



UNIVERSITY OF MINNESOTA ATHLETICS

Bierman Field Athletic Building | 516 15th Avenue S.E. | Minneapolis, MN 55455

March 22, 2021

Messrs. Sprinkel and Wernet,

I write to follow-up on our recent meeting regarding the decision to eliminate the Men's Tennis team, and over the various, related communications sent to the Board of Regents and the University's General Counsel. As I have expressed in each of the meetings I have held with members of the Baseline Tennis Club, I recognize your concerns and appreciate your thoughtful comments regarding that very difficult decision. I hope this letter helps explain that decision, especially in light of the Arthur Bryant memorandum you have shared with us.

As you appreciate, the University's decision to eliminate Men's Tennis as a Division I sports program has a number of dimensions, including Title IX considerations. Mr. Bryant's memorandum provides a general summary of the applicable Title IX principles. However, it does not take into account the Athletics Department's overall plan to address its Title IX concerns and ensure Title IX compliance. Moreover, unlike other cases you may be following across the country, males have not been the underrepresented sex at the University of Minnesota with regard to athletics compliance. Mr. Bryant acknowledges this in his memorandum. Schools may address overrepresentation of athletes of one gender through sport elimination and reasonable roster management programs.

I note that Mr. Bryant's analysis is based upon the University's EADA participation numbers, the numbers the University is required to compile and submit each year to the U.S. Department of Education pursuant to the federal Equity in Athletics Disclosure Act (EADA). Those numbers are determined based upon the specific rules and criteria established under the EADA. While there are some similarities, the University's Title IX numbers are based upon different rules and criteria, as established under Title IX and its regulations, and developed through court decisions and the decisions, opinions, and guidance issued by the U.S. Department of Education's Office for Civil Rights (OCR). Mr. Bryant appears to acknowledge this in his memorandum. So, while the EADA numbers are instructive, they are not the numbers upon which the University's Title IX analysis is based. Mr. Bryant further acknowledges in his memorandum that EADA counting instructions may actually appear to *overstate* female participation opportunities. In court cases currently being waged across the country, plaintiffs' counsel have consistently argued that large female squad sizes should be discounted, especially where they may exceed national averages. As noted below, the University of Minnesota is taking responsible steps to ensure that our female squad sizes moving forward are reasonable and consistent with national averages.

Most importantly, Mr. Bryant acknowledges that his memorandum does not take into account additional steps the Athletics Department is taking beyond the team eliminations to ensure equitable participation numbers. Specifically, as we have indicated in the public



communications released in connection with the decision, the University is implementing a roster management plan that reduces the roster sizes of some of the existing women's teams to numbers preferred by the teams' head coaches, and more consistent with national averages. The University needs to do this to ensure ongoing meaningful participation opportunities on the women's side, another Title IX requirement.

Attached is a table that shows the University's Title IX numbers for the 2019-2020 academic year, the most recent year with final numbers, the projected numbers for 2020-2021, and the proposed numbers for 2021-2022. As you can see, the University's roster management plan will result in participation numbers at or near exact proportionality and in full compliance with Title IX in 2021-2022. Based upon the Title IX numbers, and taking into account the Department's overall plan, we believe our actions are fully consistent and compliant with Title IX. While roster and enrollment numbers regularly fluctuate, and future circumstances could require some adjustments to the numbers, in my judgment the plan places the University in a legitimate position to comply with Title IX within an overall program mix that is appropriate for the University of Minnesota.

With regard to finances, I certainly appreciate and respect the dedication of you and your fellow boosters in soliciting the pledges described in your communications. However, as we have indicated in our prior public communications, we do not believe that the financial considerations that drove the decision can be addressed through fundraising focused on the men's tennis program. Requiring or expecting a team to support itself through fundraising is inconsistent with the Department's philosophy. Team budgets are recurring, annual obligations, as the Board's discussions over endowment amounts highlights. Funding additional participation opportunities for women would also need to be considered. Past experience shows that fundraising campaigns can be uncertain. Even when undertaken, goals cannot always be met. Fundraising efforts targeting one program also potentially create their own separate Title IX concerns. I should add that, the Department already plans to use the additional capacity in the Baseline Tennis Center to generate additional revenue for the Department.

The Title IX issues also impact the financial evaluation. Title IX does not require team cuts. However, the Department's financial plans do not allow for the University to achieve participation equity by adding participation opportunities. I recognize that the Men's Tennis team involves a relatively small number of student athletes. However, the Department needs some flexibility in its numbers to allow it to respond to year-to-year fluctuations in the undergraduate enrollment population through roster management. Even relatively small changes in the numbers can have a significant impact.

I recognize that you disagree with how we have arrived at a plan compliant with Title IX, a plan that fits our financial goals, and squares with the Athletic Department's judgment over the appropriate program mix. While your fundraising efforts are laudable, I do not believe they provide a basis for a reversal of the Board of Regents' decision.

Please know that I also appreciate how difficult and upsetting all of this is. It is one of the most difficult decisions I have had to face in my years as an Athletics Director. We have worked hard to create a nimble Athletics Department, one that is self-sufficient, competes at the

highest level, and provides a first-class experience for our student-athletes. While the decision was certainly unfortunate, I continue to believe it was necessary to ensure stability and allow the Department to continue to move forward.

Sincerely,

Handwritten signature of Mark Coyle in black ink.

Mark Coyle
Director of Athletics

cc: Arthur Bryant, Esq.
Brian Steeves, Executive Director and Corporate Secretary, Board of Regents
Brent Benrud, Senior Associate General Counsel

Gopher Athletics Title IX Participation Numbers

	Men's Teams				Women's Teams			
	19-20	20-21 (Projected)	21-22 (Proposed)	Super Seniors 21-22	19-20	20-21 (Projected)	21-22 (Proposed)	Super Seniors 21-22
Baseball/Softball	34	36	34	n/a	21	22	23	n/a
Basketball	14	15	15	1	14	14	15	2
Football	118	118	116	10				
Golf	10	10	10	n/a	10	9	9	n/a
Gymnastics	19	18			20	20	20	0
Ice Hockey	27	27	27	0	22	22	26	2
Rowing					81	75	64	n/a
Soccer					29	24	28	2
Swim/Dive	34	35	30	0	26	32	32	1
Tennis	10	10			9	9	9	n/a
Cross Country	20	20	16	0	34	32	22	0
Indoor Track	58	52			71	71	52	2
Outdoor Track	57	52	38	n/a	70	71	52	n/a
Wrestling	36	35	33	0				
Volleyball					20	16	16	2
Total	437	425	319	11	425	417	368	11
Percentage	50.7%	50.5%	46.4%		49.3%	49.5%	53.6%	
Undergrad Enroll	46.4%				53.6%			