

MEDIA ADVISORY

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Sports Seasons Litigation Update

This information is provided to media in response to questions and the continuing prevalence of misinformation following August 1, when a U.S. Federal District Court rejected the Compliance Plan submitted by the Michigan High School Athletic Association for the realignment of sports seasons in Michigan.

1. The case filed in June 1998, which concluded its trial in October 2001, and has since had orders issued by the U.S. Federal District Court in Kalamazoo in December 2001 and August 2002, is under appeal to the U.S. Sixth Circuit Court of Appeals in Cincinnati, which issued a stay on May 9. The District Court's decision is not yet binding to the Association and its member schools. In fact, the District Court's work is not yet completed.
2. The MHSAA, through its legal counsel, has sought guidance from the Sixth Circuit Court of Appeals, which has informed the Association that the appellate court will not begin its work until after the District Court rules on the amended Compliance Plan, which the MHSAA has until October 30 to submit. The result is that the Sixth Circuit will likely not require the MHSAA's appellate brief until sometime in early 2003. The Sixth Circuit's initial review of the case is expected to take 9 to 12 months from that point.
3. On May 9, the Sixth Circuit Court of Appeals granted the MHSAA's stay in this case based on the following:
 - The appellate court found that "It is clear that the stay motion raises serious appellate issues concerning liability under Title IX and the Equal Protection Clause (Fourteenth Amendment)." AND
 - "The defendant (MHSAA) has articulated a variety of harms that it, its member schools, and the student athletes may suffer if it must comply with the injunction by bringing its scheduling into compliance with the district court's ruling by the 2003-04 school year."
4. The stay issued by the Sixth Circuit virtually guarantees that student-athletes who will be either juniors or seniors in 2002-03 will be able to complete their interscholastic careers under the same schedules as they began. Change is highly unlikely to occur before the 2004-05 school year at the earliest.
5. The August 1 decision of the District Court leaves the MHSAA on dual tracks again:
 - The Association will continue its appeal of the case; AND
 - It will work with its member schools, as it did earlier this year, to seek consensus on a new schedule under the new parameters issued by the District Court, unless the Court of Appeals stays the August 1 ruling.

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6. Michigan's sports seasons have passed legal review on several occasions in other venues:
 - In 1984, the U.S. Office for Civil Rights issued its findings that the scheduling of sports seasons in Michigan does not discriminate against females.
 - In 1973, 1975 and 1992, the Michigan Department of Civil Rights dismissed for no cause of action under Title IX cases brought by groups which challenged the sports seasons schedule of high schools in Michigan.
7. Support for the Michigan schedule remains solid:
 - On seven occasions since 1973, the MHSAA membership has been surveyed; and on each occasion by overwhelming majority votes, schools have favored the Michigan model.
 - In May 1998, the Michigan schedule was favored by more than 82 percent of responding schools, including more than 75 percent of schools with female administrators participating in the survey.
 - A survey of female student-athletes in 1999 documented that more than two-thirds oppose realignment of high school seasons to coincide with college seasons.
 - In May 2002, 75.8 percent of MHSAA member schools responding to a survey used in developing the original Compliance Plan indicated they did not wish to see the girls and boys basketball seasons combined.
 - The statewide athletic directors association, the Michigan Interscholastic Athletic Administrators Association, filed a brief in support of the MHSAA's Compliance Plan. MIAAA, the Michigan High School Coaches Association, and the Michigan Association of School Boards are among those expected to file briefs with the Sixth Circuit when the appellate review continues.
8. While each sports season was determined outside the MHSAA office, usually before the MHSAA had any involvement with a sport, the MHSAA will continue a vigorous defense of the policies and procedures so strongly supported by schools and students. "Appeals take time, often many years," said MHSAA Executive Director John E. "Jack" Roberts. "And if the schools' placement of sports seasons was worth fighting for, it's a fight worth finishing."
9. The MHSAA has been successful in its three previous appeals to the Sixth Circuit, all in the 1990's in defense of eligibility rules challenged under the Americans with Disabilities Act.

The MHSAA is a private, not-for-profit corporation of voluntary membership by over 1,300 public and private senior high schools and junior high/middle schools which exists to develop common rules for athletic eligibility and competition. No government funds or tax dollars support the MHSAA, which was the first such association nationally to not accept membership dues or tournament entry fees from schools. Member schools which enforce these rules are permitted to participate in MHSAA tournaments, which attract approximately 1.6 million spectators each year.

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