

ISSUE HIGHLIGHTS: MPT022002Q3 – MEE FEBRUARY 2002  
(WHITFORD V. NEWBERRY MIDDLE SCHOOL DISTRICT)

**Type of MPT:** Closing Argument

**Part I – Introduction:** The District rule that prohibits Annie from trying out for the boys-only volleyball team violates Title IX, and this Court should issue an order requiring the District to let Annie try out for the team.

**Part II – Main Argument:** Under Title IX, girls must be permitted to try out for the boys-only volleyball team because the school does not also have a girls-only team, volleyball is not a contact sport, and athletic opportunities for girls have been previously limited in the school.

Sub-Issue A: Whether volleyball is a contact sport because either (i) the purpose or (ii) the major activity of the sport involves bodily contact.

Sub-Issue B: Whether athletic opportunities for girls at Newberry Middle School have previously been limited. (Analyzing the 10 factors from 34 Code of Federal Regulations § 106.41(c). Athletics)

**Part II – Conclusion**

Sub-Issue 1: Volleyball is not a contact sport because it is not enumerated as such in the regulations, the purpose of volleyball is not bodily contact, and bodily contact is not a major activity of the sport.

Sub-Issue 2: Newberry does not have a co-ed or girls-only volleyball team, and athletic opportunities for female students have previously been limited.

**Overall Conclusion:** As the District has violated Title IX, this Court should issue an order requiring it to allow Annie to try out for Newberry’s interscholastic volleyball team.