Basketball Coach Beth Burns Wins $3.35 Million+ in Termination Lawsuit

In her 16 years (two eight-year stints) as head coach of the women’s basketball team at San Diego State University CA, Beth Burns led the Aztecs to a 295–186 overall record and eight appearances in the National Collegiate Athletic Association Tournament. In April 2013, after a program-record 27-win season and in the first year of a five-year contract, Burns was terminated.

The initial reason given by SDSU was an allegation that Burns had elbowed an assistant coach on the bench during a game. The school further claimed that an internal investigation revealed she was mistreating subordinates.

Burns, 59, who has 21 years of experience as a head coach, filed suit for wrongful termination, asserting that SDSU terminated her because she complained about gender inequalities in the university’s athletic program. After a four-week trial and two days of deliberation, the jury delivered a verdict in Burns’ favor, awarding her $3,356,250.

Gender Equity Complaints

Burns says a situation she and others who coach women’s college basketball find themselves in is constantly having to ask for things that are automatically given to men’s programs. There were multiple requests for equipment that the men’s team had in plentiful supply. Despite the success of the women’s team and a high graduation rate, Burns often had to ask multiple times for basic things like sweat suits.

There were issues of marketing and publicity. When both the men’s and women’s teams were headed into postseason play, the men received a bound, glossy postseason media guide and the media relations person for the women’s team was told to make photocopies of the media guide and staple it for distribution.

“I had to complain to the administrator, ‘We qualified for the postseason and we deserve a postseason media guide,’ and then we get it,” Burns recalls. “We’re at the Sweet 16 with Duke, Tennessee and Baylor (2010). Do you think they are going to have run-off copies of a postseason media guide with a staple in it? [SDSU] fixed it because they had to fix it. It was the law.”

Getting along is important, and Burns says she was only trying to get for the team what it needed to be successful. She was completely blindsided by the termination when during an end-of-season performance review she was told she was being fired with cause for striking a subordinate.

Lawsuit

Lead counsel Edward Chapin of the law firm of Sanford Heisler LLP, which tried the case along with Patterson Law Group, says there is a list of factors that are used to measure gender equity under the treatment prong of Title IX. Burns’ complaints and communications fell into various categories on that list.

It took Chapin 10 days to get a copy of the video referenced in Burns’ firing. It showed Burns having minor physical contact with a male assistant coach during the heat of a close game. Accused of workplace violence, she had no choice other than to sue.

The discovery process revealed a 2012 email in which the athletic director (AD) wrote that he was open to lengthening Burns’ contract, but he wanted a way to separate in the event issues arose—like “driving us crazy with complaints.” Chapin says the complaints to which the AD was referring were Title IX complaints about gender inequities with reference to the women’s basketball program.

The defense assembled talking points alleging Burns had a long history of yelling and cursing at people. Her character was impugned at trial. Chapin says the narrative was not borne out by the evidence. Former student-athletes and colleagues, including SDSU’s men’s basketball coach Steve Fisher, testified in support of Burns. She spent three-and-a-half days on the witness stand and kept her calm during a withering cross-examination.

Looking Forward

Burns was unemployed for a year after the termination. Thankfully, decades of experience in coaching earned her goodwill from others in the field. Well-known by the coaching and administrative staff at the University of Southern California, she was a likely candidate when there was an opening for an assistant coach. Burns was hired, for which she says she will be forever indebted. Her current position is associate head coach. For Burns, personal vindication was critically important. What she hopes this will mean for coaches and athletic programs is heightened awareness, so that women athletes are seen as important and other coaches who seek gender equity won’t beterminated or otherwise punished in the future.

“Beth approached the situation with the idea that she felt that her team was being shortchanged and she made communication about those shortcomings. Those communications fell within the categories on the treatment list under Title IX,” says Chapin.

“A tip for other women coaches would be: understand what the factors are that you’re measured by,” he adds. “If you have problems, bring them to the attention of your superiors and don’t be afraid to follow up. If you’re going to register complaints, do it in an email. There’s a risk, and that risk is that if you complain and you’re seen as a squeaky wheel, then you may attract negative attention and you have to be prepared to suffer the consequences.”

Burns says then and now she lives by the truth and maintains her passion for her work.

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