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JUSTICE PREVAILS FOR MICHIGAN GIRLS
Supreme Court Refuses Appeal of Sixth Circuit Decision in Title IX Case

(Washington, D.C.) Delivering a knock-out victory for girls and bringing closure to a nearly decade-long battle to secure equity for high school girls in Michigan, the U.S. Supreme Court today declined to hear the Michigan High School Athletic Association's (MHSAA) appeal of a Sixth Circuit decision that declared the Association discriminates against female high school athletes by scheduling six girls' sports, but no boys sports, in less-advantageous, off seasons.

The Court's denial of MHSAA's petition for certiorari in *Communities for Equity v. MHSAA* means that the Association must now expeditiously comply with the unanimous lower court decisions holding that that MHSAA's scheduling decisions violate both federal and state statutes and the Constitution and must be remedied . Beginning in Fall 2007, MHSAA must implement a plan that will equalize the seasons in which boys and girls play in the state.

"MHSAA has now reached the end of the line," said Marcia Greenberger, Co-President of the National Women's Law Center, which was of counsel in the case. "The Supreme Court's refusal to hear this case means that Michigan girls soon will receive the justice for which they have long waited. MHSAA now must practice the good sportsmanship it preaches and give girls the equal opportunities they deserve."

This case has been long-running. In decision after decision, federal courts in Michigan have found MHSAA in violation of civil rights laws. But rather than providing equal opportunity for female athletes in the state, MHSAA has chosen to continually delay justice with multiple appeals. The case began in 1998 when Communities for Equity sued MHSAA for scheduling six girls' sports—and no boys' sports—in nontraditional seasons. As a result, girls are harmed in ways boys are not, including limited opportunities to be seen by college recruiters and to compete for athletic scholarships. And girls miss opportunities to play club sports and for awards and recognition, such as All-American teams. As a result, girls lose out on valuable skill-building, as well as opportunities to be recruited by college coaches at club events and receive athletic scholarships.

After trial in 2001, the district court held that MHSAA's scheduling of girls' seasons violated Title IX, the U.S. Constitution and Michigan state law. In 2004, the Sixth Circuit upheld the district court's decision on the constitutional claim, finding it unnecessary to address the Title IX or state law issues. The following year, the Supreme Court asked the Sixth Circuit to reconsider the case, posing the technical question of whether the girls can sue under the Constitution in addition to Title IX. The Sixth Circuit in August 2006 ruled not only that a Title IX claim does not bar a plaintiff's right to also

sue for a violation of his or her constitutional rights, but also that MHSAA's conduct violates Title IX, the U.S. Constitution and state law.

"This nine-year delay of justice has already disadvantaged a generation of girls," said Neena Chaudhry, NWLC senior counsel and one of the lead attorneys in the case.

"Unfortunately, the existing damage cannot be undone. But we can look forward. Future generations of Michigan high school girls who want to participate in athletics will get the equal opportunities for which they have long waited."

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