

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGION III
3535 MARKET STREET, ROOM 6300
PHILADELPHIA, PA 19104-3326

OCR REFERENCE NO. _____

A. COMPLAINANT'S IDENTIFICATION

1. WOMEN'S LAW PROJECT
125 South 9th Street, Suite 401
Philadelphia, PA 19107
(215)-928-9801

B. FILING ON BEHALF OF ANOTHER

1. Names of Persons Discriminated Against:

Attached is a list of persons who have been discriminated against in athletics at the University of Pennsylvania. It is requested that this list remain confidential because the individuals fear retaliation.

2. Persons discriminated against: female athletes, female coaches, coaches of female sports.

C. INSTITUTION

1. University of Pennsylvania
3400 Walnut Street
Philadelphia, PA 19104
2. Complainant is filing on behalf of employees, students and former students of the University of Pennsylvania.

D. BASES AND ALLEGATIONS

1. Reason for discrimination: Sex
2. The alleged discriminatory conduct includes the following:

FINANCIAL SUPPORT

Although lack of budget information for men's sports makes a budget comparison impossible at this time, it is apparent that there is a great disparity in the

overall availability of funds to men's and women's sports. This is due in large part to the larger club funds available to men's sports, which in turn results in disparities in coaching staff, competitive opportunities, equipment and supplies, recruiting, travel, and other aspects of athletics. Due to the fact that they have been in existence for significantly less time than the men's teams and, as a consequence, have smaller pools of alumni with available income to call upon, the women's teams lack equal opportunity to raise equivalent club funds. Despite this, the University has failed both to provide sufficient development assistance to women's teams and to supplement funding to women's teams to offset the disparity.

There also appears to be a disparity in the extent to which the Athletic Department authorizes use of club funds. Requests by women's teams for use of club funds are often denied. Men's teams appear to have greater access to those funds.

Some known facts about the budgets reveal some disparities. Apparently, the salaries of the coaches of men's sports are not included as a line item in the budgets of those sports, whereas the salaries of coaches of women's teams are included as a line item. In addition, the budgets of men's teams include the personnel which service both men's and women's teams, resulting in the men's teams having greater access to those persons. With respect to crew, for example, the boatman is in the men's budget and thus views himself as under the authority of the men's coach. The salary of the weight room trainer is in the football budget and therefore the trainer's first allegiance is to football.

COMPETITIVE OPPORTUNITIES/LEVELS OF COMPETITION

Although the University's student body is presently approximately 50% male and 50% female, there has been and continues to be a significant disparity in the ratio of male athletes to female athletes. On average, during the last three years, 67% (719) of the participants in the athletic program have been male, while only 33% (344) have been female.

Men's teams in general have a greater number of athletes than women's teams, as demonstrated by the average number of athletes per team over the last three years:

<u>Men's Program</u>		<u>Women's Program</u>	
Football	158	Volleyball	15
Football light	64	Field Hockey	35
Basketball	24	Basketball	12
Track-XCountry	103	Track-XCountry	63
Crew	70	Crew	50
Crew light	69		
Lacrosse	46	Lacrosse	35
Baseball	33	Softball	22
Soccer	30	Soccer	24
Tennis	14	Tennis	13
Wrestling	35	Gymnastics	18
Squash	22	Squash	17
Golf	12		

Some men's sports are able to support two teams, where the women's sports are not. Both men's football and crew have heavy and light teams. Men's track supports a junior varsity team with club funds.

Disparate treatment with respect to coaching staff, equipment and facilities has limited the number of participants on women's teams. Women's crew, for example, has only 8 boats compared to at least 22 for men's crew, and thus cannot maintain the same number of athletes as the men. The result is unequal accommodation of interests and abilities.

In addition, a serious disparity exists in the quality of competitive opportunities for women and men. For example, currently only one women's team (basketball) has Level I status. This team has an average of 12 participants per year. In contrast, two men's teams (football and basketball), with an average total participation of 182, have Level I status. Despite highly successful seasons, neither the women's volleyball nor the women's field hockey teams have been elevated to Level I status.

Level status is determinative of quality of competition and the amount of resources devoted to coaching, recruiting, travel and other benefits and opportunities. Accordingly, the failure of the University to elevate more women's teams to higher levels is resulting in significant gender disparity in the competitive benefits and opportunities available to women athletes at Penn.

Independent of level status, women's teams generally have fewer competitive opportunities than men because of unequal club funds. Whereas larger club funds support the travel of men's teams to a variety of competitive events, women do not have club funds in equal amounts.

PROVISION OF EQUIPMENT AND SUPPLIES

In many instances, there are significant disparities in the quality, amount, suitability and availability of equipment and supplies (including uniforms and practice gear) provided to women and men athletes. Male athletes are frequently given priority in the distribution of equipment and supplies. Crew is a prime example: men's crew has about 22 boats, while women's crew only has 8; men's crew has modern boat racks, while women's crew has the old wooden ones; men have more oars. The baseball team has permanent bleachers; the softball team must share moveable bleachers with the men's soccer team, which does not return them timely.

The selection of training clothes chosen for athletes is often determined by male standards. Men are given more uniforms than women and the men's uniforms are replaced more frequently.

For example, the women's softball team has two uniforms, which have not been replaced in five and six years, respectively. The women's team has been told they will get new home uniforms for the 1995 season, but only because the company that makes the present uniform is going out of business and therefore will be unable to provide replacements on an as needed basis. The men's baseball team has at least three uniforms, which are replaced more frequently. The men's team is given indoor and outdoor shoes, while the women are given only outdoor shoes; yet both teams play indoors in February. Until spring, 1994, the women's team had been given an inadequate supply of bats. Unlike other

teams, the women's team does not have a jacket or warm-up clothing which identifies the sport.

The women's lacrosse and field hockey teams must share uniforms. The men's lacrosse team is not required to share uniforms.

COACHING

A. Opportunity to Receive Coaching:

There appear to be significant disparities in the number and relative availability of full-time coaches, part-time coaches, and assistant coaches. Women's teams have significantly more part-time coaches, both in the head coach and in the assistant coach category. This limits the amount of coaching that can be given to women athletes and, as a consequence, the number of athletes that can be accepted for women's teams.

Women's Softball: The softball team is grossly understaffed--particularly as compared to baseball. The softball team presently has a part-time head coach and one part-time assistant coach, the latter of which is not always available for practice. Because of the part-time status of the head coach, NCAA rules prohibit more than one paid assistant coach. The softball team has a volunteer part-time assistant coach who has had to pay her own way on recruiting trips. In contrast, men's baseball has been staffed with a full-time head coach and two assistant coaches.

Women's Basketball: For the 1994-95 academic year, men's and women's basketball will for the first time have the same number of paid coaching staff, one full-time head coach and two full-time assistants. Prior to 1994, women's basketball has had only one full-time assistant, the other being part-time. Both of the men's assistants have been full-time. In addition, the men's team has an additional volunteer assistant.

Women's Crew: Women's crew is staffed by one full-time coach and, until the middle of the 1993-94 academic year, one part-time assistant coach, who also serves as freshman coach. Mid 1993-94, the assistant/freshman coach was made full-time. The University has made vague statements regarding the future hire of an additional assistant coach for women's crew, but has set no time or salary for such hire. Men's crew, which maintains a heavyweight and a lightweight team, has one

full-time head coach, one full-time freshman coach and one part-time assistant coach for the heavy weight team. The lightweight team has, in addition, one part-time head coach and one part-time freshman coach.

Women's Volleyball: Second to basketball in attendance, women's volleyball has a full-time coach, and only a part-time assistant.

Women's Squash: Women's squash has only a part-time (10 month) head coach, whereas men's squash has a full-time head coach. A recommendation by the Human Resources Department to make the women's coach full-time has not been implemented by the athletic department.

Women's Field Hockey and Lacrosse: The women's field hockey and lacrosse teams are coached by the same head coach and assistant coach. Men's lacrosse has a full-time coach coaching only one team; there is no men's field hockey team.

Women's Gymnastics: Although gymnastics has the longest combined practice and competition year of any sport, other than track and field, the women's gymnastics team has only a part-time head coach (9 month, limited service) and no assistant. The team has had a part-time assistant in the past; however, the athletic department set the salary so low that no assistant could be attracted to the position for the 1993-94 year. A comparable sport, men's fencing has one full-time head coach and one full-time assistant coach.

B. Compensation of Coaches:

There appear to be significant gender-based disparities in the rate of compensation of coaches of men's and women's teams at both the head coach and assistant coach levels. Head coaches of women's teams are often paid less than assistant coaches of male teams. While the University has responded to this complaint in part, by instituting a review of coaches salaries and recommending some increases, some of which were given out between August and December 1993, the recommendations thus far affect the salaries only of head coaches and do not provide equity with male coaches in terms of recognition of experience, performance, and number of seasons. Nor have they been fully implemented by the athletic department. Moreover,

coaches were not fully compensated for past discrimination in salary (back-pay). Finally, men's coaches continue to receive both merit pay increases for things such as "marked improvement" in performance, often out of club funds, and bonuses for success in championships that are not given to women's coaches.

Frequently, only coaches of male teams are given opportunities to take on extra duties which increase salary. For example, the men's crew coach receives extra compensation for oversight of the boat house. The men's tennis and squash coaches receive extra compensation for supervision of the tennis and squash courts. The men's baseball coach oversees several fields. The opportunity to assume these extra duties, which result in increased compensation, has been extended only to the men's coaches. Moreover, the extra duties carry with them additional power over access to and use of the facilities in question.

Salaries of part-time assistant coaches for women's teams are so low as to make it difficult to find individuals to assume the positions. Once found, they tend to view the low paying, often part-time position as a starting point and soon move on, resulting in high turnover and depriving the women's teams of continuity and experience in coaching.

There also appear to be gender-based disparities with regard to fringe benefits, such as parking privileges (e.g., safe parking locations), housing, meals and transportation (e.g., leased cars). Although the University changed its car policy in 1994, so that those coaches who previously received a leased car will be converted to a car allowance and additional women's coaches will receive a car allowance (i.e. crew,), differences in treatment continue. The men's basketball full-time head coach and assistant coaches will receive a car allowance. However only the women's coaches who were full-time prior to the 1994-95 school year will receive car allowances; the assistant coach who was upgraded from part-time to full-time status effective at the commencement of the 1994-95 academic year will not receive a car allowance.

EVALUATION

Coaches are evaluated, at least in part, on the basis of team success. However, due to disparate treatment, success has been harder for women's teams to achieve.

Standards for evaluating the performance of women coaches should be modified to take into account the continuing effects of past discrimination.

RECRUITING

In this category, like many others, disparities in access to club funds appear to be limiting the recruitment opportunities for women's sports. In allocated dollar amounts, disparities exist in both the operating budget for recruitment and the availability of club funds for recruitment.

In addition, the fact that women's teams have fewer coaches, a disproportionate number of whom are part-time, adversely impacts on their ability to recruit, both during the school year, when their limited time must be devoted to the teams which they coach, and during the summer.

In the area of admissions, there appears to be gender-based disparity in the allocation of athletic components (students to be admitted at the request of a particular team). Gymnastics, a women's team, gets only a floating component, the allocation of a component only if the pool is not used up. There may also be inequity in the distribution of financial aid and work study grants.

WEIGHT ROOM FACILITIES AND TRAINING SERVICES

There appear to be serious gender-based disparities in the availability of trainers. Male athletes frequently are given priority in obtaining training services. Men's teams have full-time trainers, who travel with them. A disproportionate number of women's teams do not have an assigned trainer. The women's teams that have trainers have them on only a part-time basis, resulting in the trainer not being present at all required times, and do not have trainers traveling with them.

The softball team, for example, does not have an assigned trainer who will accompany the team on away games. Athletes were injured at away games during both the 1993 and 1994 seasons and medical treatment was adversely affected by the absence of a trainer traveling with the team. On one occasion, the trainer from the opposing team treated the athlete improperly and the athlete's hand became infected and she was unable to play for several weeks. The softball team now

has a part-time trainer, who is not available for all practices and is never available prior to practice. The team has had to rely on a walkie-talkie or, when indoors, a telephone to call a trainer when needed. The results have been uneven, with a walkie-talkie failing to work on one occasion and long delays in the arrival of a trainer on other occasions. In contrast, men's baseball has a full-time trainer who travels with the team.

Similarly, gymnastics, although a high risk sport, does not have an assigned trainer. If a trainer is required during a practice or meet, a telephone call must be made. No trainer travels with the team. Both men's wrestling and fencing have a trainer present at all times.

Although the new and expanded Weight Room has resulted in some improvement, there continue to be gender-based disparities in access to the equipment in this facility. A disproportionate number of male athletes continue to get priority in access to this facility. Football gets priority over every other team both in and out of season. In addition, some women athletes feel the environment is a hostile one in which they feel unwelcome and intimidated.

LOCKER ROOMS, PRACTICE AND COMPETITIVE FACILITIES

A disproportionate number of women's teams are forced to share locker rooms with other teams as well as with outside groups such as recreation participants and sports medicine patients. Disparities exist in the size, location, cleanliness and maintenance of the locker room facilities. Football has its own modern facility; apparently, a new facility for the baseball team is planned. Meanwhile, the women's softball team shares a small, cramped, old, poorly cleaned and maintained locker room with the women's soccer team. Women's tennis, squash and gymnastics share a locker room with each other and with the general public. The locker room of the women's squash team is located in a completely different facility than the squash courts, and thus is rarely used by the women. The men's locker room is right next to the squash courts. Women's field hockey and lacrosse share a locker room with the Sports Medicine Center. Women's crew has no locker room in the boat house, instead they have a locker room in Hutchinson gym and must arrive at the boathouse dressed. In the boathouse, they occupy a space half

the area of the men's, which was added on to the existing boat house and contains no lockers in which to lock up valuables.

There also appears to be gender disparity in the exclusivity of use of the practice facilities. Pedestrian traffic is consistently allowed to intrude on practice areas during women's practices. Women's gymnastics is allotted a section of Hutchinson gym for practice which is unprotected from interference from recreational basketball and volleyball being played simultaneously in other parts of the gym and squash players walking through the practice area to gain access to the squash court entrance. In contrast, men's practices (especially football) are usually safeguarded from outside interference and intrusion. Meeting rooms and conference areas are not available to women's teams.

Competitive facilities of men's and women's teams are treated differently. The University permits other parties to use the women's softball field, including both the football team and the men's soccer team as well as groups who rent its use during the summer. The field has been damaged by such use, but has received little maintenance, leaving it in a dangerous condition. The baseball field, while occasionally used by other teams, is perfectly maintained. The baseball field has a warning track, a safety feature; the softball team's request for one was turned down.

SCHEDULING OF GAMES AND PRACTICE TIMES

Prime time use of the Annex is not allotted fairly across male and female sports. In addition, although three sports (football, field hockey, and women's soccer) use Franklin Field as their practice facility in the fall, the men's team--football--is always given priority and prime time use. Men's lacrosse takes precedence over women's track meets. As a result, women's track must continually modify and alter its meet schedule.

TRAVEL AND PER DIEM ALLOWANCE

There are significant gender-based disparities in the daily allowance provided to the teams, the methods of transportation, the lengths of stay before and after competitive events and the quality of housing furnished during travel. Again, the availability of greater

resources from club funds for male sports appears to be the primary basis for this disparity.

Examples include the fact that the women's softball team must engage in extensive fundraising to pay for travel and accommodations for spring training in Florida. Once there, they cannot afford to travel to play against teams of their choosing. The baseball players do not have to raise their own funds for travel and are able to travel more, having traveled to Florida twice in 1993 and traveled locally once there. When women's teams, such as track and field, participate in competitions during times when the University is in recess and the dining facilities are closed, the players must pay for their own meals. Men's teams receive recess financial support which covers meals.

PUBLICITY

There are gender-based inequities in the quality of publications and other promotional devices. Last year, for example, two men's teams had full color guides, while only one women's team had a full color guide and that guide was not equal in size or quality with the best men's guide. Here again, contrary to the mandates of Title IX, men's access to richer club funds appears to be a factor in this inequity. Some women's teams must pay for their brochures with limited club funds.

There are also gender-based disparities in the availability and quality of sports information personnel. While some men's teams work directly with assistant directors, all women's teams work with a student intern. Sports files for women athletes are not kept adequately updated.

Women's teams must use inadequate club funds to cover the majority of the cost of championship items purchased to signify an Ivy championship.

OFFICE AND SUPPORT STAFF

While two men's teams (football and basketball) each have full secretarial support for their teams, all women's teams share two secretaries with the other men's teams. The offices of several of the coaches of women's teams, including gymnastics, tennis, and crew, are in completely different facilities from that which houses the secretarial staff. In addition, coaches of men's teams have superior office facilities.

3. The basis for believing these actions to be based on sex:

It is believed that these actions are based on sex, because the opportunities, benefits and conditions of athletics at the University of Pennsylvania appear to differ on the basis of the gender of the team members and the gender of the coach.

4. The most recent date of discrimination:

The discrimination alleged herein is continuing discrimination. The University continues to treat athletics for men and women differently today and every day prior thereto.

E. INTERNAL GRIEVANCE

1. The coaches and athletes have attempted to resolve their equity concerns internally, without outside intervention. Commencing in the Spring of 1993, the coaches of women's teams participated in a dialogue with the Athletic Department regarding gender equity concerns. However, the Athletic Department did not respond to their concerns and complaints.

In addition, on behalf of the women coaches and women athletes, the complainant Women's Law Project, sent a letter dated November 30, 1993 to Claire Fagin, President, University of Pennsylvania, itemizing generally the concerns outlined herein and seeking a negotiated resolution. Subsequent correspondence has failed to produce any results. The reasonable requests made by the Women's Law Project, including the request that the University appoint a Title IX Gender Equity Task Force, have been rejected.

Copies of correspondence are attached.

F. TIMELINESS

In light of the continuing nature of the violations alleged, timeliness is not at issue.

G. OTHER AGENCY OR COURT

This complaint has not been filed with any other agency or court. It is anticipated that complaints of employment discrimination will be filed with the Equal Employment Opportunity Commission.

SIGNATURE

DATE