



Equal Rights Advocates

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Parties Announce Settlement of U.C. Davis Title IX Athletics Suit

The University of California and former UC Davis students and women wrestlers Arezou Mansourian, Christine Ng, and Lauren Mancuso announced today that they have reached an agreement to settle the issues remaining in *Mansourian v. Regents of the University of California* after the findings made by a federal judge last August in the liability phase of trial in the case. Please see ERA's website at www.equalrights.org for the press release.

The settlement follows a finding by the court after a three-week bench trial that the University violated Title IX of the Education Amendments of 1972 by not expanding intercollegiate athletic opportunities for female students at UC Davis between 1998 and 2005, the years that plaintiffs were in attendance. The court dismissed claims against the individual defendants. The Title IX damages phase of the trial was set for March 5, 2012. The parties have agreed to settle the case with payment by the University of \$1,350,000 to resolve all claims and appeals and as payment for plaintiffs' attorneys for fees and costs.



“This settlement is the final chapter in a precedent-setting Title IX case brought by three brave young women who were denied the opportunity to play college sports. Their determination and fighting spirit paved the way for the women who are playing sports at the University of California and other institutions today,” stated Plaintiffs’ counsel Noreen Farrell of Equal Rights Advocates. Plaintiffs were also represented by the Sturdevant Law Firm,

Equity Legal, and Duckworth Peters Lebowitz Olivier LLP, with support from the American Association of University Women.

“While it is disturbing that the University chose to spend millions to litigate for years rather than let these women participate, this case brought about important changes at UC Davis that will provide other female students an equal chance to participate in sports as Title IX requires,” added Jim Sturdevant, referring to changes resulting from settlement of a UC Davis class action that arose from the wrestler case. See below for details.

Arezou Mansourian, Christine Ng and Lauren Mancuso were recruited by the UC Davis wrestling coach and choose Davis to pursue varsity wrestling. All three were pioneers in women’s wrestling. Arezou Mansourian placed at the North Coast sectionals in high school and won numerous tournaments. Christine Ng participated in national high school championships and led her state as team captain. Lauren Mancuso was an Olympic hopeful, who placed third in California’s 2001 state championship for girls and was nationally-ranked. The women filed suit in 2003 demanding equal athletic opportunities for women after the university eliminated women’s opportunities in wrestling and dozens more in other women’s sports.

While the case continued long after the graduation of these Plaintiffs, they racked up a series of victories for Title IX. As noted by Mansourian, "I have fought for women's rights in college athletics for the past 10 years and the change it has brought for the future of women athletes has been worth the battle."

Here are some case highlights:



Landmark Ninth Circuit Win Removes Hurdles to Title IX Athletics Suits

In a May 2010 decision reversing a dismissal of the Title IX claim on summary judgment, the Ninth Circuit Court of Appeals rejected the application of the “notice and deliberate indifference” standard used in sexual harassment cases to athletics cases such as this one. Rejecting the district court’s basis for dismissal, the Ninth Circuit held that a school does not need “notice” of its own institutional decision to provide female students fewer opportunities to play sports, especially when Title IX itself places an affirmative obligation on schools to comply – whether or not anyone files a complaint. The Court emphasized, “[Title IX] requires continuous progress toward the mandate of gender equality that Title IX has imposed on funding recipients for the past thirty years.”

Plaintiffs’ counsel Kristen Galles from Equity Legal, a Title IX expert who has litigated many Title IX cases, noted that this is the first major court case that addressed the meaning and application of "Prong Two" of the generally accepted

"Three Prong Test" that measures Title IX compliance in terms of participation opportunities. The "Three Prong Test" allows a school to comply with Title IX by either ensuring near parity in the number of participation opportunities offered to men and women relative to their enrollment (Prong One); or by continually expanding opportunities for the underrepresented sex in a way that is responsive to their developing interest (Prong Two); or by sponsoring all sports for which there is interest by the underrepresented sex (Prong Three).



The Ninth Circuit closely scrutinized the reliance on Part Two by the University of California. As noted by Galles, "The Ninth Circuit opinion emphasized that schools must have *both* a history and continuing practice of expanding opportunities for women. They cannot just wait until someone files a legal complaint. Schools have affirmative, independent obligations to expand opportunities when women are underrepresented in sports. Hopefully, the decision in this case will wake schools up to those obligations."



Trial Victory for Plaintiffs Finding Title IX Violation by University

In August 2011, Plaintiffs scored another win with a decision from the bench that the University violated Title IX when Plaintiffs were students. The court ruled that UC Davis could not claim "expansion" under Title IX's Prong Two when it dropped more than 60 sports opportunities for women without replacing them. The University conceded that it was not in compliance with Prongs One or Three.

Taking stock of the settlement announcement, Plaintiff Christine Ng stated, "All we ever wanted was to represent UC Davis in sports. We litigated this case for nearly 10 difficult years and missed that opportunity. It should not have to take that long to achieve justice, but we are happy that the lives of many young women attending UC Davis after we did have benefited and will benefit from our fight for Title IX."

Women's wrestling also scored a win from the case. Plaintiff Lauren Mancuso stated, "The case paved the way for so many girls who wanted to wrestle or participate in other non-traditional sports. For that, we are proud." Shortly after Plaintiffs filed suit, women's wrestling made its Olympic debut in 2004. Today, thousands of women and girls participate in wrestling across the country.



Injunctive Relief Resulting in Much Improved Gender Parity in UC Davis Athletics and WISE Fund Support of UC Davis Female Athletes

After the *Mansourian* case was filed, UC Davis added a women's intercollegiate golf team and a women's intercollegiate field hockey team. The case also prompted the filing of a related class action, *Brust v. Regents of the University of California*, which resulted in a settlement that required UC Davis to improve gender parity in its athletic participation ratios. Additionally, monetary proceeds from the



settlement were used to create a fund to help developing female athletes at UC Davis. In the past two years, with the assistance of the Women's Foundation of California, the Women In Sports Equity (WISE) Fund has awarded over \$70,000 in grants to female athletes at Davis playing in dozens of sports, including baseball, rugby, and cycling.

WISE Fund recipient and Co-President of UC Davis's Lacrosse Club Jessica Dresser hailed the fund: "The WISE fund allows for women who may not have the financial means to play collegiate sports to do so. By eliminating barriers to skilled competition such as lack of funding to travel or even being able to afford to participate, more women have the opportunity to learn and further the growth of the sport."

ERA commends Plaintiffs Arezou Mansourian, Christine Ng, and Lauren Mancuso for their bravery in pursuing this case. ERA also thanks to its talented co-counsel on the case, the various organizations across the country who served as amici at the Ninth Circuit, and the American Association of University Women for its steadfast support of Plaintiffs and this case.

About ERA

Equal Rights Advocates (ERA), founded in 1974, is a national civil rights organization dedicated to protecting and expanding economic and educational access and opportunities for women and girls. Through its campaign approach—incorporating public education, legislative advocacy, and litigation—ERA assists women and girls throughout a life-long continuum: ensuring equality in their educational experience, combating sex discrimination in the workforce, and advocating for workplaces hospitable to working families. To learn more about ERA's work, visit www.equalrights.org.