

NEWS RELEASE

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FOR IMMEDIATE RELEASE

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PUBLIC JUSTICE FILES TITLE IX RETALIATION AND DEFAMATION CASE AGAINST FGCU FOR MISTREATMENT OF HEAD VOLLEYBALL COACH

Public Justice, the national public interest law firm, filed a federal lawsuit against Florida Gulf Coast University on Friday, charging that the school is retaliating against and defaming an accomplished athletic coach because she expressed concern that FGCU is violating a federal law designed to ensure gender equity in education.

The lawsuit stands on Title IX – the same law that Coach Jaye Flood said the university is flouting – and notes “a continuing series of retaliatory acts” against Flood, the most successful coach in FGCU history and this year’s Atlantic Sun Conference “Coach of the Year.”

In response to Flood’s advocacy of gender equity in the university’s athletic department, the complaint charges, the university berated Flood’s job performance, placed her on probation and administrative leave, denied her a salary raise and bonus, and announced her contract will not be renewed when it expires this summer. The school also “made defamatory statements intended to damage her professional reputation,” the suit says.

“Rather than treat our complaints about the athletic program seriously and respectfully, the university has been picking off female coaches one by one,” Flood said. “It’s really for everyone that I’m taking this action because this unfairness has to stop.”

Public Justice Attorney Adele Kimmel said Title IX of the Civil Rights Act prohibits policies, practices and programs at federally funded educational institutions that discriminate on the basis of gender.

“FGCU has responded to complaints that it is violating Title IX by taking retaliatory actions that further violate Title IX,” said Kimmel. “Coach Flood should be lauded for advocating gender equity in FGCU’s athletic program, not pilloried.”

The complaint, filed in the Fort Myers Division of U.S. District Court, notes that the university is conducting a series of investigations aimed at Coach Flood, but has not fully informed the coach about either the underlying basis for the probes or the findings.

Coach Flood took the FGCU volleyball program from a fledgling in the NCAA's Division II to a Division I tournament contender. In raising concerns about Title IX compliance at the school, she had pointed out disparities between men and women's athletic programs in marketing, donations, facilities and staffing.

"University officials have spent their energies working to discredit and damage a highly successful and dedicated coach who cares deeply that all of the school's athletes and coaches have an equal opportunity to succeed," said Public Justice lead counsel Linda Correia, a partner of Webster, Fredrickson, Henrichsen, Correia & Puth, P.L.L.C. in Washington, D.C. lead counsel in the case. "Coach Flood is filing this lawsuit to ensure that the promise of Title IX becomes a reality for everyone at FGCU."

Public Justice has successfully prosecuted more Title IX litigation against universities and colleges than any law firm in the country, including landmark suits against Brown University and Temple University. In November 2005, its threat of a Title IX suit prompted Florida A & M University to reinstate its women's swimming and diving teams. At its 25th Anniversary Celebration last fall in Washington, DC, Billie Jean King lauded Public Justice for its extraordinary work and accomplishments advancing equal rights.

For a pdf of the complaint and other materials, please send an email to dmathis@publicjustice.net.

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Public Justice (formerly Trial Lawyers for Public Justice) is America's public interest law firm. Dedicated to using trial lawyers' and other attorneys' skills and resources to advance the public good, Public Justice is supported by - and can call on -- a nationwide network of more than 3,000 of the nation's top lawyers to pursue precedent-setting and socially significant litigation. It has a wide-ranging litigation docket in the areas of consumer rights, worker safety, civil rights and liberties, toxic torts, environmental protection, and access to the courts. Public Justice is the principal project of The Public Justice Foundation, a not-for-profit membership organization headquartered in Washington, DC, with a West Coast office in Oakland, California. The Public Justice web site address is www.publicjustice.net.