

Dickinson College Agrees to Reinstate Women's Squash Team, Stop Discriminating Against Female Student-Athletes, and Comply with Title IX

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Dickinson College, a liberal arts college in Carlisle, Pennsylvania, has agreed to reinstate its women's squash 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. The settlement leaves open the option for Dickinson to reinstate the recently-eliminated men's squash team, which would strengthen Dickinson's squash program as a whole.

"This is a great victory for women at Dickinson College, the entire Dickinson community, and all who care about gender equity and the rule of law," said Arthur H. Bryant of Bailey Glasser's office in Oakland, CA, lead counsel for the female student-athletes. "Title IX has been the law for almost 50 years and Dickinson College has been flagrantly violating it. Now, thanks to the women's squash team, that's going to stop. Dickinson will reinstate the women's team it illegally tried to eliminate, develop a gender equity plan with an expert approved by the squash team members, stop discriminating against its female student-athletes, and bring all aspects of the intercollegiate athletic program into compliance with Title IX."

Women's squash team co-captain Courtney Trail said, "Six weeks ago, Dickinson College violated Title IX by announcing it was eliminating our team. We could not allow that. We had to fight for what is right. We urge women throughout the country—and everyone who cares about equality—to do the same."

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Team co-captain Eloise Nimoityn added, "I and my teammates are incredibly proud to have held Dickinson accountable, made it reinstate our team, and forced it to achieve gender equity. We hope women nationwide will do the same at their schools. It is time for schools across America to stop discriminating against their female student-athletes."

The women squash team members who successfully fought for their rights are Amna Fayyaz, Jocelyn Feliciano, Whitney Finney, Ellissa (Ella) Goldman, Elizabeth Howerton, Lindsay Kuracina, Doxey Loupassi, Cate Moll, Eloise Nimoityn, Rachel O'Brien, Anna O'Connor, Emerson Rains, Courtney Trail, and Katelynn Young.

In addition to Bryant, the lawyers for the female student-athletes are Cary Joshi of Bailey Glasser in Washington, DC, Lori Bullock of Bailey Glasser in Des Moines, Iowa, and Jade Smith-Williams of Bailey Glasser in Oakland, CA.

On August 26, 2021, Dickinson announced that it was eliminating its women's and men's varsity squash teams at the end of the 2021-22 academic year. On September 9, 2021, Bryant wrote a letter to Dickinson College Interim President John E. Jones, III, on behalf of the women's team members and informed him that the women's 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." Dickinson failed this test.

According to the most recent publicly available data, which Dickinson submitted and verified to the U.S. Department of Education under the Equity in Athletics Disclosure Act, Dickinson had an undergraduate population in 2019-20 of 1,193 women and 898 men. So undergraduate enrollment was 57.05% women. The school's intercollegiate athletic teams had 326 men and 243 women, or 42.71% women—creating a 14.35% gap between the women's undergraduate enrollment rate and their intercollegiate athletic participation rate. Dickinson needed to *add* women's opportunities to comply with Title IX.

Instead, Dickinson announced that it was eliminating its women's squash team (along with the men's team). As a result, according to the most recent publicly available data, the school's athletic participation numbers would drop to approximately 314 men and 231 women, or 42.39% women—creating a 14.67% gap. Dickinson would need to add approximately 186 women to reach gender equity under Title IX.

Bryant said he and his co-counsel would file a class action lawsuit in federal court against Dickinson 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, reached today, avoids the need for the suit.

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Under the agreement, Dickinson agreed to reinstate its women's squash team and develop a gender equity plan no later than August 31, 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 squash team members and other Dickinson women's varsity intercollegiate athletic team members. It will post the plan on Dickinson's athletics department's website and ensure that Dickinson's intercollegiate athletic program complies with Title IX during the 2022-2023 academic year and beyond. It will also take eight detailed steps to provide female student-athletes with improved and equal treatment and benefits in the interim.

The women's squash team members urged Dickinson to reinstate the men's squash team, too, but, up to now, the school has not been willing to do so. To ensure that it can, the agreement provides that the women's squash team members "waive any legal claims that would arise out of the men's squash teams reinstatement." The women will continue to fight for the men's team's reinstatement, too.

The Dickinson College settlement is similar to agreements Bryant, Joshi, and Bullock reached with St. Thomas University in June 2021, 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 La Salle University in June 2021, 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 Jones and the settlement agreement are included here.

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Attorneys

Arthur H. Bryant

Lori A. Bullock

Cary Joshi

Jade Smith-Williams

Practice Areas

Title IX