

May 21, 2021

**Via e-mail: president@lasalle.edu**Collen M. Hanycz, Ph.D, President  
La Salle University  
1900 West Onley Avenue  
Philadelphia, Pennsylvania 19141**RE: Elimination of Women's Intercollegiate Athletic Teams in Violation of Title IX**

Dear President Hanycz:

I and my co-counsel have been retained by members of the women's volleyball team to prevent the elimination of their team and the elimination of the women's softball and tennis teams and, if necessary, pursue a class action lawsuit against La Salle University ("La Salle") for depriving women athletes and potential athletes of equal participation opportunities and treatment in violation of Title IX of the Education Amendments of 1972. Please respond to this letter as soon as possible and, in any event, no later than Thursday, May 27, 2021.

On September 29, 2020, La Salle University announced that it was eliminating its women's volleyball, softball, and tennis teams, along with its men's baseball, swimming & diving, tennis, and water polo teams at the end of the 2020-21 academic year. On May 3, 2021, however, the school announced it was reinstating its men's swimming & diving team—and no women's teams. Given these facts, the elimination of the women's volleyball, softball, and tennis teams constitutes illegal sex discrimination in violation of Title IX.

Title IX prohibits educational institutions receiving federal funds from eliminating women's teams for which interest, ability, and competition are available unless "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). La Salle fails this test.

According to the most recent publicly available data, La Salle's undergraduate population was 64% women in 2019–2020. <https://www.lasalle.edu/hea/student-diversity/>. The school's intercollegiate varsity athletic team rosters that year had 237 men and 276 women, or 53.8% women—creating a 10.2% gap between the women's undergraduate enrollment rate and their intercollegiate athletic participation rate. Given these numbers, La Salle needed to add opportunities for 145 women to its intercollegiate athletic program to reach gender equity.

Instead of doing that, on September 29, 2020, La Salle announced that it was eliminating seven sports: men's baseball, swimming and diving, tennis, and water polo; and women's softball, volleyball, and tennis. The announced eliminations reduced athletic participation to approximately 147 men and 236 women—and reduced the participation gap to 2.38% or 25

women. This gap, however, was still large enough that La Salle could have reinstated any one of the three eliminated women's teams to approach substantial proportionality under Title IX.

But La Salle did not reinstate any women's team. Instead, on May 3, it announced it was reinstating the men's swimming & diving team. As a result, the school's intercollegiate athletic participation will be approximately 172 men and 236 women, or 57.84% women—creating a 6.16% participation gap. Therefore, with the announced reinstatement of the men's team, La Salle now needs to add approximately 70 women to reach gender equity under Title IX. This participation gap is large enough that La Salle could reinstate all three of the eliminated women's teams, which offer opportunities for approximately 40 women combined.

That being so, I would like to meet with you and/or the school's lawyers and discuss the relevant facts and the law, as well as the likely outcome if a lawsuit is filed. It is my hope that, considering these factors, La Salle will agree to reinstate the women's volleyball, softball, and tennis teams and come into compliance with Title IX to avoid the need for a lawsuit.

Unless La Salle does so—or has some plans for compliance with Title IX we do not yet know—we will seek a preliminary injunction reinstating and preserving these teams as quickly as possible. Courts throughout the country have consistently issued preliminary injunctions preserving women's varsity teams when the elimination of a women's team violates Title IX. *See, e.g., Mayerova v. E. Michigan Univ.*, 346 F. Supp. 3d 983, 997 (E.D. Mich. 2018), *appeal dismissed*, No. 18-2238, 2020 WL 1970535 (6th Cir. Apr. 20, 2020) (granting preliminary injunction to reinstate the women's varsity softball and tennis teams); *Portz v. St. Cloud State Univ.*, 196 F. Supp. 3d 963, 978 (D. Minn. 2016) (granting preliminary injunction to reinstate the women's varsity tennis team); *Biediger v. Quinnipiac Univ.*, 616 F. Supp. 2d 277 (D. Conn. 2009) (granting preliminary injunction to reinstate the women's varsity volleyball team); *Choike v. Slippery Rock Univ.*, 2006 WL 2060576 (W.D. Pa. July 21, 2006) (granting preliminary injunction to reinstate the women's varsity water polo and swimming teams); *Barrett v. West Chester Univ. of Penn.*, 2003 WL 22803477 (E.D. Pa. Nov. 12, 2003) (granting preliminary injunction to reinstate the women's varsity gymnastics team); *Favia v. Indiana Univ. of Penn.*, 812 F. Supp. 578 (1993) (granting preliminary injunction to reinstate the women's varsity gymnastics and field hockey teams); *Cohen v. Brown Univ.*, 809 F. Supp. 978 (D. R.I. 1992), *aff'd* 991 F.2d 888 (1st Cir. 1993) (granting preliminary injunction to reinstate the women's varsity gymnastics and volleyball teams).

We hope that will not be necessary in this case. I look forward to hearing from you as soon as possible and, in any event, no later than Thursday, May 27, 2021.

Sincerely,

Arthur H. Bryant

AHB/sl