

A violation of title ix law

[Science](#), [Social Science](#)



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The reason for my writing to you is that it has come to my attention that the budgetary constraints necessitating the cutting or demotion of women's swimming team will be a violation of Title IX law. Title IX law requires that no one shall be excluded from participation, denied benefits, or be subjected to any form of discrimination in any activity/education program that receives Federal financial assistance on the basis of sex. Cutting or demoting the women's swimming team will result in a lawsuit under Title IX that we will fail on the basis of three points that are discussed as major points in this memo. The first compliance test of Title IX is that enrolment of women should be proportional to sports participation for example if enrolment is at 49%, sports participation ought to be 49%. In the first test, we will fail because the women enrolment rate is 52% with sports participation rate at 42% depicting a huge difference (10%) in participation. The courts have previously decided on cases using this test in *Cohen v. Brown University* (13%) and *Roberts vs. Colorado State University* (10.6%), since the case is substantially similar the decision of the court will stand and we will fail the first test.

The second test requires that the school depict recent expansion of women sports offering through offering a new sport in the past 3 to 5 years. A new sport has not been offered for over 10 years and following a substantially similar case decided by the court in *Favia v. Indian University of Pennsylvania*; we will fail the second test based on history of expansion.

The third test requires that there is full and effective accommodation of interest of women through documenting emerging interests of women in sports regularly through surveys. Since there is no documentation of recent

interests of women in surveys and instead the growing interest in swimming by women is intended for demotion or cutting we will fail this test on full accommodation of interest as exemplified by court decisions in Cohen v. Brown University and Favia v. Indian University of Pennsylvania.

Component 3 of Title IX requires the equivalence of benefits and opportunities including access to rights by women teams, competent officials, quality equipment and facility, among other factors. Turning the team into a club cannot be an option as it will result in the reduction of budget allocated for the women team in terms of a reduction in coaching costs, recruitment and travel budgets, and elimination of scholarships breaking component 3 requirements. The courts have previously decided in the Favia vs. Indiana University of Pennsylvania case where women scholarships were to be reduced showing that we will fail on this front. Adding a women soccer team will be made mandatory by the court owing to the lack of commitment to providing new opportunities for women in over ten years. Compliance with Title IX requires the provision of new opportunities for women in the past 3 to 5 years as was decided in Favia vs. Indiana University of Pennsylvania requiring the women soccer team to be introduced to ensure compliance.

The recommendations for this case are to increase the amount of dollars through other measures instead of cutting or demoting the women's swimming team, which will result in a lawsuit that we are going to fail. Plans have to be set for the introduction of a women soccer team to ensure compliance to test two of the Title IX law. Boosting dollars can be done through reducing other expenditures that may not result in violation of Title

IX. Cutting the men swimming team is possible to allow the University to have access to more funds.

References

Women's Sports Foundation. Standard Language of Title IX. Retrieved on February 17, 2015 from <http://www.womenssportsfoundation.org/home/advocate/title-ix-and-issues/what-is-title-ix/standard-language-of-title-ix>