

**NOTICE OF PROPOSED MODIFICATION TO CLASS ACTION
SETTLEMENT, AND OF HEARING IN TITLE IX ATHLETICS
LITIGATION**

To: All present, prospective, and future female students at Quinnipiac University who are harmed by, and want to end Quinnipiac University’s sex discrimination in: (1) the allocation of athletic participation opportunities, (2) the allocation of athletic financial assistance, and (3) the allocation of benefits provided to varsity athletes.

**PLEASE READ THIS NOTICE CAREFULLY.
IT CONCERNS A LAWSUIT THAT MAY AFFECT
YOUR RIGHTS.**

I. INTRODUCTION

This notice is to inform you of a proposed change to the Consent Decree that was entered on June 20, 2013 (“2013 Consent Decree”) in settlement of a Title IX class action lawsuit brought against Quinnipiac University. The lawsuit is called *Biediger, et al v. Quinnipiac University*, Civil Action No. 3:09-cv-00621 (SRU) (D. Conn.).

The plaintiffs in the lawsuit filed the case in 2009 on behalf of all present, prospective, and future female students at QU who participate, seek to participate, or have been deterred or prevented from participating in, or obtaining the benefits of, intercollegiate athletics at QU (the “Plaintiff Class”).

THIS PLAINTIFF CLASS MAY INCLUDE YOU.

The 2013 Consent Decree required Quinnipiac to do certain things with respect to participation opportunities, financial assistance, and athletic benefits for female athletes. Quinnipiac also agreed to significantly improve its facilities used by female athletes, including constructing a competition

facility for the women's field hockey team, a maximum size rugby pitch, an indoor track and field facility, and a competition facility for a newly named women's top level ("Tier One") sport. Soccer was later named as the new Tier One women's sport.

Quinnipiac promptly began the process of building the new facilities. That required the approval of the Town of Hamden, which took much longer than Quinnipiac had anticipated because of the Town's wetlands and zoning concerns. In the fall of 2017, Quinnipiac opened the new stadia for lacrosse/soccer and field hockey, and the rugby pitch. Now, Quinnipiac's only remaining obligation from the 2013 decree with respect to facilities is the construction of a new indoor track facility. However, after exploring the physical limitations of Quinnipiac's property and based on its experience with Hamden's approval process, Quinnipiac has concluded that it will not be able to construct the indoor track facility in the foreseeable future.

In September 2017, Quinnipiac informed counsel for the Plaintiff Class of the anticipated obstacles to timely construction of the indoor track facility. Since then and with the assistance of the Court-appointed "Referee" under the Consent Decree, the lawyers for both sides have negotiated in good faith to reach agreement on a proposed Amended Consent Decree which will relieve Quinnipiac of the obligation to build a new indoor track facility, in exchange for doing other things that will benefit female varsity athletes. The Amended Consent Decree ("Amended Decree") must be approved by the United States District Court in Bridgeport, Connecticut. You may have a right to be heard before the Court when it considers the proposed Amended Decree.

**THIS NOTICE SUMMARIZES THE PROPOSED AMENDED DECREE
AND ADVISES YOU OF:**

- **The terms of the proposed Amended Decree;**

- **Your opportunity to file with the Court any objection to the Amended Decree; and**

- **Your opportunity to appear at the Fairness Hearing on August 4, 2020, at 3:30 pm, when the Court will consider whether to approve the proposed Amended Decree.**

III. DEFINITION OF THE CLASS

The Plaintiff Class is defined as:

All present, prospective, and future female students at Quinnipiac University who are harmed by and want to end Quinnipiac University's sex discrimination in: (1) the allocation of athletic participation opportunities; (2) the allocation of athletic financial assistance; and (3) the allocation of benefits provided to varsity athletes.

The Court appointed plaintiffs Stephanie Biediger, Kristen Corinaldesi, Kayla Lawler, Erin Overdeest, and Logan Riker as representatives of the class. The Court has appointed Jonathan

Orleans of Pullman & Comley, LLC; Kristen Galles of Equity Legal; and Dan Barrett of the ACLU Foundation of Connecticut as the attorneys for the Class.

IV. REASONS FOR THE AMENDED DECREE

Quinnipiac has acted in good faith to comply with the 2013 Consent Decree and has worked collaboratively with class counsel and the Court-appointed Referee to reach agreement on an amendment that would benefit the class. Both parties recognize the uncertainties of litigation, and the parties agree that it would be better to devote the University's resources to improving athletic opportunities for female students than to expend funds on continued litigation, which is unpredictable. Class counsel believe that the proposed Amended Decree is fair, reasonable, and in the best interests of the class. In reaching this conclusion, class counsel have analyzed the benefits of the Amended Decree, the possible outcome of further litigation, and the expense and length of continued legal proceedings.

By entering into the Amended Decree, QU does not admit any fault or wrongdoing. Similarly, by entering into the Amended Decree, the Plaintiff Class does not concede that QU will have achieved full compliance with Title IX by the time the Amended Decree ends.

V. SUMMARY OF THE PROPOSED AMENDED DECREE

Below is a summary of the main terms of the proposed Amended Decree. It does not include all of the terms. You should read the entire Amended Decree to ensure that it protects your rights and interests.

- 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 scholarships for women's indoor and outdoor track, plus scholarships for women's cross country.
- Quinnipiac will resurface the existing hanging track in the Recreation Center.
- Quinnipiac will remove all exercise equipment from the corners of the hanging track in the recreation center. Until this is done, Quinnipiac will prohibit use of their 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.
- Quinnipiac will arrange for six hours per week of practice time for the indoor track team at Yale's Coxe Cage, or an equivalent facility, and will increase the combined budget for the indoor and outdoor track teams.
- Quinnipiac will elevate the women's volleyball team to Tier One, provide four more scholarships to the team to achieve the NCAA maximum of 12 scholarships, provide the equivalent of 1.12 scholarships for summer aid for women's volleyball players, and provide women's volleyball with the maximum number of coaches permitted under NCAA rules.
- Quinnipiac will not reduce the number of scholarships available to any women's team while the Amended Decree remains in effect.
- 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 enough equipment to allow the largest women's teams to train together.

- Quinnipiac will install an indoor golf practice cage with TrackMan or equivalent software. The women’s golf team will have priority in using the practice cage.
- Provided that Quinnipiac remains in compliance with the Amended Decree, the Class will not bring claims that Quinnipiac has violated Title IX regarding gender equity in athletic participation, athletic benefits, or athletic financial assistance, while the Amended Decree remains in effect.
- Quinnipiac will pay class counsel \$90,000 in attorneys’ fees to compensate them for their work in negotiating the Amended Decree.
- The Amended Decree will end on June 30, 2024.

VI. YOUR OPPORTUNITY TO OBJECT AND/OR APPEAR AT THE FAIRNESS HEARING

AS A CLASS MEMBER, YOU HAVE THREE OPTIONS:

- (1) if you are satisfied with the Amended Decree, you do not have to do anything, but you will be bound by the terms and conditions of the Amended Decree if the Court approves it;
- (2) if you are satisfied with the Amended Decree and wish to submit comments in favor of it, you may do so; or
- (3) if you object to the Amended Decree, you may submit written objections or appear at the Fairness Hearing on August 4, 2020, at 3:30 pm.

If you wish to comment on or file objections to the Amended Decree, then you (or an attorney on your behalf) must submit your comments or objections in writing to:

Robin Tabora
Clerk of the Court
United States District Court
141 Church Street
New Haven, CT 06510

with copies to:

Jonathan B. Orleans
Pullman & Comley, LLC
850 Main St., P.O. Box 7006
Bridgeport, CT 06601-7006
Telephone: (203) 330-2000
Email: jborleans@pullcom.com

Susan D. Friedfel
Jackson Lewis, P.C.
44 South Broadway, 14th Floor
White Plains, NY 10601
Telephone: (914) 872-8027
Email: susan.friedfel@jacksonlewis.com

All comments and objections must be in writing and must be received by the Clerk of the Court on or before July 8, 2020.

All objections must state the name and docket number of the Litigation, which are: Stephanie Biediger, et al v. Quinnipiac University, Civil Action No. 3:09-cv-00621 (SRU). Objections filed by attorneys should be filed pursuant to the Electronic Case Filing Procedures for the District of Connecticut, which are available online at <http://www.ctd.uscourts.gov/cmecf-notices-instructions-0>

If you choose to appear at the Fairness Hearing, you may do so either in person or through an attorney. If you wish to appear and be heard at the Fairness Hearing in person or through your own attorney, you or your attorney must notify (1) Robin Tabora, Clerk of the Court, United States District Court, 141 Church Street, New Haven, CT 06510 and (2) the lawyers named above, in writing, by July 8, 2020. Requests by attorneys should be filed pursuant to the Electronic Case Filing Procedures for the District of Connecticut, which are available online at <http://www.ctd.uscourts.gov/cmecf-notices-instructions-0>.

VI. BINDING EFFECT/RELEASES

The proposed Amended Decree, if finally approved by the Court, will bind all members of the class. As a result, any person who is a member of the Plaintiff Class will be barred from seeking relief for claims relating to Quinnipiac's provision of athletic opportunities for its female students, provision of athletic financial aid for its female students, or provision of varsity athletic benefits for its female students during the term of the Amended Decree.

VII. NO OPT-OUTS

You may not "opt out" of the provisions of the Amended Decree. You may, however, voice objections to the Amended Decree as discussed above.

IX. ADDITIONAL INFORMATION

Unless otherwise ordered by the Court, any class members who do not make known their objections or opposition to the Amended Decree in the manner described above shall be deemed to have waived all objections and opposition to the fairness, reasonableness, and adequacy of the Amended Decree and any other matters pertaining to the claims asserted in the Litigation.

This Notice is a summary and does not describe all of the details of the proposed Consent Decree. The proposed Amended Decree, and all other papers filed in the Litigation, are available for inspection in the office of the Clerk, United States District Court, 915 Lafayette Boulevard, Bridgeport, CT 06604. The documents are also available through the PACER System.

Copies of this notice and of the proposed Amended Decree are available at www.acluct.org. If you have additional questions, you may contact class counsel Jonathan Orleans (203.330.2000; jborleans@pullcom.com) or Dan Barrett (860.471.8471; legal@acluct.org).

**PLEASE DO NOT CONTACT THE JUDGE DIRECTLY ABOUT THE SETTLEMENT,
THE PROPOSED AMENDED DECREE, OR THIS NOTICE.**

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