

Title IX Sex Discrimination Case Against SDSU Moving Forward on All Counts: Equal Athletic Financial Aid, Retaliation, and Equal Treatment

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[SDSU Women Win Nation's First Ruling that Female Student-Athletes Denied Equal Athletic Financial Aid Can Sue Their Schools for Damages](#)

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San Diego, CA - Justice marches forward: U.S. District Court Judge Todd W. Robinson held yesterday that the female student-athletes suing San Diego State University (SDSU) for violating Title IX can pursue all three of their claims – for equal athletic financial aid, equal treatment, and retaliation. The decision is the first in the nation to hold that female student-athletes deprived of equal athletic financial aid can sue their schools for damages.

“This is a major step forward for women and against sex discrimination at SDSU and nationwide,” said Arthur H. Bryant of Bailey & Glasser, LLP, in Oakland, CA, lead counsel for the women. “When we filed these claims, I said SDSU seemed to be aiming for the Title IX sex discrimination trifecta. It has been cheating its female student-athletes out of hundreds of thousands of dollars in equal athletic financial aid each year. It is giving its male student-athletes far better treatment than its female student-athletes. And it blatantly retaliated against its female student-athletes for standing up for their rights. Now, it can be held accountable.”

TITLE IX SEX DISCRIMINATION CASE AGAINST SDSU MOVING FORWARD ON ALL COUNTS: EQUAL ATHLETIC FINANCIAL AID, RETALIATION, AND EQUAL TREATMENT

Title IX of the Education Amendments of 1972 prohibits all educational institutions that receive federal funds, including SDSU, from discriminating on the basis of sex. It requires schools to provide male and female student-athletes with equal opportunities, athletic financial aid, and treatment, and prohibits them from retaliating against anyone for challenging sex discrimination at the school.

On November 1, 2022, the Court denied SDSU's motion to dismiss the women's equal treatment claims, but entered an order dismissing the equal athletic financial aid and retaliation claims unless the women provided more details to support them. The Court's April 12, 2023, ruling allows all three claims to proceed, although it limits the ability of some of the women to pursue some of the claims.

In regard to the athletic financial aid claims, the Court noted: "Plaintiffs' Second Amended Complaint provides data going back to 2010 showing that SDSU has provided female student-athletes as a group between 4.17% and 8.98% less financial aid than the proportional amount for the eleven years for which data is available." It said: "the Court finds that collegiate female student-athletes bringing a Title IX disproportionate financial aid claim can allege an injury-in-fact by providing sufficient facts to show that: (1) a barrier deprived them of the opportunity to compete on an equal basis as the male student-athletes for a proportional pool of money; and (2) that they were able and ready to compete for that money." And it added: "The Court has the power to award compensatory damages by awarding damages that put Plaintiffs in as good of a position as they would have been had SDSU provided proportional pools of athletic financial aid to men and women, thereby affording the female student-athletes the opportunity to compete for a proportional pool of money."

Plaintiff Greta Viss said, "We are delighted that all three claims in our case are going forward. SDSU's male athletes got their one shining moment on the basketball court. We aren't being given the same treatment or support, so we are fighting for our shining moment in federal court."

In addition to Viss, the lawsuit was filed by past and current SDSU student-athletes Madison Fisk, Raquel Castro, Clare Botterill, Maya Brosch, Olivia Petrino, Aisha Watt, Helen Bauer, Carina Clark, Natalie Figueroa, Erica Grotegeer, Kaitlin Heri, Kamryn Whitworth, Sara Absten, Eleanor Davies, Alexa Dietz, and Larisa Sulcs.

In addition to Bryant, the women are represented by Bailey Glasser's Lori Bullock in Des Moines, IA, and Cary Joshi and Joshua Hammack in Washington, DC, along with co-counsel Amber Eck and Jenna Rangel of Haeggquist & Eck, LLP, and David S. Casey, Jr., and Gayle Blatt of Casey Gerry in San Diego. Hammack took the lead in briefing and arguing the issues.

"This ruling represents an important milestone for this remarkable group of female athletes as they fight to hold SDSU accountable for intentional sex discrimination," said Jenna Rangel of San Diego law firm Haeggquist & Eck. "The significance of Judge Robinson's decision truly cannot be

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overstated. We look forward to advancing this case both on behalf of these incredible plaintiffs and for female athletes throughout the country.”

Bryant has successfully represented more female (and male) athletes and potential athletes in Title IX litigation against schools and universities than any lawyer in the country. He leads the Bailey Glasser Title IX team that has recently won groundbreaking settlements for female student-athletes at eight universities that announced they were eliminating women’s varsity intercollegiate athletic teams: Brown University, the College of William & Mary, the University of North Carolina at Pembroke, East Carolina University, Dartmouth College, the University of St. Thomas, La Salle University, and Dickinson College. The team also won a historic settlement – the first Title IX victory ever for male student-athletes – with Clemson University after the school became the first facing class actions suits by both its male and female student-athletes for violating Title IX by discriminating against them in different ways.

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Practice Areas

Title IX