

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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STEPHANIE BIEDIGER, KAYLA LAWLER,	:	
ERIN OVERDEVEST, KRISTEN	:	CIVIL ACTION NO:
CORINALDESI, and LOGAN RIKER,	:	
individually and on behalf of all those	:	3:09-CV-00621 (SRU)
similarly situated; and	:	
ROBIN LAMOTT SPARKS, individually,	:	
	:	
Plaintiffs,	:	
	:	
against	:	
	:	
QUINNIPIAC UNIVERSITY,	:	June 10, 2010
	:	
Defendant.	:	
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STIPULATIONS OF FACT and LAW

1. Plaintiffs Stephanie Biediger, Kayla Lawler, and Logan Riker, are female student athletes who currently attend Defendant Quinnipiac University in Hamden, Connecticut (“QU” or “the University”). They are members of the Defendant’s varsity women’s volleyball team.
2. Plaintiffs Kristen Corinaldesi and Erin Overdevest were, through academic year 2009-10, female student athletes who attended QU. They were members of the Defendant’s varsity women’s volleyball team.
3. Robin Lamott Sparks is the women’s varsity volleyball coach at QU and has been so employed since 2007. She also is an adjunct professor in communications at the Defendant university.
4. Defendant QU is a private university which receives federal financial assistance and is subject to Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681-88 (“Title IX”).
5. Jack McDonald is the Defendant University’s Athletic Director. As such, he is responsible for managing the Athletic Department’s personnel, budget, fund-raising and revenue efforts, athletic events and campus athletic facilities. With the assistance of his staff, he also contributes to oversight of QU’s compliance with all applicable rules and regulations of the National Collegiate Athletic Association (“NCAA”) and with Title IX.

6. Tracey Flynn is employed by the Defendant University in its Athletic Department and holds the titles of Senior Women's Administrator ("SWA") and Assistant Athletic Director for Compliance.

7. (RFA #2) The University provides varsity intercollegiate athletic participation opportunities for both male and female students.

8. (RFA #3) The University does not provide intercollegiate athletic participation opportunities at the sub-varsity level, including club team sports.

9. (RFA #4) The University provides male and female students with opportunities to participate in intramural sports.

10. (RFA #9) The University compiles and submits athletic gender equity data to the NCAA each school year.

11. (RFA #49) There are enough current and/or prospective female students at the University who have the interest and ability to participate in varsity, intercollegiate volleyball to maintain a team.

12. The University claims, in this action, that it complied with Title IX in 2009-10 and will comply with Title IX in 2010-11 under "Prong One" of OCR's 1979 Policy Interpretation concerning compliance with Title IX's requirement that institutions effectively accommodate the athletic interests and abilities of members of both sexes.

13. The University does not claim, in this action, that it complied with Title IX in 2009-2010 and/or will comply with Title IX in 2010-2011 under "Prong Two" or "Prong Three" of the 1979 Policy Interpretation.

14. (RFA #57) The University is a member of the Northeast Conference ("NEC").

15. (RFA #58) Both the NCAA and the NEC sponsor championships in Division I intercollegiate volleyball.

16. (RFA #66) The following schools are members of the NEC: Central Connecticut State University, Fairleigh Dickinson University, Long Island University, Monmouth University, Mount St. Mary's University, Robert Morris University, Sacred Heart University, St. Francis University (NY), St. Francis University (PA), and Wagner University.

17. (RFA #70) The following colleges are located in the state of Connecticut and participate in NCAA Division I athletics: Quinnipiac University, Yale University, University of Connecticut, Central Connecticut State University, Sacred Heart University, Fairfield University, and Hartford University.

18. (RFA #72) The University enrolls students from all 50 states and the District of Columbia.

19. (RFA #109) There is no international governing body for competitive cheer as a sport.
20. (RFA #111) Competitive cheer is not recognized as an Olympic sport.
21. (RFA #118) During the 2008-2009 school year, the University did not have a competitive cheer team that it counted as a varsity sport for purposes of Title IX.
22. (RFA #119) The University offers athletic scholarships for varsity athletes, including volleyball players.
23. (RFA #121) The University has not conducted a national search for a competitive cheer coach.
24. (RFA #122) The University recruits athletes for its varsity intercollegiate sports teams.
25. (RFA #125) The University did not recruit athletes for its competitive cheer team before the recruiting season for the 2009-2010 school year.
26. (RFA #126) The University's cheerleaders did not complete NCAA sports eligibility forms for the 2008-2009 school year.
27. (RFA #127) The University's cheerleaders did not go through the NCAA's sports clearinghouse before the 2008-2009 school year.
28. (RFA #133) The NCAA Division I women's spring track championships include the following events: 100 meter dash, 200 meter dash, 400 meter dash, 800 meter run, 1500 meter run, 5000 meter run, 3000 meter steeplechase, 4X100 meter relay, 4X400 meter relay, 4X800 meter relay, 100 meter hurdles, 400 meter hurdles, high jump, long jump, triple jump, pole vault, shot put, discus, hammer throw, and javelin.
29. (RFA #134) The University does not have an outdoor track on campus.
30. (RFA #155) The EADA report form includes gymnastics, golf, bowling, swimming, and volleyball as varsity sports.
31. (RFA #156) University students participate in intramural volleyball but not in intramural competitive cheer.
32. (RFA #159) The University's men's and women's lacrosse teams play games in both the fall and spring.
33. (RFA #161) The University's men's baseball and women's softball teams play games in both the fall and spring.

34. (RFA #163) The University's men's and women's tennis teams play matches in both the fall and spring.

35. (RFA #164) The University's men's and women's tennis teams have played varsity intercollegiate matches indoors and outdoors.

36. (RFA #167) The University's spring championship sports teams practice in the fall, winter, and spring of each school year.

37. (RFA #172) The University's varsity intercollegiate ice hockey, basketball, softball, baseball, field hockey, lacrosse, soccer, and volleyball coaches coach only one sport at the University.

38. (RFA #178) All or most of the non-freshmen members of the University's 2009-2010 competitive cheer team were members of the University's 2008-2009 sideline cheer team.

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