

Court Gives Final Approval To Settlement Restoring Equal Opportunities For Women In Brown University Athletics

12.15.2020

A federal court has today given final approval to a settlement agreement between Brown University and the class of women student-athletes at Brown which resolved the class-action court challenge to Brown's decision in June 2020 to cut women's teams from its varsity athletics program. The court action, filed in June by cooperating counsel from Public Justice and the ACLU of Rhode Island, Bailey Glasser, and one other private law firm, alleged that the cuts violated a 1998 consent agreement that the University entered to comply with Title IX, the federal law that guarantees equal access to athletic programs for female athletes.

In September, the court preliminarily approved the agreement, which, among other things, reinstates two women's teams and bars elimination or reduction in the status of any women's varsity team for at least the next four years. In the two months that individuals were given to object to the settlement, a single objection was filed by twelve students who are members of two women's sports teams (gymnastics and ice hockey) that were not directly affected by the 2020 program cuts.

Public Justice and ACLU of Rhode Island cooperating attorney Lynette Labinger argued in support of approval of the settlement agreement today. After hearing arguments from Labinger, and from counsel for Brown University and for the objectors, US District Court Chief Judge John McConnell, Jr. concluded that the settlement was fair, adequate and reasonable and approved the settlement.

The lawsuit was also handled by Leslie Brueckner of Public Justice; Arthur Bryant of Bailey Glasser in Oakland, CA; and Jill Zwagerman and Lori Bullock of Newkirk Zwagerman in Des Moines, IA.

Public Justice and ACLU cooperating attorney Lynette Labinger said today: "Through the sustained and exhaustive efforts of the women athletes at Brown and our litigation team, we have successfully concluded a settlement approved by the Court which restores many of the athletic opportunities for women whose programs were cut by Brown's 2020 restructuring of its varsity program and ensures that Brown will make no further cuts for at least the next four years. While

COURT GIVES FINAL APPROVAL TO SETTLEMENT RESTORING EQUAL OPPORTUNITIES FOR WOMEN IN BROWN UNIVERSITY ATHLETICS

we wish we could have convinced Brown to restore all five teams, we were able to hammer out an agreement that has restored at least two and will hold the line against any more cuts for the next four years, after which Brown will continue to be obliged to comply in full with Title IX's requirements. These are valuable benefits for our women athletes in the face of a growing national trend to shrink college sports programs across the country."

"This is a great victory for our clients - the female student-athletes and potential student-athletes at Brown - and everyone committed to advancing gender equity," said Arthur Bryant of Bailey Glasser, co-counsel for the women, who first brought this lawsuit with Public Justice (then Trial Lawyers for Public Justice) in 1992. "Six months ago, Brown openly violated the 1998 settlement agreement in this landmark Title IX case, announcing it would reinstate men's varsity teams it had said it would eliminate, but no women's teams. Now, Brown has reinstated the women's equestrian and fencing teams - and given additional protections to all of its women's teams. This proves again the critical value and importance of Title IX."

Background information on the suit can be found [here](#).

Contact:

Lynette Labinger: (401) 465-9565; LL@LabingerLaw.com

Steven Brown: (401) 831-7171; sbrown@riaclu.org

Arthur Bryant: (510) 507-9972; abryant@baileyglasser.com

Attorneys

Arthur H. Bryant

Practice Areas

Title IX