Potential Title IX Suit Encourages University to Reinstate Two Women’s Sports

Trial Lawyers for Public Justice wasted little time claiming credit for a decision by the University of Northern Iowa to reinstate its women’s swimming and tennis programs, less than a month after it had announced it was eliminating them.

The headline in the public-interest law firm’s press release focused on its “threat of [a] Title IX suit” as the trigger for the university’s decision. The release also warned other schools to carefully weigh the risks of disbanding women’s programs.

“(W)omen athletes still have to remind university administrators that creating a level playing field is not just sporting - it’s the law,” said TLPJ co-counsel Rebecca E. Epstein, who participated in the negotiations with the University of Northern Iowa.

While female student-athletes at UNI were given a second chance, none was offered to participants on the men’s tennis and swimming/diving programs, which were eliminated at the same time the women’s programs were cut. At the time, AD Rick Hartzell said the move would save the university $327,000.

When the announcement was made, some of the female student-athletes contacted the TLPJ, which bills itself as the “only national public interest law firm dedicated to using trial lawyers’ skills and resources to advance the public good.” The firm met with university officials on June 18 and discussed the requirements of Title IX. It also promised that it would sue the university unless it reinstated the teams within a week.

In a statement announcing the reinstatement, the university said, “After extended conversations with George Carroll, the Iowa assistant attorney general assigned to the regents’ universities, it was recommended that UNI reinstate the two women’s programs.”

Hartzell added, “When we cut the programs, we were making the best decision we could at that time given the seriousness of our budget situation. We dropped both the men’s and women’s programs in these two sports to make every effort to be equitable. The action we are taking now is in the best interests of gender equity. We will focus on re-establishing these programs.”

TLPJ’s Epstein sought to quell the controversy regarding Title IX and its impact on minor men’s sports programs.

“(Title IX) didn’t force UNI to eliminate any men’s teams at all,” she said. “That was the school’s unfortunate budgeting decision. But (Title IX) did stop the school from eliminating women’s teams. That’s only fair when women make up 60 percent of the student body, but are given less than 40 percent of the opportunities to participate in intercollegiate athletics.”

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