

Male & Female Student-Athletes Win Historic Title IX Sex Discrimination Settlements with Clemson University

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First Class Actions Threatened by Both Men and Women Yield Landmark Results: Clemson Reinstates Men's Track, Field, Cross Country; Will Add Women's Team; Give Women Equal Financial Aid and Treatment; and Comply Fully with Title IX

Clemson University, the first school in the country faced with class actions by both its male and female student-athletes for violating Title IX by discriminating against them in different ways, has agreed to landmark settlements avoiding the suits. Clemson will reinstate its men's track & field and cross country teams; add a new women's varsity team; give men and women equal opportunities to participate; provide women with equal athletic financial aid, treatment, and benefits; work with an outside Monitor to develop a Gender Equity Plan; and bring all aspects of its intercollegiate athletics program into compliance with Title IX.

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits sex discrimination at any educational institution receiving federal funds. This is the first time in the statute's nearly-50-year history that male and female student-athletes have threatened to sue together to enforce it—and the first time Title IX has ever been used to win equality for men.

"We are thrilled that Clemson's courageous male and female student-athletes stood up for their rights and forced Clemson to treat them equally and comply with Title IX," said Arthur Bryant of Bailey Glasser's Oakland, CA office, lead counsel for the male student-athletes. "As these historic settlement agreements show, Title IX guarantees all student-athletes equal opportunities, athletic financial aid, and treatment. If schools don't provide that, they will be held accountable."

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Lori Bullock of Newkirk Zwagerman, P.L.C., in Des Moines, IA, lead counsel for the female student-athletes, said, “My original letter to Clemson’s President said ‘Clemson is apparently depriving male student athletes of equal opportunities to participate in violation of Title IX and female student athletes of equal athletic financial aid, treatment, and benefits in violation of Title IX. All of this has to stop.’ Now, as a result of these students’ willingness to step up and fight for equity, it will.”

“It isn’t easy fighting against the school you love dearly, but, when it comes to equal opportunity, it’s necessary,” said women’s triple jumper Harleigh White. “As a senior student-athlete, a nursing major/psych minor, and a leader of the women’s empowerment group, I knew we had to battle. Track and cross country are team sports, we are a family, and I will always fight for what is right.”

“We worked incredibly hard to represent the University well and still want to do that, despite the damage Clemson’s leadership did to us,” said men’s distance runner Andrew Castano. “It seemed like our team’s history, passion, and devotion meant nothing to Clemson because our sports don’t generate enough money. But we are student-athletes, not professional athletes, and Title IX is clear: schools can’t discriminate against men or women to make or save money.”

In addition to Bryant, the legal team for the male student-athletes includes Bailey Glasser’s Cary Joshi, Joshua Hammack, Britney Littles, and Elliott McGraw in Washington, DC; Elizabeth Ryan in Boston, MA; Nicole Ballante in St. Petersburg, FL; Laura Babiak and Alisa Montgomery in Charleston, WV; and Bill Nettles of the Law Offices of Bill Nettles in Columbia, SC.

The female student-athletes holding Clemson accountable are Harleigh White, Kori Carter, Riley Coggin, Leah Disher, Meredith Finley, Ken’Naria Gadson, Kelsey Gripekoven, Grace Hanratty, Brianna Hartley, Brooke Leech, Sidney Marshall, Elizabeth Sauder, Rebekah Smith, Grace Wadas, Amanda Watson, Courtney Williams, and Josie Wirtz.

The male student-athletes are Andrew Castano, Ethan Binnix, Devon Brooks, Darryl Burton, LaFranz Campbell, Colby Caviness, John Drwal, Michael Fabiano, Stanley Finley, Colin Gallagher, Samuel Garringer, Rayan Holmes, Teylor Howard, Louis Jakub, Cade Jones, Kameron Jones, Jackson Leech, Connor McCabe, Jack McManus, Cole Myers, Keco Morrison, John Pauldine, Alex Sands, Anthony SantiAnna, Michael Smith, Carson Tillman, John Ward, and Marlin Young.

The two threatened Title IX lawsuits were prompted by Clemson’s announcement on November 5, 2020, that it was eliminating the men’s varsity intercollegiate track & field and cross country teams at the end of the 2020-21 academic year. The teams’ elimination was a clear violation of Title IX, which, among other things, prohibits educational institutions like Clemson from eliminating 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.” (44 Fed. Reg. 71418 - Jan. 16, 1996).

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On March 12, 2021, Bryant wrote to Clemson President James P. Clements on behalf of the men's team members and noted that, if Clemson eliminated the teams, it would fail this test. He threatened a class action on behalf of all male student-athletes and potential student-athletes at the school unless Clemson complied with Title IX and provided men with equal opportunities to participate.

On March 15, 2021, Bullock wrote to Clements on behalf of women's rowing, cross country, and track & field team members and informed him that, according to U.S. Department of Education data, the female student-athletes were not receiving equal athletic financial aid, treatment, or benefits. She said the women supported the male athletes' claims and would file their own class action on behalf of all female student-athletes and potential student-athletes unless the school complied with Title IX.

According to the publicly available data for 2019-20, the school's intercollegiate varsity athletic teams had 312 men and 318 women, or 50.48% women. That year, Clemson provided \$16,859,840 in athletic financial aid, and only \$6,650,912—or 39%—to female student-athletes. This equated to depriving women of at least \$1.8 million in athletic financial aid just that year.

Clemson agreed to the history-making settlements with both the male and female student-athletes to avoid the threatened suits. The school will reinstate men's outdoor track & field under the agreements, continue men's indoor track & field and cross country, and add a new women's varsity team to ensure gender equity and enhance opportunities for all. It will conduct a gender equity review of its intercollegiate athletics program to develop and adopt a Gender Equity Plan by July 1, 2022, and implement the plan so all aspects of Clemson's intercollegiate athletic program comply with Title IX in the 2023-24 academic year and future years. It will also take several very specific steps to provide its female student-athletes with equal athletic financial aid, treatment, and benefits while the Gender Equity Plan is being developed.

Separate and apart from the Title IX sex discrimination settlements, Clemson is also the subject of a Title VI race discrimination complaint filed with the U.S. Department of Education alleging that the elimination of the men's track, field, and cross country teams discriminates against Black men. The settlements do not involve that complaint, which is still pending.

The Clemson Title IX settlements are similar to agreements Bryant, Bullock, and their co-counsel reached with Dartmouth College in late January 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. Bryant, Bullock, and their co-counsel also reached a Title IX settlement reinstating eliminated teams with Brown University in September 2020.

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Bryant was the lead trial counsel in the first Title IX case tried against a university for discriminating against its female student-athletes and potential student-athletes. He has successfully represented more student-athletes and potential student-athletes in Title IX litigation against schools and universities than any lawyer in the country.

Bryant's March 12, 2021, letter to Clemson's President threatening suit is [here](#).

Bullock's March 15, 2021, letter to Clemson's President threatening suit is [here](#).

The men's settlement agreement with Clemson is [here](#).

The women's settlement agreement with Clemson is [here](#).

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Title IX