

# Female Athletes File Title IX Sex Discrimination Class Action Against San Diego State University for Depriving Women of Equal Athletic Financial Aid

02.07.2022

**For Immediate Release** – February 7, 2022

*For more information, contact:*

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

Arthur Bryant, *Bailey & Glasser, LLP*, (510) 507-9972, [abryant@baileyglasser.com](mailto:abryant@baileyglasser.com)

Holly Amaya, *Haeggquist & Eck, LLP*, (619) 573-7224, [holly@amayapr.com](mailto:holly@amayapr.com)

Seventeen female varsity athletes filed a sex discrimination class action against San Diego State University (SDSU) today for violating Title IX of the Education Amendments of 1972 by depriving women of equal athletic financial aid. The lawsuit, filed in the U.S. District Court for the Southern District of California, seeks to make SDSU pay its past and current female athletes over \$1.2 million in equal athletic financial aid they were denied – and male athletes were granted – in the last two years alone, as well as the money they are illegally being deprived of this year. It also asks the court to order SDSU to comply with Title IX and provide equal athletic financial aid in the future.

Title IX, a civil rights law, prohibits sex discrimination in all educational institutions that receive federal funds. It requires schools to grant athletic financial aid to male and female athletes in dollar amounts proportional to their athletic participation rates. So, if 60% of the athletes are women, they are supposed to get close to 60% of the athletic financial aid awarded. The class action is the first Title IX athletic financial aid damages case in the country.

## FEMALE ATHLETES FILE TITLE IX SEX DISCRIMINATION CLASS ACTION AGAINST SAN DIEGO STATE UNIVERSITY FOR DEPRIVING WOMEN OF EQUAL ATHLETIC FINANCIAL AID

“San Diego State University has been openly violating Title IX by depriving its female student-athletes of equal athletic financial aid for over a decade,” said Arthur H. Bryant, of Bailey & Glasser, LLP, in Oakland, CA, lead counsel for the women. “The reports it has filed with the federal government show that, since at least 2010, SDSU has been cheating its women athletes out of hundreds of thousands of dollars in equal athletic financial aid each year. This is illegal sex discrimination, plain and simple. It has to stop.”

“It is a sad day for the entire SDSU community that we have to sue the university to make it comply with Title IX and provide athletic financial aid equally to women and men,” said senior and former women’s varsity rowing team member Madison Fisk. “Title IX has been the law for 50 years now and SDSU still isn’t providing its female athletes with equal scholarship support. It’s time for that to change.”

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

“We are proud to stand behind this remarkable group of award-winning female student athletes as they bravely raise their voices to hold SDSU accountable for intentional sex discrimination,” said Jenna Rangel of San Diego law firm Haeggquist & Eck, LLP. “This injustice must be corrected, not only for the women who were deprived their fair share of athletic financial aid in the past, but for future generations of female college athletes.”

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

The lawsuit cites in detail information that SDSU submitted to the federal government under the Equity in Athletics Disclosure Act (EADA) and verified as accurate. In 2019-20, according to that information, women were 58.12% of the student-athletes and received only 50.57% of the athletic financial aid. SDSU granted its 315 female varsity student-athletes over \$690,000 less—and its male varsity student-athletes over \$690,000 more—than they would have received if SDSU had granted the aid in proportion to the number of students of each sex participating in intercollegiate athletics.

In 2020-21, women were 57.22% of the student-athletes and were awarded only 50.64% of the athletic financial aid. SDSU granted its 305 female varsity student-athletes over \$570,000 less—and its male varsity student-athletes over \$570,000 more—than they would have received if SDSU had granted the aid in proportion to the number of students of each sex participating in intercollegiate athletics.

## FEMALE ATHLETES FILE TITLE IX SEX DISCRIMINATION CLASS ACTION AGAINST SAN DIEGO STATE UNIVERSITY FOR DEPRIVING WOMEN OF EQUAL ATHLETIC FINANCIAL AID

A similar or greater unequal and disproportionate allocation of athletic financial aid to varsity female student-athletes at SDSU continues to this day.

The SDSU lawsuit is the latest in Bryant's legal career fighting sex discrimination in athletics. Bryant has successfully represented more women 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, including 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. Bailey Glasser 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.

To see the Complaint filed by the SDSU women, [click here](#).

\*\*\*\*\*

### **About Bailey & Glasser, LLP**

Bailey Glasser was founded in 1999 by Ben Bailey and Brian Glasser in Charleston, West Virginia. Now a national firm with 17 offices including in Alabama, California, Delaware, Florida, Massachusetts, Idaho, Iowa, Illinois, Missouri, New York, New Jersey, Pennsylvania, Texas, West Virginia, and Washington, DC, Bailey Glasser handles our clients' most challenging and consequential legal issues, in litigation and in corporate matters.

We bring a trial-focused approach to litigation for plaintiffs and defendants that vigorously protects the interests of our clients – businesses in many industries and of all sizes (from Fortune 500 companies to family offices), individuals, governmental entities and government servants, and even law firms that call upon us to help them in matters because of our unique blend of resources and trial experience. Some of our areas of particular litigation focus include complex commercial litigation, in finance and energy; class action and mass tort cases; multi-district litigation involving medical devices, pharmaceuticals and automobiles; bankruptcy and insolvency proceedings; and individual negligence cases.

Bailey Glasser's sophisticated corporate practice provides strategic guidance, counseling, and innovative solutions in virtually every type of corporate, real estate, and financial transactions. Those projects include business formations, public and private securities offerings, corporate finance transactions, mergers and acquisitions, spinoffs, real estate development, leasing, personal property transactions, executive hiring and compensation, ownership disputes, and commercial

## FEMALE ATHLETES FILE TITLE IX SEX DISCRIMINATION CLASS ACTION AGAINST SAN DIEGO STATE UNIVERSITY FOR DEPRIVING WOMEN OF EQUAL ATHLETIC FINANCIAL AID

lending. For more information, please visit [www.BaileyGlasser.com](http://www.BaileyGlasser.com).

### **About Haeggquist & Eck, LLP**

Founded in 2008, Haeggquist & Eck is proud to be San Diego's definitive employee and consumer rights advocates, dedicated to seeking justice for marginalized communities. When you hire the team at Haeggquist & Eck, you are choosing a woman-owned business that knows what it means to be underestimated. We pride ourselves on our fearlessness: No defendant is too large or powerful for us to tackle. We have successfully pursued class actions against corporations for a wide range of unlawful practices including deceptive advertising, product defect, securities fraud, and wage/hour violations, as well as represented hundreds of individual plaintiffs against their employers for sexual harassment and employment discrimination based on gender, race, religion, age, and disability. This fight for equality and social justice is what drives the team at Haeggquist & Eck. For more information, please visit [www.haelaw.com](http://www.haelaw.com).

### **About CaseyGerry**

With a history of precedent-setting successes, San Diego-based plaintiffs' law firm, Casey Gerry Schenk Francavilla Blatt & Penfield LLP (CaseyGerry) has represented individuals in a range of cases, including class actions and mass torts, serious and catastrophic personal injury, e-commerce liability, aviation, maritime, highway design litigation, and more since 1947.

The firm has held numerous leadership roles in coordinated cases at both the state and federal level and continue to garner local, regional, and national recognition for their work.

For more information, please visit [www.caseygerry.com](http://www.caseygerry.com).

### **Attorneys**

Arthur H. Bryant

Lori A. Bullock

Joshua I. Hammack

Cary Joshi

### **Practice Areas**

Title IX