

Court makes landmark decision in favor of student-athletes in Title IX lawsuit against SDSU

by: [Domenick Candelieri](#) Posted: Apr 13, 2023 / 10:00 PM PDT

Updated: Apr 13, 2023 / 11:13 PM PDT

SAN DIEGO — A [class action lawsuit](#) filed by 17 San Diego State University female student-athletes against the university for violating Title IX is moving forward in favor of the plaintiffs, according to attorney officials.

The decision allows all of the female student-athletes to pursue all or some of their claims for equal athletic financial aid, equal treatment and retaliation, Bailey & Glasser, LLP said in a news release Thursday.

The ruling is the first in the nation to hold that female student-athletes deprived of equal financial aid can sue their schools for damages, per officials.

“This is a major step forward for women and against sex discrimination at SDSU and nationwide,” said Arthur H. Bryant of Bailey & Glasser, LLP, in Oakland, CA, lead counsel for the women. “When we filed these claims, I said SDSU seemed to be aiming for the Title IX sex discrimination trifecta. It has been cheating its female student-athletes out of hundreds of thousands of dollars in equal athletic financial aid each year. It is giving its male student-athletes far better treatment than its female student-athletes. And it blatantly retaliated against its female student-athletes for standing up for their rights. Now, it can be

held accountable.”

Title IX, which came into law in 1972, requires any organization that receives federal funding to provide equal opportunities for women and men.

In November 2022, SDSU’s motion to dismiss the women’s lawsuit was denied by the court who then entered an order dismissing the equal athletic financial aid and retaliation claims unless the women provided more details to support them, Bailey & Glasser, LLP said.

“Plaintiffs’ Second Amended Complaint provides data going back to 2010 showing that SDSU has provided female student-athletes as a group between 4.17% and 8.98% less financial aid than the proportional amount for the eleven years for which data is available,” the court noted in part.

When the lawsuit was filed, SDSU also released a statement in part:

“SDSU’s funding level for women’s scholarships, and its female athletic participation, is among the highest for Mountain West schools and in California and the NCAA. SDSU awards almost all possible scholarships permitted under NCAA rules for both its men’s and women’s teams... SDSU is proud of its record of promoting female athletic opportunities.”

One of the plaintiffs, Greta Viss, said the group of women “are delighted that all three claims in our case are going forward.”

“SDSU’s male athletes got their one shining moment on the basketball court. We aren’t being given the same treatment or support, so we are fighting for our shining moment in federal court,” Viss said.

The next steps are uncertain for the plaintiffs, as the judge's order says they have 30 days to file a Third Amended Complaint if they want to and if they don't, they can start discovery and begin finding out facts they don't yet know, the student-athletes' attorney said.

There is no trial date set at this moment, according to officials.