

# La Salle University Agrees to Provide Female Student-Athletes with Equal Treatment, Come Into Compliance with Title IX, and Add as Many Women's Teams As That Takes

06.29.2021

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La Salle University in Philadelphia has avoided a threatened sex discrimination class action lawsuit by agreeing to provide its female student-athletes with equal treatment, bring all aspects of its intercollegiate athletic program into compliance with Title IX, and add as many women's teams as necessary to do so. Title IX of the Education Amendments of 1972 is the federal civil rights law that prohibits sex discrimination at all educational institutions receiving federal funds.

On September 29, 2020, La Salle announced it was eliminating women's tennis, volleyball, and softball, as well as men's baseball, swimming & diving, tennis, and water polo, at the end of the 2020-21 academic year. On May 3, 2021, the university reinstated its men's swimming & diving team, but no women's teams. Two female volleyball players, Sarah Nahas and Lizzy Osborn, then threatened to sue. This settlement resolves their claims.

"This settlement agreement is an enormous victory for the women at La Salle, the entire La Salle community, and everyone who cares about gender equity and the law," said the lead counsel for the women, Arthur Bryant of Bailey Glasser's office in Oakland, CA. "Title IX requires schools to provide female and male student-athletes with equal opportunities, athletic financial aid, and treatment. Now, thanks to Sarah Nahas and Lizzy Osborn, La Salle will do so."

## LA SALLE UNIVERSITY AGREES TO PROVIDE FEMALE STUDENT-ATHLETES WITH EQUAL TREATMENT, COME INTO COMPLIANCE WITH TITLE IX, AND ADD AS MANY WOMEN'S TEAMS AS THAT TAKES

“These student-athletes should be applauded for having the courage to stand up and fight,” said their co-counsel, Lori Bullock. “Regardless of the school’s size, every female student-athlete has a right to be treated equitably under Title IX. La Salle should be lauded, too, for its willingness to take a hard look at its athletic program and do what needs to be done. Other schools should follow its lead.”

Cary Joshi of Bailey Glasser in Washington, DC, also represented the women athletes. Both Nahas and Osborn are incoming seniors.

Nahas said, “We were crushed and outraged that La Salle discriminated against us and other women athletes by eliminating our teams and giving male athletes far better treatment. We had to stop that. We hope women at other schools will fight for their rights, too.”

Osborn added, “We are glad La Salle will comply with Title IX and treat women equally, but we should not have had to threaten to sue to achieve that result. La Salle should have been complying with the law and treating women equally all along.”

Title IX prohibits schools from eliminating women’s teams unless “intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments.” The settlement provides that, beginning on June 30, 2021, La Salle will annually post on its web site its Title IX athletic participation and undergraduate enrollment numbers, so everyone can see whether it is meeting this test. (When the women threatened to sue, La Salle’s website falsely said the school’s enrollment was 64% women. In fact, it was 61.5% women.) La Salle believes it will do so in 2021-22 because it has significantly expanded recruitment of and financial aid for women athletes. If La Salle does not meet this test, it will automatically reinstate and add as many women’s teams as necessary—including tennis, volleyball, softball, or more—and continue them for at least five years.

In the meantime, La Salle will conduct a gender equity review this year, create a Gender Equity Plan, and have its intercollegiate athletic program in full compliance with Title IX in 2022-23 and future years. While the review is being conducted, La Salle will immediately provide equal treatment in five specific areas the women raised: travel, facilities, gear, medical services, and food.

The La Salle University settlement is the eighth Bryant, Joshi, and Bullock have reached in the past nine months with higher education institutions that eliminated intercollegiate athletic teams in violation of Title IX, including Clemson University, Brown University, Dartmouth College, East Carolina University, the University of North Carolina at Pembroke, William & Mary College, and the University of St. Thomas in Minnesota.

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Bryant was lead trial counsel in the first Title IX case tried against a school for discriminating against its women athletes and potential athletes, *Haffer v. Temple University* in Philadelphia in the mid-1980s. He was also lead counsel in the 1983 case that got girls admitted into Philadelphia's public all-male Central High School, *Newberg v. Board of Public Education*. He has successfully represented more female and male student-athletes in Title IX litigation than any lawyer in the country.

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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 70 lawyers located in 16 offices across the country including in California, Pennsylvania, Florida, Texas, Illinois, Delaware, Massachusetts, Missouri, Idaho, New York, New Jersey, and West Virginia. Plaintiffs and defendants rely on Bailey Glasser to handle the most challenging and consequential 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.

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## Attorneys

Arthur H. Bryant

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## Practice Areas

Name, Image, & Likeness (NIL)

Title IX