

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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STEPHANIE BIEDIGER, KAYLA  
LAWLER, ERIN OVERDEVEST,  
KRISTEN CORINALDESI, and LOGAN  
RIKER, individually and on behalf of all  
those similarly situated,

PLAINTIFFS,

v.

QUINNIPIAC UNIVERSITY,

DEFENDANT.  
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Case No.: 3:09-cv-00621-(SRU)

**[REVISED, PROPOSED] AMENDED CONSENT DECREE**

This Amended Consent Decree is entered between the Plaintiff class, as certified by order of the Court dated May 20, 2010, and Defendant Quinnipiac University (“Quinnipiac”).

**I. BACKGROUND**

- A. On June 20, 2013, the Court approved a Consent Decree (“2013 Decree”) to resolve all claims filed by the named plaintiffs individually and on behalf of the class they represent.
- B. The 2013 Decree created a number of obligations on the part of Quinnipiac with respect to participation opportunities, financial assistance, and benefits for female athletes.
- C. Quinnipiac further agreed to make several significant facility improvements to benefit female athletes, including the construction of a superior competition facility for the women’s field hockey team, a maximum size rugby pitch, an indoor track and field facility for practice and competition, and a superior competition facility

for a newly named women's Tier One sport to be determined. Soccer was later named as the new Tier One women's sport.

- D. Quinnipiac promptly engaged architects and assessed site options to begin the process of building the new facilities. Quinnipiac determined that the best way to accommodate the new rugby, soccer, and field hockey facilities would be to build two stadia, one that would be shared by the women's and men's soccer and lacrosse teams and one for the women's field hockey team. This allowed Quinnipiac to place the expanded rugby pitch in the area previously used by the soccer teams.
- E. The Court appointed a "Referee" (mutually agreed upon by the parties), who monitored Quinnipiac's compliance with the provisions of the 2013 Decree and submitted reports to the Court confirming compliance.
- F. By its terms, the 2013 Decree expired on June 30, 2016, except as to the construction of the new facilities. Pursuant to the 2013 Decree the facilities obligations continue until such time as construction is complete.
- G. Building the new stadia required the approval of the Town of Hamden, which took significantly longer than anticipated due to wetlands and zoning concerns on the part of the Town.
- H. In the fall of 2017, Quinnipiac opened the new stadia for lacrosse/soccer and field hockey, and the rugby pitch.
- I. To date, the only facilities obligation in the 2013 decree that remains outstanding is the construction of the indoor track facility. After exploring the physical limitations of Quinnipiac's property and based on its experience with the Town approval process in constructing the field hockey and soccer/lacrosse stadia,

Quinnipiac concluded that it would be unable to construct the indoor track facility in the foreseeable future.

- J. Quinnipiac informed class counsel of the anticipated obstacles to timely construction of the indoor track facility in September 2017. Since that time, and with the assistance of the Court-appointed Referee, counsel for the parties have negotiated in good faith to reach agreement on this Proposed Amended Consent Decree (“Amended Decree”).
- K. Ultimately, the parties agreed that it would be in the best interests of the current and future members of the class for Quinnipiac to provide other benefits and facilities in lieu of the indoor track practice and competition facility originally contemplated by the 2013 Decree. The parties agree that the 2013 Decree shall be terminated upon the Court’s approval of this Amended Decree.

## **II. TERMS**

- A. Quinnipiac acknowledges its obligation under the law to comply with Title IX in the operation of its athletic program. Plaintiffs agree that, provided that Quinnipiac complies with the terms of this Amended Decree, Plaintiffs will not seek further relief against Quinnipiac for alleged violations of Title IX relating to gender equity in athletic participation, athletic benefits, or athletic financial assistance, through June 30, 2024.
- B. This Amended Decree supersedes and replaces any outstanding obligations in the 2013 Decree, which is no longer operative. To be clear, Quinnipiac is no longer required to build the track and field competition facility described in paragraph V.A.3 of the 2013 Consent Decree.

C. In exchange for the elimination of the obligation to build the indoor track facility, Quinnipiac agrees that for the duration of this Amended Decree:

1. Financial Assistance:

- a. Except as indicated below, coaches of women's teams will continue to have the authority to award the same number of scholarships (or equivalencies) as they did in the 2017-18 academic year, as set forth in the chart annexed as Attachment A, through the expiration of this Amended Decree. Head coaches will make good faith efforts to award all available aid.
- b. Quinnipiac will provide the equivalent of four additional full scholarships to be awarded to women's track and field athletes who specialize in short distance, mid-distance and/or field events, for a total of ten combined full scholarships for women's indoor and outdoor track and field, plus four full scholarships for women's cross-country. The additional scholarship funding will be available to the head coach for recruiting during the 2019-20 academic year and will be awarded to students beginning in the 2020-21 academic year. The head coach will make good faith efforts to award all available aid.
- c. Quinnipiac will provide four additional scholarships to the women's volleyball team to achieve the NCAA maximum of 12 scholarships. As a measure of good faith Quinnipiac made these scholarships available to the Head Coach for use in recruiting during the 2018-19 academic year and began awarding them to students in the 2019-20

academic year. The head coach will make good faith efforts to award all available aid.

- d. Quinnipiac will provide the equivalent of 1.12 scholarships for summer aid for women's volleyball players in a manner consistent with its other Tier One teams.

2. Facilities

- a. Quinnipiac will build a strength and conditioning facility in or near the Mount Carmel Recreation Center for the exclusive use of varsity athletes. The facility will be approximately 3000 square feet and will include sufficient equipment to allow the largest women's teams to engage in strength training together. The equipment will be at least comparable in quality to that provided in the strength and conditioning facility on the York Hill Campus.
- b. Quinnipiac will remove all cardiovascular and other exercise equipment from the corners of the hanging track in the Recreation Center. Until this is accomplished, Quinnipiac will prohibit use of the equipment by students who are not members of one or more of the varsity cross country or track teams during times that the hanging track is designated for practice by those teams.
- c. As a sign of good faith, on or about March 12, 2020, Quinnipiac completed installation of an indoor golf practice cage with TrackMan software. The women's golf team will have priority use of the golf practice cage.

- d. Quinnipiac will resurface the existing hanging indoor track.
- e. Quinnipiac shall make good faith efforts to complete the facilities improvements identified: (i) in paragraphs II.C.2.a and II.C.2.b by no later than September 30, 2022; and (ii) in paragraph II.C.2.d by no later than August 15, 2020.

3. Staff

- a. Quinnipiac will not decrease the number of full-time-equivalent employees in academic support for varsity athletes.
- b. Quinnipiac will create and fill an additional full-time position for an assistant strength and conditioning coach who will support the varsity teams located on the Mount Carmel campus.
- c. Quinnipiac will create and fill a full-time marketing and promotions position to allow the marketing group to provide more support to the women's Tier One programs on the Mount Carmel campus, e.g. field hockey, soccer, lacrosse, and volleyball.
- d. Quinnipiac will create and fill an additional position in athletic training to enable the University to provide additional training services to the women's track and field teams.
- e. Quinnipiac has created and filled a full-time sports information position to focus on women's teams. The new hire began on October 1, 2018.
- f. Quinnipiac will create and fill a full-time sports psychologist position. The sports psychologist will provide services to all varsity athletes,

which will allow teams to use funds previously spent on external sports psychological services for other operating expenses.

- g. Quinnipiac will create and fill an additional full-time assistant coach position to reach the NCAA maximum of 3 paid coaches for volleyball.
- h. Quinnipiac shall request from the MAAC the average salaries for full-time head coaches in the MAAC. If the MAAC provides such information, Quinnipiac shall ensure that its full-time head coaches' salaries are at or above the average.

4. Track and Field

In addition to the new scholarships for women's track and field athletes provided under section C.1.b above, Quinnipiac shall provide the following benefits for women's track and field athletes:

- a. Beginning in fall 2019 and continuing through spring 2024, in accordance with NCAA rules, Quinnipiac has and will provide the women's track and field teams with at least three additional hours per week of practice time over Fall 2017 hours (for a total of at least six hours per week) during the academic year at Yale's indoor track and field facility, Coxe Cage, or an equivalent indoor practice facility.
- b. Quinnipiac will increase the indoor and outdoor track and field teams' combined budget by \$43,000 to support, at the coach's discretion, additional equipment and apparel, enhancements to travel, additional meets, recruiting, and other needs as identified by the head coach. The budget increase will be implemented in phases with an increase of



\$21,500 to take effect on July 1, 2020 and additional increase of \$21,500 to take effect on July 1, 2021.

- c. Quinnipiac will continue to provide track and field athletes with van transportation to off-campus practices (both indoor and outdoor) and will increase van rentals to accommodate the additional practice time.
- d. Quinnipiac will continue to maintain cross-country and indoor and outdoor track and field schedules that provide the maximum number of competition dates allowed by NCAA rules, unless there are valid academic or athlete welfare reasons why the maximum number of competition dates are not in the best interests of the athletes and/or the teams.
- e. Quinnipiac will continue to provide its women's track and field teams with the maximum number of paid coaches permitted by NCAA rules.
- f. Quinnipiac will continue to provide its outdoor track & field athletes with access to the outdoor track facility at Cheshire High School, Southern Connecticut State University, or a comparable outdoor track facility, throughout the academic year. The outdoor track & field athletes will practice at the facility on a regularly scheduled basis that is sufficient, in the judgment of the head coach, to allow the athletes to prepare adequately for competition, but in any event, Quinnipiac will ensure that the facility is available to the outdoor track & field team no fewer than 6 hours per week. Quinnipiac will provide transportation for athletes on the track & field team to and from practices conducted at

the outdoor track facility. Athletes will have access to onsite water and restrooms during practices, and to adequate equipment for practicing field events as well as running events.

- g. Quinnipiac will purchase by August 15, 2020 the AlterG Anti-Gravity Treadmill for Rehab and Training (“Treadmill”), which will enable injured athletes to rehabilitate their injuries more effectively and with greater likelihood of success upon returning to competition. The women’s cross country and track and field athletes will have priority use of the Treadmill.

5. Volleyball

- a. The women’s volleyball team will be elevated to Tier One status on July 1, 2020.
- b. Quinnipiac will increase the volleyball team’s annual budget by \$50,000. Additional funds will be used at the coach’s discretion for recruiting, enhanced team travel, additional equipment and apparel, etc. The budget increase will be implemented in phases with an increase of \$25,000 to take effect on July 1, 2020 and another increase of \$25,000 to take effect on July 1, 2021..

D. Quinnipiac further agrees to continue to provide the following benefits to female athletes during the term of this Amended Decree:

- 1. Quinnipiac will allow all sports to play in the maximum number of competitions in the championship and non-championship seasons permitted by NCAA rules and provide the funding that allows them to do so.

2. Quinnipiac will allow all sports to begin practice at the earliest date permitted by NCAA rules.
3. Quinnipiac will provide athletic training coverage to all sports during the traditional and non-traditional seasons.
4. Quinnipiac will maintain women's rugby as a varsity sport, provided that there continues to be adequate varsity competition in the region.
5. Except as otherwise set forth herein, Quinnipiac will not eliminate any women's varsity athletic team.
6. Quinnipiac will not reduce the number of scholarships or the level of athletic benefits (including, without limitation of the foregoing, the number of full-time-equivalent coaching staff) provided to any women's varsity athletic team during the term of this Amended Decree, except as otherwise provided herein.
7. Quinnipiac will ensure that female Soccer, Lacrosse, and Field Hockey athletes have access to a locker room (which need not be for their exclusive use) in the Recreation Center for dressing and showering when using the (current and future) strength and conditioning facility.

E. Quinnipiac Men's Teams

1. During the term of this Amended Decree, Quinnipiac will not create additional men's varsity sports teams unless it also creates additional women's varsity teams that provide at least a sufficient number of athletic participation opportunities to maintain the proportions of male and female varsity athletes that existed before the new men's team was added. For

purposes of the calculation of the existing proportions, the Rugby and Acrobatics and Tumbling teams will not be counted. If Acrobatics and Tumbling or Rugby is granted championship sport status by the NCAA, Quinnipiac will be permitted to add one or more men's team(s) to account for the additional women's participation opportunities.

2. Notwithstanding the foregoing, Quinnipiac may add Men's golf if required to do so by its Athletic Conference, without adding a new women's team.
3. Quinnipiac may not add any additional scholarships for men's teams until July 1, 2024 unless it adds additional men's teams as set forth above.

F. Club Sports

If Quinnipiac sponsors or supports club sports during the term of this Amended Decree, it will do so in a manner that complies with Title IX.

**III. CLASS NOTICE**

- A. Pursuant to Federal Rule of Civil Procedure 23(e), the parties agree that notice of this proposed Amended Decree shall be provided, as nearly as is feasible, to all members of the class in a form approved by the Court. The parties propose that the Court approve the form of notice filed herewith.
- B. Upon the Court's approval of the form of the notice, Quinnipiac shall timely transmit the notice by electronic mail and/or such other reasonable means as the Court may direct to all current female Quinnipiac students (excluding those who graduate in Spring 2020) and all recruited female athletes who have signed a letter of intent for the 2020-2021 academic year. Quinnipiac shall also provide informational copies of the notice to the coaches of women's varsity teams.

- C. Quinnipiac shall be responsible for all costs of providing the notice.
- D. Upon the Court's final approval of this Amended Decree, Quinnipiac shall provide notice of such approval and of the availability of copies of the Decree (at a website to be designated by class counsel) to all current female Quinnipiac students at the time of the approval, all recruited female athletes who have signed a letter of intent for the 2020-2021 academic year, all personnel in Quinnipiac's Department of Athletics & Recreation, and any other persons whom Quinnipiac expects to participate in the implementation of this Decree. During the term of this Amended Decree, if any student, prospective student, or parent of any student or prospective student requests information concerning this Amended Decree, Quinnipiac shall provide them with a copy of this Amended Decree and/or inform them that copies are available from the American Civil Liberties Union of Connecticut.

#### **IV. GENERAL PROVISIONS**

- A. This Amended Decree shall remain in effect until June 30, 2024.
- B. Nothing in this Amended Decree shall affect Quinnipiac's rights or obligations with respect to its Acrobatics and Tumbling team, except as specifically set forth herein.
- C. Reporting Requirements
  - 1. Facilities. Within 90 days of the date on which this Amended Decree is entered, Quinnipiac shall provide plaintiffs' counsel with:
    - a. An architectural drawing of the planned strength and conditioning facility, an anticipated date by which the construction of the strength and conditioning facility will begin, if it has not yet begun, and the anticipated completion date of the facility.

- b. A description of the new surface that will be installed on the existing indoor track and an anticipated date by which the track will be resurfaced and available for use.
  - c. An anticipated date by which the golf practice cage will be operational.
  - d. If, at any point, there is reason to believe that the construction of any of the facilities required by this Amended Decree will not be complete within 30 days of the anticipated completion date, Quinnipiac shall promptly notify Plaintiffs' counsel of the anticipated delay, the reasons for the delay, and, if possible, the new anticipated completion date.
  - e. Upon completion of each of the facilities, Quinnipiac shall report to Plaintiffs' counsel that the facility is complete and provide photographs of the completed facility.
  - f. Upon completion of all facilities, Quinnipiac's and Plaintiffs' counsel shall provide a joint report to the Court confirming completion of the facilities.
2. Staffing. By August 31, 2020, Quinnipiac shall provide Plaintiffs' counsel with the name and start date of the individual hired as the assistant volleyball coach described in paragraph II.C.3.g above. By July 1, 2021, Quinnipiac shall provide Plaintiffs' counsel with a list of the names of the individuals hired for each of the other positions set forth in paragraph II.C.3 above, and their start dates. In the event the selected applicant withdraws

his or her application or is otherwise unable to start as planned, Quinnipiac will notify Plaintiffs' counsel and promptly begin a new search. Quinnipiac will make good faith efforts to identify the best qualified candidates and hire them prior to July 1, 2021 as circumstances permit.

3. Budgets and Financial Assistance

- a. Within ninety days of the date on which the Amended Decree is entered, Quinnipiac shall provide Plaintiffs' counsel with copies of the 2017-18 and 2018-19 budgets for the volleyball team and for the indoor and outdoor track and field programs.
- b. By November 15, 2020, Quinnipiac shall provide to Plaintiffs' counsel documents sufficient to identify the number of scholarships awarded to the volleyball team and to the indoor and outdoor track athletes in 2019-20 and 2020-21.

4. Other Reporting Obligations.

- a. By July 1 of each year during which the Amended Decree remains in effect, Quinnipiac shall provide to Plaintiffs' counsel the final squad lists for its varsity athletic teams for the year just concluded, as well as budget and expenditure reports showing the amounts budgeted and spent for athletic benefits for each varsity athletic team in the year just concluded, and for the prior year. Quinnipiac shall also provide Plaintiffs' counsel with: (i) its annual EADA submission; (ii) any submissions to the NCAA relating to gender

equity in its varsity athletic program; and (iii) its annual surveys of female varsity athletes.

D. Provisions Resulting from the COVID-19 Pandemic

1. Quinnipiac shall be excused from any obligation in this Decree that is rendered impossible or impracticable by any public health and safety order or guideline issued by a government entity or by virtue of any rule or requirement implemented by the conferences in which Quinnipiac competes. If Quinnipiac concludes that it is excused from any obligation in this Decree pursuant to this subparagraph, it shall promptly notify Plaintiffs' counsel and shall engage in good-faith negotiations to resolve any disagreement concerning the application of this subparagraph.
2. The operating budgets of all men's and women's Quinnipiac varsity athletic teams for the 2020-2021 academic year will be 95% of their budgets for the 2019-2020 academic year. The only exceptions will be the volleyball and track teams whose budgets will be 95% of 2019-20 plus the additional funds to be distributed over two years as described in paragraph II.C.4.b and II.C.5.b. above.

E. Resolution of Disputes.

1. Quinnipiac will continue to facilitate periodic communications between Plaintiffs' counsel and members of the class.



2. Should a dispute arise between the parties that cannot be resolved directly between counsel, counsel shall, in good faith, consider seeking the assistance of the Court-appointed Referee, Jeffrey Orleans, on such terms as counsel and the Referee may agree, before seeking the intervention of the Court.

F. Fees of Plaintiffs' Counsel

1. Quinnipiac shall pay to Plaintiffs' counsel the total sum of \$90,000 for fees incurred from January 1, 2017 through the approval of the Amended Decree.
2. Plaintiffs' counsel may apply to the Court for a further fee award in the event that (a) Plaintiffs' counsel incurs substantial and unanticipated expenses in monitoring Quinnipiac's compliance with the Amended Decree, or (b) Plaintiffs' counsel institutes proceedings before the Court to secure a remedy for any violations of the Amended Decree.

Dated: May 20, 2020

Counsel for Stephanie Biediger, et al.,  
Plaintiffs

/s/ Jonathan B. Orleans

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Dated: May 20, 2020

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/s/ Susan D. Friedfel

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**2017-18 Athletic Scholarships**

<b>Team</b>	<b># of Scholarships</b>
Basketball	15
Ice Hockey	18
Field Hockey	12
Lacrosse	12
Soccer	14
Golf	3
Rugby	9
Softball	9
Tennis	5
Volleyball	8
Cross Country	4
Track (Indoor and Outdoor)	6

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