

Dartmouth College Agrees to Reinstate Women's Golf, Swimming & Diving; Develop Gender Equity Plan; and Comply with Title IX

01.29.2021

For Immediate Release – January 29, 2021

For more information, Contact:

Justin Mai, *Bailey & Glasser, LLP*, (920) 450-1974, jmai@baileyglasser.com

Charleston, WV – Dartmouth College has agreed to reinstate its women's golf and swimming & diving teams, develop a gender equity plan, and come into full compliance with Title IX to avoid a threatened class action sex discrimination lawsuit. Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits sex discrimination at any educational institution receiving federal funds.

"This is a huge victory for the women at Dartmouth who stood up for their rights, the entire Dartmouth community, and everyone who cares about gender equity and the law," said Arthur Bryant of Bailey Glasser's office in Oakland, CA, lead counsel for the female student-athletes. "Dartmouth screwed up royally. It publicly announced it was eliminating teams to comply with Title IX when their elimination flagrantly violated Title IX. This is the fifth college in the past few months that illegally eliminated women's teams and then reinstated them when we confronted them. Schools need to get the message: Title IX has been the law for almost 50 years. It guarantees women equal opportunities, athletic financial aid, and treatment. If schools don't provide that, the women can sue – and they will win."

DARTMOUTH COLLEGE AGREES TO REINSTATE WOMEN'S GOLF, SWIMMING & DIVING; DEVELOP GENDER EQUITY PLAN; AND COMPLY WITH TITLE IX

"From bringing this case, I personally have gained a real sense of empowerment by standing up for what I believe in," said Kristen Chen, a junior on the Dartmouth women's golf team. "It has been so satisfying to see such a fruitful response to our activism. I really hope that my teammates' and my willingness to stand up helps to set a precedent for further re-evaluation of gender equity, in general, at Dartmouth. My teammates and I would like to thank Bailey Glasser, its co-counsel, and our alumni network for their moral support in this battle. I had concerns about participating in this case initially, but I'm extremely proud that we did it."

Maggie Deppe-Walker, co-captain of Dartmouth women's swimming & diving team, said, "From this process, and after hearing about other schools' recent Title IX cases, I came to understand that gender equality is still an issue, even in 2021. I also learned that students truly do have a voice that can be used to question even the largest decisions, but that it takes dedication, persistence, and creativity to be heard. I know now that it is not a conflict of interest to stand up to your school on the matter of gender equality, but that, instead, it is a way to make the school you love a place you are proud of."

The other female student-athletes who successfully fought for their rights included Christina Cianciolo, Siera Daly, Alie Hunter, Leah Johnson, Susannah Laster, Mia Leko, Isabella Lichen, Summer Martin, Sarah Minnigh, Bridget Parker, Ashley Post, Kaia Reznicek, Megan Tao, Penelope Tir, Zoe Wortzman, Connie Zhang, and Eleanor Zwart.

In addition to Bryant, the legal team for the female student-athletes included Cary Joshi of Bailey Glasser in Washington, DC, and Alisa Montgomery in Charleston, WV; Lori Bullock of Newkirk Zwagerman, P.L.C., in Des Moines, IA; and Leslie Nixon of the Nixon Law Firm, PLLC, in Manchester, NH.

On July 9, 2020, Dartmouth announced that it was eliminating the women's varsity intercollegiate golf and swimming & diving teams (along with the men's golf, lightweight rowing, and swimming & diving teams), effective immediately. It publicly announced that, as a result of the teams' elimination, "the percentage of women among varsity athletes will be virtually identical to the percentage of women in the undergraduate student body, ensuring compliance with Title IX." That was not true.

On December 18, 2020, Bryant wrote to Dartmouth President Philip J. Hanlon on behalf of the women's team members and informed him that the teams' elimination violated Title IX. The law prohibits universities 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." Bryant's letter noted that Dartmouth failed this test.

DARTMOUTH COLLEGE AGREES TO REINSTATE WOMEN'S GOLF, SWIMMING & DIVING; DEVELOP GENDER EQUITY PLAN; AND COMPLY WITH TITLE IX

According to the most recent publicly available data, Dartmouth's undergraduate enrollment in 2019-2020 was 49.06% women, but the school offered females only 44.87% of the opportunities to participate in intercollegiate athletics. So, there was a gap of 4.19% between women's undergraduate enrollment rates and their intercollegiate athletic participation rates. Dartmouth needed to add 78 women to reach gender parity. With the elimination of the five teams, the athletic participation numbers dropped to 456 men and 392 women. This was still only 46.23% women, leaving a gap of 2.83%. As a result, even after the teams were eliminated, Dartmouth would need to add approximately 47 women to reach gender equity under Title IX. That is more than the size of the women's golf and swimming & diving teams combined.

Bryant said he and his co-counsel would file a class action lawsuit in federal court against Dartmouth for depriving women athletes and potential athletes of equal opportunities and treatment unless the school agreed to reinstate the teams and comply with Title IX. The settlement agreement, announced today, avoids the need for the class action.

Under the agreement, Dartmouth will immediately reinstate its women's golf, swimming, and diving teams and develop a gender equity plan no later than March 15, 2022. The school will solicit input from the female golf and swimming & diving team members and alumni, as well as members and alumni of other teams. It will post the plan on the Dartmouth athletics department's website and ensure that Dartmouth's intercollegiate athletic program complies with Title IX during the 2023-24 academic year and beyond.

The Dartmouth settlement is similar to agreements Bryant and his co-counsel reached with East Carolina University in early January 2021 and the University of North Carolina at Pembroke in December 2020. Additional Title IX settlements were reached by Bryant and his co-counsel with William & Mary College in October 2020 and Brown University in September 2020.

Bryant was the lead trial counsel in the first Title IX case tried against a university for discriminating against its women athletes and potential athletes. He has successfully represented more women athletes and potential athletes in Title IX litigation against schools and universities than any lawyer in the country, including Temple University, UCLA, and many more.

The settlement agreement is [here](#).

###

Bailey Glasser was founded in 1999 by Ben Bailey and Brian Glasser in Charleston, West Virginia. Since then, the firm has grown to more than 60 lawyers located in 13 offices including Birmingham, AL; Oakland, CA; Washington, DC; Wilmington, DE; St. Petersburg, FL; Boston, MA; St Louis, MO; Boise, ID; Chicago, IL; Cherry Hill, NJ; Westchester, NY; and Morgantown and Charleston, WV. Plaintiffs and defendants rely on Bailey Glasser to handle the most challenging and consequential

DARTMOUTH COLLEGE AGREES TO REINSTATE WOMEN'S GOLF, SWIMMING & DIVING;
DEVELOP GENDER EQUITY PLAN; AND COMPLY WITH TITLE IX

legal issues - regionally and nationwide - using a trial-focused approach to vigorously protect the interests of its clients. The firm's corporate lawyers handle business matters ranging from the negotiation and execution of billions of dollars in commercial transactions, to IPOs, to assisting foreign businesses with investments in US assets.

For more information, visit baileyglasser.com.

Attorneys

Arthur H. Bryant

Cary Joshi

Practice Areas

Title IX