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June 23, 2021

Mr. Arthur H. Bryant, Esq.
Bailey & Glasser LLP
1999 Harrison Street, Suite 660
Oakland, CA 94612

Sent Via email: abryant@baileyglasser.com

RE: Resolution of Potential Title IX Litigation

Dear Arthur,

I am writing on behalf of La Salle University ("La Salle") to document the understanding reached with your clients, who are female student-athletes at La Salle. On September 29, 2020, La Salle announced its decision to eliminate its varsity intercollegiate athletic men's baseball, swimming & diving, tennis, and water polo teams and women's softball, tennis, and volleyball teams at the end of 2020-21 academic year. On May 3, 2021, La Salle announced that it was reinstating its men's swimming & diving team and no women's teams. Your clients claim the elimination of the women's teams constitutes illegal sex discrimination and that La Salle is depriving women athletes and potential athletes of equal participation opportunities and equal treatment in violation of Title IX of the Education Amendments of 1972. This letter agreement is intended to resolve your clients' claims. We hereby agree as follows:

On June 29, 2021, La Salle will publicly announce in coordination with you, that La Salle has reached an agreement to resolve your clients' claims by committing to bring all aspects of its intercollegiate athletic program into compliance with Title IX in the 2022-23 academic year and all future academic years.

In regard to your clients' equal opportunity claims, La Salle will post on its website its official, accurate undergraduate enrollment data for the 2020-21 academic year by June 30, 2021, and, for each academic year after that, as soon as that information becomes available. La Salle will also post on its website its official, accurate intercollegiate athletic Title IX participation numbers for the 2020-21 academic year by June 30, 2021, and, for each academic year after that, as soon as that information becomes available.

As of June 21, 2021, La Salle has developed, through detailed analysis, the projected men's and women's Title IX participation numbers for its varsity intercollegiate athletic teams in the 2021-22 academic year attached to this agreement as Exhibit 1. Understanding that this letter is being written in June of 2021 and the recruiting process is still fluid, La Salle intends to and believes it will achieve these participation numbers, in part because it has already recruited additional female student-athletes and increased the financial aid it provides to female student-athletes to do so. To show you why La Salle believes it will achieve these numbers, La Salle has provided to you and your clients the last three years of squad list

participation numbers, the official enrollment data for those years, the monetary increases and allocations of athletic financial aid for the 2021-22 academic year, including the current distribution of those funds to the committed members of the remaining varsity teams, and detailed information from the coaches of how they will grow their teams and provide the women with genuine participation opportunities.

Based on the projections listed above and in Exhibit 1, and the full-time undergraduate enrollment rates for the 2020-21 academic year (which were 61.5% female and 38.5% male), La Salle believes its female and male intercollegiate participation rates and its female and male full-time undergraduate enrollment rates will be close to identical in 2021-22. As a result, the female “participation gap” (the gap that needs to be filled to make these rates exactly the same) in 2021-22 will be so small that it would not sustain a viable women’s team—i.e., so small that La Salle will comply with Title IX’s “substantial proportionality” requirement for equal participation opportunities in athletics.

To help you and your clients determine whether La Salle has complied with that requirement, La Salle will provide you with its official 2021-22 full-time undergraduate enrollment numbers and its official 2021-22 Title IX intercollegiate athletic participation numbers when they are available. La Salle will also provide you with the data and documents from which those Title IX participation numbers are derived: its 2021-22 NCAA squad lists (which will be available approximately in or around March of 2022) and CARA (Countable Athletic Related Activity) data and reports (which will be available approximately in or around May of 2022).

If those numbers show that La Salle achieved substantial proportionality and the female “participation gap” in 2021-22 was so small that it would not sustain a viable women’s team, then your clients will waive their equal participation claims as described in the release attached hereto. If those numbers show that La Salle had a female participation gap of 7 or more, La Salle will reinstate or create women’s varsity intercollegiate athletic teams per the schedule below, starting in the 2022-23 academic year, and continue them for at least 5 academic years, as long as La Salle has an intercollegiate athletic program:

<u>Female Participation Gap/or # of athletes to get compliant</u>	<u>Women’s Teams</u>
7 to 13	Tennis
14 to 22	Volleyball
22 to 25	Tennis and Volleyball
22 to 45	Tennis, Volleyball, and additional team, if viable
45 to 50	Tennis, Volleyball, and Softball
50 or more	Tennis, Volleyball, Softball, and additional team(s), if viable

In no event will La Salle try to reach “substantial proportionality” under Title IX by eliminating any women’s or men’s teams or intentionally removing bona fide/fillable roster spots on women’s or men’s teams in 2021-22 or for at least five academic years after that. Nothing in this agreement shall prevent or preclude La Salle from deciding in 2021-22 or any other year to bring back any eliminated sport in its discretion so long as it is in accordance with Title IX.

In regard to your clients’ equal treatment claims, La Salle will conduct a gender equity review this year and will develop and adopt a Gender Equity Plan (“the Plan”) no later than June 1,

2022, designed to bring all aspects of its intercollegiate athletic program into compliance with Title IX during the 2022-2023 academic year and future years. The gender equity review will be conducted and the Plan will be developed by an individual or group agreed to by La Salle and your clients.

During the gender equity review, La Salle and/or that individual or group will solicit input from student-athletes and alumni and will expressly invite participation from your clients and the La Salle women's varsity intercollegiate athletic teams. The Plan, as adopted, will set forth terms for how La Salle's intercollegiate athletic program will comply with Title IX during the 2022-23 academic year and future years. La Salle will monitor and manage the Plan and its development on an on-going basis (including prior to its official adoption) to improve La Salle's Title IX compliance. La Salle will implement the Plan in accordance with its terms and comply with Title IX during the 2022-23 academic year and future years, while retaining discretion to adjust the details or terms of the Plan as future circumstances may dictate, as long as La Salle has an intercollegiate athletic program.

During the 2021-22 academic year, while the gender equity review is being conducted, La Salle will take the following steps to address specific treatment and benefits issues your clients have raised:

1. La Salle will provide chartered flights to away games equitably to female and male student-athletes. La Salle will also provide flights to away games equitably to female and male student-athletes.
2. La Salle will ensure that women's and men's teams are given equal access to scheduling gym and weight room time and will not allow a men's team to interfere with a women's team's scheduled time for either of these facilities.
3. La Salle will provide female and male student-athletes with equitable allotments to purchase team clothing, shoes, and gear for their sports and will ensure female student-athletes are able to spend their entire allotments. La Salle will also provide equitable allotments to each women's and men's team for additional gear purchases and will ensure the teams spend their entire allotments.
4. La Salle will ensure equitable provision of medical services to female and male student-athletes.
5. La Salle will have meals delivered directly to student-athletes after a home game or practice to at least as many female student-athletes as male student-athletes.

The Plan will be made publicly available on La Salle's athletic department's website and will be provided to you and your clients when it is adopted, no later than June 1, 2022. La Salle will also make publicly available on its athletic department's website and provide to you and your clients updated versions of the Plan, if any, when they are adopted and status reports and/or updates on implementation of the Plan (or any updated version of the Plan) on December 31, 2022, December 31, 2023, and December 31, 2024.

Your clients will have all rights afforded to them by law if La Salle violates this agreement, including the right to seek specific performance, and will have the same right to recover costs and attorneys' fees they would have under Title IX.

To avoid the expense of litigation and without admitting liability, La Salle will pay \$59,000.00 for your clients' costs and attorneys' fees. Such payment shall be sent to Bailey & Glasser, LLP, within thirty (30) days of your signature of this agreement. In addition, after La Salle provides you with its 2021-22 undergraduate enrollment and athletic participation numbers, documents, and data, as required above, La Salle will pay your clients' costs and attorneys' fees for reviewing and analyzing this information and confirming and ensuring La Salle's compliance with this agreement.

This is the entire agreement of the parties, and no promises or representations were made or relied upon by either party other than those expressly provided herein. The parties consent to the jurisdiction of the courts of the Commonwealth of Pennsylvania and/or the United States District Court for the Eastern District of Pennsylvania as the exclusive courts of the jurisdiction with respect to this agreement. This agreement shall be construed without the aid of any canon, custom, or rule of law requiring or suggesting construction against the drafter.

In consideration for the above, your clients will execute a release of claims in the format enclosed within ten (10) days of this letter. Please indicate below that your clients have authorized consent to these terms.

Sincerely,



Sean L. Corgan
Vice President and General Counsel

Agreed:



6/23/21

by Arthur H. Bryant on behalf of
individual female athletes at La Salle University

Exhibit 1
La Salle University's Projections for 2021-2022

Roster Numbers from Official Squad Lists:

Men's Sports	2018-2019	2019-2020	2020-2021	2021-2022 Projected May 24
Baseball	41	34	32	0
Basketball	16	15	16	17
Cross Country	13	15	15	13
Golf	8	8	8	10
Crew	37	36	31	35
Soccer	32	26	29	29
Swimming	20	25	20	17
Tennis	7	7	7	0
Indoor Track	23	25	25	30
Outdoor Track	22	25	25	30
Water Polo	22	24	15	0
Men's Total	241	240	223	181
Women's Sports				
Cross Country	15	19	21	15
Field Hockey	20	23	21	30
Basketball	15	14	16	15
Golf	8	7	6	8
Lacrosse	36	33	37	33
Rowing	25	27	22	38
Soccer	28	28	28	32
Softball	20	20	14	0
Swimming	17	19	22	28
Tennis	7	7	4	0
Indoor Track	26	27	25	34
Outdoor Track	26	27	25	34
Volleyball	15	14	10	0
Water Polo	21	23	19	23
Women's Total	279	288	270	290

LA SALLE TITLE IX RELEASE

In consideration of the promises contained in the letter agreement dated _____, 2021, I hereby fully and finally covenant, on behalf of myself, my heirs, my assigns, and my future estates, not to sue and to release and forever discharge La Salle University, its trustees, and each of its officers, agents and employees, in their official and individual capacities, from all claims, demands, damages, costs, losses, expenses, and actions under Title IX of the Education Amendments of 1972, 20 U.S.C.A. §1681 et seq., based on La Salle's elimination of my varsity intercollegiate athletics team announced on September 29, 2020, and La Salle's treatment of my varsity intercollegiate athletic team as of the date of the letter agreement.

This release shall not prevent any action based on a breach of the terms of the letter agreement.

Signature: _____

Name: _____

Date: _____