

Women's Law Project



PRESS RELEASE

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FOR IMMEDIATE RELEASE

SLIPPERY ROCK WOMEN SCORE TITLE IX WIN WOMEN'S SWIMMING AND WATER POLO TEAMS SAVED

Pittsburgh, PA (July 24, 2006) -- On Friday, July 21, 2006, U.S. Chief District Judge Donetta Ambrose ruled that Slippery Rock University intentionally discriminated against its female student-athletes by eliminating the women's swimming and water polo teams after shortchanging its women athletes of their fair share of athletic opportunities for more than 25 years. The federal judge ordered Slippery Rock to reinstate the women's swimming and water polo teams immediately.

"It's like the sun came back out," said Beth Choike, captain of the Slippery Rock swim team and a member of the water polo team. "We're all so happy that we're going to have a chance to play again."

Friday's ruling was issued in response to a lawsuit, *Choike v. Slippery Rock University*, brought by 12 Slippery Rock student athletes after the school announced plans to cut three women's varsity sports (swimming, water polo, and field hockey) at the end of the 2005-2006 school year. Slippery Rock reversed its decision to cut field hockey after lawyers for the students notified the school of their intent to challenge the cuts under Title

IX of the Education Amendments of 1972, the federal law prohibiting discrimination on the basis of sex in federally funded educational programs.

The lawsuit charges Slippery Rock with failing to provide its female students with equitable athletic opportunities and treatment in violation of Title IX. The court's order grants the students' request for immediate relief in the form of a preliminary injunction prohibiting the University from eliminating the women's teams pending a full hearing on their complaint. A hearing on the preliminary injunction was held on June 14, 2006.

Chief Judge Ambrose found that the student-athletes had demonstrated a substantial, ongoing disparity between the gender composition of the student body and available athletic opportunities. She also found that Slippery Rock had not added a women's varsity team since 1993, and that the fact that it had cut viable, competitive women's teams showed that it was failing to accommodate the interests of its female students in athletic competition.

"This is an important ruling that reaffirms federal laws protecting the rights of women to have equal access to educational programs" said attorney Abbe F. Fletman, a shareholder of Flaster/Greenberg P.C. in Philadelphia, who serves as co-counsel.

Plaintiff Heather Walbright, a rising sophomore and member of both the swim and water polo teams, is thrilled and relieved: "I have been a swimmer my entire life. Being on the swim and water polo teams has taught me perseverance and helped me organize my life. Life without them would have been incredibly hard."

Jessica Student, a junior and co-captain of the women's swim team, agrees. "College is the last chance I have to swim competitively. Swimming gives me a sense of self-worth and improves my academic performance as well. I am overjoyed that I will be swimming when I get back to school."

Rejecting Slippery Rock's claims of harm due to the cost of the reinstated programs, Chief Judge Ambrose concluded that the cost to the school of continuing the teams will be minimal compared to the irreparable harm "emanating from lost opportunities to the student plaintiffs." "We are pleased that Judge Ambrose also noted that, in deciding which teams to cut, Slippery Rock President Robert Smith applied an overtly discriminatory

standard that disadvantaged women, requiring the women's teams to achieve an overall higher academic grade point average than the men's teams" said Susan Frietsche, Senior Staff Attorney at the Women's Law Project and co-counsel for the plaintiffs.

Further proceedings are expected in the case to address the school's unequal treatment of the women athletes across the board, including unfair allocation of facilities, equipment, coaching and training staff, publicity, travel, recruitment, and other resources.

The student plaintiffs, who include freshmen and sophomores, were among the female athletes recruited by SRU with athletic scholarships and the expectation of completing their education at the school, which is part of the Pennsylvania State System of Higher Education. They include Elizabeth Choike (of Fort Leonard Wood, Missouri), Ashley Stoner (of Harrisburg, PA), Heather Walbright (of Worthington, OH), Jessica Student (of Drexel Hill, PA), Jennifer Venet and Emily Campbell (of Mechanicsburg, PA), Elizabeth Penning (of Woodbridge, VA), Laura Sanford (of Stevensville, MD), Rebecca Zinn (of Dillsburg, PA), Alison Nicole Nuckols (of Midlothian, VA), Sarah Sander (of Loveland, OH), and Rachael Bienias (of Tinley Park, IL).

The Findings of Fact, Conclusions of Law and Order of the Court and other relevant documents are available on the Women's Law Project website at www.womenslawproject.org.

The student-athletes are represented by the Women's Law Project, a non-profit women's legal advocacy organization with offices in Pittsburgh and Philadelphia; and the Philadelphia office of Flaster/Greenberg, P.C., a multi-disciplinary law firm of more than 60 lawyers in seven offices throughout Philadelphia, Wilmington and Southern New Jersey. Founded in 1972, the firm provides business and corporate, litigation and regulatory legal services to businesses, governmental entities, nonprofit organizations and individuals throughout the tri-state area.

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