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UC Davis faces new sports bias suit

The Title IX case is the second against the campus by two law firms in S.F.

By Bill Lindelof - Bee Staff Writer

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A lawsuit seeking class-action status was filed against the University of California, Davis, on behalf of two female field hockey players and a third who plays rugby and wrestles -- the second suit filed against the university by a pair of San Francisco law firms.

Both suits -- the most recent one was filed Tuesday -- allege the university fails to provide equal athletic opportunities and athletic scholarships for female students.

"We have an existing suit against UC Davis on behalf of former (student) women wrestlers who were kicked off their varsity team because they were women," said Noreen Farrell, with Equal Rights Advocates and a lead attorney on the case. "We wanted to make sure the interests of the current students were represented."

Farrell said an ongoing problem exists at UC Davis in terms of the university not complying with Title IX of the U.S. Code, the landmark 1972 federal legislation that guarantees equal access to college sports.

A UC Davis spokeswoman said the university has an enviable record of supporting women's athletics. That support, she said, has resulted in high achievement by UC Davis women in varsity sports.

UC Davis fields 14 women's varsity teams -- and offers athletic scholarships to women. But Farrell said that does not mean the playing field is level.

Under Title IX, she said, a college or university must provide men and women equal varsity opportunities relative to enrollment.

"At UC Davis, 56 or 57 percent of the population is women," she said. "And they only have 50 percent of the varsity athletic opportunity."

The latest lawsuit was filed on behalf of Kelsey Brust, Jessica Bulala and Laura Ludwig. Brust, a sophomore, and Bulala, a junior, play field hockey. Ludwig, a junior, is a rugby player and wrestler. The three students have played on UC Davis club teams.

University club teams play outside a college's sanctioned league -- such as the Big West Conference.

They operate in relative obscurity without travel budgets and other perks such as player scholarships.

The suit alleges that UC Davis has failed to "effectively respond" to efforts by club teams -- such as badminton, bowling, field hockey, polo and rugby -- to obtain official varsity status.

Farrell said UC Davis is not unique. She said there are Title IX compliance issues at other UC campuses, including Berkeley and UCLA.

"We are eager to hold public universities accountable under Title IX," said Farrell.

The lawsuit had not been received by campus attorneys Wednesday. Lisa Lapin, assistant vice chancellor for university communications, said she could not speak to the suit itself.

However, Lapin said UC Davis has been a model campus in complying with Title IX, fielding 14 varsity sports for women while the national average is 8.4 sports.

"So we have considerable numbers of opportunities," she said.

She said Sports Illustrated for Women once named UC Davis the top Division II school in the country for women's athletics because of the breadth of opportunity.

"We take our Title IX compliance very, very seriously," said Lapin. "We have added more sports for women and are always looking to add more."

In January, the University of California agreed to pay a former UC Davis wrestling coach \$725,000 after he sued, alleging he was retaliated against for championing the rights of female wrestlers.

Michael Burch, who was Davis' head wrestling coach from 1995 to 2001, claimed his contract was not renewed for the 2001-02 school year because he had advocated for female wrestlers who filed a gender discrimination complaint when the women's wrestling program was cut.

Another suit -- the first one filed against UC Davis by Equal Rights Advocates and the Sturdevant Law Firm -- is pending in U.S. District Court in Sacramento.

It was filed on behalf of four female wrestlers. Three wrestled for the varsity squad before women were eliminated from the team in 2001, and the other woman went to Davis expecting to be on the team.

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