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PRESS RELEASE

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APPELLATE COURT HANDS WOMEN ATHLETES A VICTORY IN TITLE IX SUIT

San Francisco, California: The United States Court of Appeals for the Ninth Circuit issued a decision today in a Title IX athletics case being closely watched by students, advocates and schools across the country. The Ninth Circuit allowed the case, brought by former women students who were intercollegiate wrestlers at the University of California, Davis, to proceed against the University and certain of its officials for discrimination under Title IX and the Equal Protection Clause.

Plaintiffs Arezou Mansourian, Christine Wing-Si Ng, and Lauren Mancuso are represented by Noreen Farrell of Equal Rights Advocates, Monique Olivier of the Sturdevant Law Firm and Kristen Galles of Equity Legal.

The Ninth Circuit reversed a decision by the district court that found that Plaintiffs had not provided the University adequate notice of their claims before filing suit for monetary damages, as is typically required in Title IX cases involving sexual harassment by a rogue employee. The Ninth Circuit also reinstated Plaintiffs' constitutional equal protection claim.

In a comprehensive opinion, the Ninth Circuit rejected the imposition of a pre-litigation notice requirement in Title IX cases alleging unequal athletic opportunities, finding that no notice is required because UC Davis' own decisions are at issue. The Court stated: "Institutions, not individual actors, decide how to allocate resources between male and female athletic teams. Decisions to create or eliminate teams or to add or decrease roster slots for male or female athletes are official decisions, not practices by individual students or staff. Athletic programs that effectively fail to accommodate students of both sexes thus represent 'official policy' of the recipient entity ...". The Court further found that forcing plaintiffs to provide pre-litigation notice would be inconsistent with a school's "affirmative obligations to provide nondiscriminatory athletic participation opportunities and continually to assess and certify compliance with Title IX." See http://www.ca9.uscourts.gov/opinions/view_subpage.php?pk_id=000010277

The Ninth Circuit also found that UC Davis had failed to prove its compliance with Title IX, noting the wealth of evidence suggesting that UC Davis had not provided adequate opportunities for women athletes as the federal civil rights law requires. Plaintiffs are now free to pursue their claims back in the district court.

"We are thrilled," stated Plaintiff Christine Ng. "We wanted our day in court, not only for us, but as an opportunity to stand up for all girls and women trying to participate in contact sports where stigmas against women remain strong."

Plaintiffs' counsel Monique Olivier applauded the results: "The Ninth Circuit decisively removed a barrier the district court had set when it imposed a notice requirement on women athletes seeking relief under Title IX."

Noreen Farrell, Plaintiffs' counsel from Equal Rights Advocates, hailed the Ninth Circuit decision: "This is a decision of national importance for students across the country. Some 37 years after Title IX's passage, a school cannot just sit back and wait for complaints. The decision confirms that schools must proactively ensure gender equity in its athletic and other educational programs. Only when this obligation is met will we stand a chance at finally meeting the important goals of Title IX."

The University entered into a settlement last year in a related case brought by current students at UC Davis which provides an agreed set of standards for female participation rates in intercollegiate sports and also provides additional financial support for club sports on campus.