information for a subset of HBCUs was analyzed via descriptive statistics. Finally, a Pearson correlation coefficient was computed to determine if statistically significant relationship exists between enrollment and proportionality gap percentages.

Population

The population of data comprises all HBCU co-educational postsecondary institutions that receive Title IX funding (i.e., those that participate in federal student aid
programs) and that have an intercollegiate athletics program (U.S. Department of Education, 1991).

Sample

The sample for the enrollment and proportionality gap analysis comprises the 51 HBCUs listed in the Appendix. These HBCUs represent the same sample of HBCUs studied for the year 2003 in the Ruckman & Bridges study (2014).

Data

The data comprises athletics participation data, enrollment data, and endowment information for the 51 HBCUs that were included in the 2003 analysis of the Ruckman & Bridges study. The enrollment and athletics data were available from the Equity in Athletics data cutting tool from the U.S. Department of Education (U.S. Department of Education, 2016). The information in the “Equity in Athletics” data cutting tool from the U.S. Department of Education is collected a web-based collection survey distributed to all institutions receiving federal aid as a requirement of the Equity in Athletics Disclosure Act (U.S. Department of Education, Equity in Athletics Disclosure Act, 2016). The information relating to endowment health was obtained from publicly available information on the National Association of College and University Business Officers (NACUBO) website (2016).

Subjectivity Statement

The researcher is a female practicing lawyer specializing in corporate and intellectual property law, and is licensed to practice in Alabama, Georgia, and the U.S.
Patent Office. The researcher has previous experience working for a state academic institution in a research faculty role with no involvement with Title IX activities.

Instrumentation

The instrumentation used for this study to obtain the athletics data for HBCUs comprises the “Equity in Athletics” data cutting tool available from the U.S. Department of Education (U.S. Department of Education, 2016). The researcher also used the NACUBO website to obtain endowment information for the sample institutions (NACUBO, 2016).

Data Collection


The researcher also obtained information relating to endowment health for HBCUs from the NACUBO website. The NACUBO Commonfund Study of Endowments includes information for 812 U.S. colleges and universities and their affiliated foundations (NACUBO, 2016). The researcher reviewed publicly available
reports on the NACUBO website to ascertain endowment information for a subset of HBCUs with publicly available information for the years 2003-2016.

IRB Approval

The researcher submitted a request for exemption from Mercer University IRB to collect and use the publicly available data obtained from the U.S. Department of Education and NACUBO in my study. The researcher obtained data from the “Equity in Athletics” data cutting tool from the U.S. Department of Education (U.S. Department of Education, 2016). The researcher also reviewed publicly available reports available via the NACUBO website to obtain endowment health information (NACUBO, 2016).

Data Analysis

The proportionality gap for each HBCU analyzed for the year 2003 in the Ruckman & Bridges study was computed using following the following formula (Anderson et al., 2006):

\[
\text{Proportionality gap} = \left(\% \ of \ undergraduates \ who \ are \ female \right) - \left(\% \ of \ athletes \ who \ are \ female\right) \times 100
\]

The percentage of undergraduates who are female and the percentage of athletes who are female were computed using data obtained from the U.S. Department of Education Equity in Athletics Data Cutting Tool (U.S. Department of Education, 2016). Once the proportionality gap was computed for each HBCU included in the 2003 analysis in the Ruckman and Bridges (2014) study, the data was plotted in a graph and analyzed by inspection. The results of the ANOVA for enrollment data and proportionality gap percentages were plotted in separate graphs, and a Pearson correlation coefficient
calculated for enrollment/proportionality gap percentages. The trends or possible relationships evident from the results of the correlation will be discussed in Chapter 5.

Reporting Results

Graphs generated by Microsoft Excel software are utilized to display the proportionality gap percentage trends and enrollment trends for the same HBCUs analyzed for the year 2003 in the Ruckman and Bridges study from the years 2003 through 2016 (2014). Further, graphs generated by Microsoft Excel are utilized to display the information relating to endowments for a subset of the HBCU sample. The graphs, along with trends and relationships evident from inspection of the graphs and the result of the correlation analysis, are discussed in Chapter 5.

Summary

HBCUs have played an important part in our nation’s history by providing educational opportunities to black Americans when other opportunities were not available (U.S. Department of Education, 1991). However, one study posits that the majority of HBCUs are not compliant with the laws prohibiting sex discrimination in higher education with respect to collegiate athletics (Ruckman & Bridges, 2014). This study provides more recent analysis regarding HBCU compliance with Title IX, the federal law that prohibits sex discrimination in higher education (OCR, 1979). By computing the proportionality gap for the years 2003 through 2016 and conducting an analysis of variance procedure, this study conducted an analysis of variance procedure to determine if the changes in proportionality gap percentages from 2003 are statistically significant. Further, this study performed an ANOVA regarding the years 2003, 2010, and 2016 to
determine if enrollment changes over that time period are statistically significant.

Endowment information for a subset of HBCUs was plotted to reveal two outliers.

Further, a Pearson correlation coefficient was calculated to ascertain the relationship, if any, between proportionality gap percentages and enrollment.
CHAPTER 4

RESULTS

Statistical analysis applied to data relating to enrollment, athletic participation, and endowments were analyzed via a series of statistical methods to reveal information related to Title IX compliance in the sample of HBCU institutions listed in the Appendix, and with respect to endowment information, a subset of the sample. Specifically, the proportionality gap for Title IX compliance was computed for each institution in the Appendix with respect to female students. An analysis of variance was computed to determine if a statistically significant changes occurred in the proportionality gap or enrollment between 2003, 2010, and 2016. Finally, a Pearson correlation was computed to determine if a relationship exists between enrollment and the proportionality gap of the sampled HBCU institutions.

Research Questions

1. Has the proportionality gap with respect to Title IX compliance involving athletics improved in HBCUs from 2003 to 2016?
2. Has undergraduate student enrollment improved in HBCUs from 2003 to 2016?
3. Is there a statistically significant relationship between enrollment and proportionality gap percentages during the years 2003-2016?
Findings

The data relating to enrollment was analyzed, and p, to display trends from 2003-2016 regarding the proportionality gap for female athletic participation in the HBCU sample. Further, data for total enrollment, female enrollment, and female athletic participation were graphed to illustrate trends.

The proportionality gap average for the years 2003-2016 across all institutions was 21.49%. The mode proportionality gap percentage for all universities over 2003-2016 was 20%.

An ANOVA was conducted for proportionality gap percentages for the HBCU sample in the years 2003, 2010, and 2016, \( F(2,155) = 20.70, p = .05 \). Therefore, findings mean that the null hypothesis is rejected, and changes in proportionality gap over that time frame have been statistically significant.

An additional ANOVA was conducted examining enrollment data for the HBCU sample in the years 2003, 2010, and 2016 with df = 2 and \( p = .05 \) resulting in \( F(2,155) = 59.75 \). Therefore, these findings mean that the null hypothesis is rejected and the changes in enrollment in the HBCU sample in the years 2003, 2010, and 2016 have been statistically significant. Additionally, Pearson correlations were assessed between the proportionality gap percentages and enrollment for 2003, 2010, and 2016, with df = 49 and \( p = .05 \). The resulting values for 2003, 2010, and 2016 were \( r = .29, .21, \) and \( .01 \), respectively.

Data availability for endowments was available for a subset of the HBCU sample, for the year 2016 as shown in Figure 7. As evident in the graphical illustration, the two
largest university endowments in the sample comprise Howard University and Hampton University. Those two universities had, in 2016, endowments amounting to over $200,000,000 USD.

Figure 1. Female proportionality gap in HBCU sample.

Figure 2. Enrollment in HBCU sample.
Figure 3. Female undergraduate enrollment in HBCU sample from 2003-2016.

Figure 4. Proportion of female student enrollment out of total enrollment across HBCU sample from 2003-2016.
Figure 5. Percentage of female students at HBCU sample (A-L) in 2017.
Figure 6. Percentage of female students in HBCU sample (M-Z) in 2017.

Figure 7. Average endowment for HBCU sample from 2003-2016.
Summary

Enrollment and participation data for the 51 HBCUs studied in the Ruckman & Bridges study (2014) was analyzed via statistical methods to determine trends in the proportionality gap for men and women at these institutions. Also, data for enrollment and proportionality gap were analyzed for the same institutions for 2003, 2010, and 2015 via an ANOVA calculation to determine if a relationship exists between enrollment, endowment, and trends in proportionality gap percentages. Furthermore, a Pearson $r$ statistic was calculated for 2003, 2010, and 2016 to determine the relatedness between proportionality gap percentages and enrollment numbers.
CHAPTER 5
DISCUSSION, CONCLUSIONS, AND RECOMMENDATIONS

This study analyzed enrollment information for a sample of HBCUs to compute proportionality gap percentages over the time period between 2003 and 2016. Then, the proportionality gap percentages as well as enrollment information over for 2003, 2010, and 2016 were analyzed in an analysis of variance calculation to determine if a statistically significant changes occurred during that time period. Finally, a Pearson correlation procedure was performed to determine the strength of relationship between enrollment and proportionality gap percentages. Additionally, endowment information was analyzed via descriptive statistics to reveal two outliers with respect to average endowments over 2003-2016, Howard University and Hampton University.

Summary of Findings

The answer to Research Question No. 1 is yes, statistically significant changes in the proportionality gap occurred over the time period from 2003-2016. This analysis involved descriptive statistics regarding Figure 1, and an ANOVA computation for the years 2003, 2010, and 2016. From inspection of Figure 1, Title IX proportionality gap for the HBCU sample has generally declined since 2003, although the decline has encountered some spikes along the way. The changes in proportionality gap over the time period 2003-2016 are statistically significant as evidenced by the resulting $F$ statistic value from an ANOVA procedure as shown in Figure 5. Therefore, the downward trend

53
in Figure 1 with the associated f statistic from the ANOVA provides an affirmative to Research Question No. 1. A lower proportionality gap percentage is evidence of greater compliance with Title IX (Ruckman & Bridges, 2014). Therefore, the proportionality gap has improved from 2003-2016 as shown in Figure 1, and the associated changes over that time period are statistically significant.

During the same time period, the female population of students at these same HBCUs has steadily increased as shown in Figures 4 and 5 despite decreases in enrollment as shown in Figures 2 and 3. Figures 4-6 illustrate the decreases in enrollment with an associated increase in female percentage of student enrollment. An ANOVA procedure provided an F statistic indicating that the changes in enrollment from 2003-2016 are statistically significant. Therefore, HBCUs in the sample are experiencing declines in their enrollment and, as a result, will have decreased tuition revenues. Additionally, with the aforementioned Pearson correlation r-values for 2003, 2010, and 2016, a limited or minimal relationship exists between enrollment and proportionality gap percentages.

Finally, graphical illustration of the endowment information for a subset of the HBCU sample reveals two outliers, Hampton University and Howard University. The 2016 proportionality gap percentage for Hampton University is 19%, and the 2016 proportionality gap percentage for Howard University is 23%. The mean proportionality gap for 2016 was computed to be 19%. Thus, with Hampton University’s proportionality gap percentage equaling the mean for the sample in 2016, and Howard University’s percentage exceeding the mean for 2016, the statistics for this sample do not suggest that
a higher endowment amount translates to improved proportionality gap percentages which would appear below the mean value.

Conclusions and Implications

Any institution failing to comply with Title IX, and experiencing enrollment decreases, should consider the results of this study because, while enrollment may be decreasing, the percentage of female students may be increasing. With the increase in female student populations at any school comes a requirement under Title IX to provide opportunities to those students under a variety of programs, including athletic programs. Thus, an institution should not assume that these responsibilities are lessened with a dwindling student population. Instead, these responsibilities may become more evident if the female population is increasing despite dwindling enrollment numbers.

Suggestions for Future Research

At HBCUs, many of the growth sports have an increasing level of white athletes participating, but not black athletes (Theune, 2016). Some HBCUs have sports teams that do not have a single black female member (Theune, 2016). As a suggestion for a future study, a qualitative inquiry should be made into why these growth sports are losing or failing to attract black women athletes. Another suggested future study is a qualitative inquiry to examine if HBCU non-compliance with Title IX has an impact on female student desire to participate in athletic opportunities, or if HBCUs that are not complying with Title IX are still provided the desired athletic opportunities for women.

Another area for further inquiry involves PWI compliance with Title IX. Do PWI institutions that are experiencing similar challenges to HBCUs have similar Title IX
compliance or noncompliance? Specifically, do PWI institutions with similar enrollment and endowment health scenarios reflect a similar level of noncompliance when compared to HBCUs? If the levels of compliance are dissimilar, a qualitative inquiry should explore the differences in structure and other resources of HBCUs to assist such institutions in addressing corrective action.

As discussed in Chapter 1, any affect that the women’s movement of the 1970s may have, or had, on HBCU compliance with Title IX has not been considered in the breadth of this study (Kane, 1988). A possible angle for further analysis would be an inquiry into the contribution, either negatively or positively, changed attitudes towards women as a result of the women’s movement has increased or decreased women’s participation in athletic opportunities at institutions of higher learning.

Another area for further study could focus on the division in HBCUs regarding land grant verses non-land grant institutions. Such a further study could analyze each group to determine if significant differences emerge regarding Title IX compliance. Land grant HBCUs have received disparate treatment when compared to non-HBCUs, and the difference results in HBCUs suffering financially due to decreased support and matching regarding land grant subsidies (National Education Association Center for Great Schools, 2017). As another variable possibly related to financial health of the institution, this subset of HBCUs warrants further inquiry.

A study recently published at the time of this dissertation by Dix sheds light on another area requiring further inquiry (2018). According to Dix, female basketball players are treated more unfavorably with respect to penalties in basketball when
compared to their white female counterparts (2018). Thus, this finding illustrates one area wherein an institution could technically comply with Title IX via the substantial proportionality test, but still have inequitable conduct occurring that, in itself, would constitute a Title IX violation. Whether this type of inequity occurs broadly at other schools would be an area worthy of further investigation.

Finally, another area of inquiry for future researchers would involve an analysis regarding the trends in endowment over time for each HBCU with respect to the proportionality gap for that particular year. This type of study would require a certain amount of qualitative analysis in the form of interviews or on-site document reviews as much of the information regarding endowments for many of the smaller universities in the sample for this study was not available in publicly available online databases.
REFERENCES


Gordon, N. (2012). To talk to not to talk, should that be the question? How the double jeopardy of race and nationality influence my experiences in academia. Women & Language. 35(2), 81-85.


OCR. (1979). A Policy Interpretation; Title IX and Intercollegiate Athletics. Federal Register, 44(239).


Title IX of the Education Amendments of 1972; A Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71,413 (Dec. 11, 1979), available at http://www.ed.gov/about/offices/list/ocr/docs/t9interp.html


APPENDIX A

LIST OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES SAMPLES
Alabama A & M University
Alabama State University
Alcorn State University
Benedict College
Bethune Cockman College
Bluefield College
Bowie State University
Central State University
Cheyney University of Pennsylvania
Claflin University
Clark Atlanta University
Coppin State University
Delaware State University
Elizabeth City State University
Fayetteville State University
Florida Agricultural and Mechanical University
Fort Valley State University
Grambling State University
Hampton University
Howard University
Jackson State University
Johnson C Smith University
Kentucky State University
Lane College
Le Moyne-Owen College
Lincoln University
Lincoln University of Pennsylvania
Livingstone College
Miles College
Mississippi Valley State University
Morgan State University
Norfolk State University
North Carolina A & T State University
North Carolina Central University
Paine College
Prairie View A & M University
Rust College
Saint Augustines College
Savannah State University
Shaw University
South Carolina State University
Stillman College
Tennessee State University
Texas Southern University
Tuskegee University
University of Arkansas at Pine Bluff
University of Maryland-Eastern Shore
University of the District of Columbia
Virginia State University
Virginia Union University
West Virginia State University
Winston-Salem State University