

# University of St. Thomas in Minnesota Agrees to Reinstate Women's Tennis Team, Develop Gender Equity Plan, and Comply with Title IX

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The University of St. Thomas (St. Thomas) in St. Paul, Minnesota, has agreed to reinstate its women's tennis team, develop a gender equity plan, and come into full compliance with Title IX to avoid a sex discrimination class action for depriving female student-athletes of equal opportunities and treatment in its intercollegiate athletics program. Title IX of the Education Amendments of 1972 is the federal civil rights law that prohibits sex discrimination at all educational institution receiving federal funds.

"Title IX has been the law for almost 50 years and St. Thomas blatantly violated it," said Arthur Bryant of Bailey Glasser's office in Oakland, CA, lead counsel for the female student-athletes. "What is it about equality these schools don't understand? Title IX requires schools to provide equal opportunities, financial aid, and treatment. Now, thanks to these young women, St. Thomas will. The women's tennis team members stood up for their rights and forced the school to follow the law. They created a shining example of what women throughout the country can and should do—until all schools are providing gender equity, complying with Title IX, and giving them the equal opportunities, financial aid, and treatment the law requires."

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Olivia Paradise, an incoming senior on the St. Thomas women's tennis team said: "Five weeks ago, St. Thomas broke our hearts and the law. It told us it was eliminating our team just before we left for the NCAA regional tournament—and it violated Title IX by doing so. We could not let that stand. We had to fight for what is right. I and my teammates are incredibly proud to have held St. Thomas accountable, made it reinstate our team, and forced it to achieve gender equity. We hope women nationwide will do the same at their schools."

The women's tennis team members who successfully fought for their rights are Paradise, Abigail Bremel, Madeline Bremel, Jannah ElNemr, Sarah Gustafson, Brooke Hapuku, Ashley Hatch, Monterey Knewtson, Anna Leary, Clare Palen, and Nicole Snezhko.

In addition to Bryant, the lawyers for the female student-athletes are Cary Joshi of Bailey Glasser in Washington, DC, and Lori Bullock of Newkirk Zwagerman, P.L.C., in Des Moines, IA.

The threatened lawsuit stemmed from St. Thomas's announcement on May 11, 2021, that it was eliminating the women's and men's varsity intercollegiate athletic tennis teams in ten days, at the end of the 2020-21 academic year.

On May 20, 2021, Bryant wrote a letter to St. Thomas President Julie H. Sullivan, Ph.D, on behalf of the women's team members and informed her 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." St. Thomas failed this test.

According to the most recent publicly available Equity in Athletics Disclosure Act data, which St. Thomas submitted and verified as accurate to the U.S. Department of Education, the school had an undergraduate population in 2018-19 of 2,883 women and 3,272 men. So, undergraduate enrollment was 46.83% women. The school's intercollegiate athletic teams that academic year had 545 men and 335 women, or 38.06% women—creating an 8.77% participation gap between the women's undergraduate enrollment rate and their intercollegiate athletic participation rate. Given the number of men on the varsity teams, St. Thomas needed to add 145 women to its athletic program to provide equitable participation opportunities for women.

Instead of adding women's teams, St. Thomas announced it was eliminating the women's tennis team (along with the men's team). With the teams' elimination, the school's athletic participation numbers would drop to approximately 531 men and 420 women, or 37.6% women—increasing the gap to 9.24%. St. Thomas would need to add 148 participation opportunities for women to achieve gender equity.

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Bryant said he and his co-counsel would file a class action lawsuit in federal court against St. Thomas 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 suit.

Under the agreement, St. Thomas agreed to instate its women's tennis team and develop a gender equity plan no later than March 15, 2022. During the gender equity review, the school will solicit input from student-athletes and alumni and will expressly invite participation from the women's tennis team members and other St. Thomas women's varsity intercollegiate athletic team members. It will post the plan on the St. Thomas athletics department's website and ensure that St. Thomas's intercollegiate athletic program complies with Title IX during the 2022-2023 academic year and beyond.

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

Bryant's letter to President Sullivan and the settlement agreement are [here](#).

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## **Attorneys**

Arthur H. Bryant

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## **Practice Areas**

Name, Image, & Likeness (NIL)

Title IX