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Sport Law for Administrators and Coaches – KIN 854

Moot Court Case 4

1. From the Plaintiff:

The cutting of certain women's and men's teams by the Athletic Director of SACB is in a direct violation of Title IX as seen through the three prongs of the participation requirements.

The decision of the athletic director to drop an even amount of men's and women's teams directly goes against prong one of Title IX's participation regulations. Prong one states that a school's athletic participation should mirror its overall school population. The overall population at SACB is close to 50/50 men and women (slightly heavier on the men's side) while the athletic participation is 37% female to 63% male. This means that SACB does not have proportionality with its athletics. By cutting women's teams it is certain that the ratio will either stay where it is at or become more skewed in the men's favor. Either way it is a Title IX violation.

Prong two is also not satisfied. Although the school says it will create new club teams for their female athletes there is no precedent of this actually happening. Prong two states that there must be evidence of a history of expanding women's opportunities in sports. Simply saying that they will create more in the future does not fulfill the requirements for the present.

Last the school absolutely fails at prong three. Prong three of Title IX states that the school must meet the female athletes' interests and abilities. If we focus on the second half of that requirement and look at abilities we can see that the athletic director cut the two programs that women were excelling the best at, while he saved the two top successful men's programs. Since both men's and women's tennis teams are the top for the school the athletic director should keep both or cut them both. By only cutting the women's tennis team and keeping the men's he has breached the regulations of Title IX.

Overall the Athletic Director cut programs in an unfair and unequal manner which puts him in a direct violation of Title IX.

2. From the Defendant

While it is sad and disappointing to cut any athletic programs the athletic director at SACB was under direct order to reduce the amount of teams the school provided. He did this with every attention given to continue to provide excellent and equal athletic programs for both the female and male students.

If we first look at Prong three both the interests and abilities of the female athletes continue to be met. While the tennis team is no longer a varsity sport there is a club team provided. Just because it is a club team does not mean that the level of sport goes down. Those interested in tennis will continue to have their abilities met.

Prong two is also satisfied through the actions of the Athletic Director. He has stated that not only will a women's club tennis team be created but also a gymnastic program added. Prong two looks for the practice of increasing prospects for female

athletes which he has done and will do more in the future. The school has stated that as soon as it is feasible again they will reinstate the women's softball team thus adding to the precedent of expanding female opportunities.

The formation of a new Women's Gymnastics team not only fulfills the previous mentioned prongs but also works towards fixing the skewed gender proportionality. Before the cuts there was a lower number of female athletes compared to males. By creating a new team the school hasn't had before there is the opportunity for new athletes. Instead of just keeping the status quo and cutting men's teams, which would not change the participation level of female students at SACB, the Athletic Director added a new program to gain new female athletes. While the gymnastics program is not a varsity sport – he cut an even amount of male and female varsity sports – by introducing the sport as a club team it has the opportunity to gain interest and grow.

Overall the athletic director was faced with a difficult challenge but did the best with what was given and not only kept the athletic programs at SACB fair and equal but gave the women's programs room to grow.