

VIA-E-MAIL to ZIGASP@ecu.edu

November 20, 2020

Mr. Paul H. Zigas
Office of University Counsel
East Carolina University
215 Spilman Building, MS 103
Greenville, NC 27858

RE: Elimination of Women's Varsity Teams at ECU in Violation of Title IX

Dear Mr. Zigas:

I received your letter of November 19, 2020, and appreciate that ECU is taking seriously the allegations that it is illegally discriminating against its women athletes and potential athletes on the basis of their gender. I am surprised, however, that your office needs more time to investigate and feels it necessary to engage outside counsel. As I noted in my letter to you of November 16, 2020, federal law makes plain that ECU is violating Title IX unless its "intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments." 44 Fed. Reg. 71418 (Jan. 16, 1996). At ECU, those numbers are not close. Without the women's swimming and tennis teams, women get only 50.49% of the opportunities when they are 56.57% of the undergraduate enrollment.

While I would like to resolve this without the need for litigation, time is of the essence. Every day of delay imposes irreparable injury on the women's swimming and tennis team members—and postpones their ability to get relief from the court.

Nevertheless, I will defer to your wishes and wait to hear from you by Tuesday, December 1, 2020. In the meantime, however, given the delay, we will be preparing our papers to go to court. I tell you this because, under Title IX, ECU will be responsible for paying my clients' costs and attorneys' fees when we prevail. I did not want ECU to wonder why the costs and attorneys' fees grew so quickly between now and December 1. If you can get back to me before December 1, please do so. Otherwise, I will look forward to hearing from you on that date.

Sincerely,



Arthur H. Bryant

AHB/am

cc: Lori Bullock, Newkirk Zwagerman PLLC
Daniel K. Bryson, Whitfield Bryson LLP