Letter to the Editor

A Misunderstanding of Title IX

Your editorial, “Title IX lawsuit against WCU shows old faults” (DLN, Sept. 7), misstates the law and the facts of the sex discrimination lawsuit that Trial Lawyers for Public Justice filed on behalf of members of the West Chester University women’s gymnastics team and the university’s current and future women athletes.

There is no “new understanding” of the Title IX antidiscrimination statute, and the Bush administration has not “changed how the law is enforced.” To the contrary, on July 11, the Department of Education’s Office for Civil Rights, which administers Title IX, reaffirmed its adherence to the three-part test for accommodation of athletic interests fashioned almost 25 years ago. Now as before, WCU could have -- but has not -- complied with Title IX in any one of three ways.

First, WCU fails to provide athletic participation opportunities to women in numbers substantially proportionate to their enrollment. Second, WCU does not have a history and continuing practice of expanding opportunities to keep up with women’s developing athletic interests. Third, WCU cannot claim that it fully and effectively accommodates women’s demonstrated interests and abilities in sports when it locks the whole gymnastics team and five new recruits out of the gym.

Finally, courts have uniformly rejected -- and women athletes have disproven -- the notion that women are less interested in playing sports. Since Title IX was enacted in 1972, female high school athletic participation has increased by 847 percent, according to the Women’s Sports Foundation. Clearly, when women athletes are offered equivalent treatment and participation opportunities, they turn out in force to compete.

Since women do want to compete, they deserve a fair turn. And this lawsuit seeks to ensure that West Chester University’s female student athletes get the athletic opportunities that they were promised and that they deserve.

Sharon F. McKee
Philadelphia
The writer is an attorney for the Philadelphia law firm Hangley Aronchick Segal & Pudlin, and represents the plaintiffs in the lawsuit mentioned.