

February 15, 2022

Chair Tomassoni and Members of the Senate Higher Education Committee:

As we have discussed in recent conversations, the matters before this Committee today are currently before the United States District Court as a result of a lawsuit seeking to reinstate the men's gymnastics program. United States District Judge Susan Nelson heard arguments from the parties over the plaintiff's request for relief on January 10, 2022. With these issues under advisement by the Court at the plaintiff's request, the University will refrain from comment and participation in this hearing until the Court rules, as is our practice with litigated matters.

We would like to share, however, additional background information on the Regent's October 2020 decision to discontinue three intercollegiate sports programs. Additionally, we have enclosed the statement of Board of Regents Chair Ken Powell and Vice Chair Steve Sviggum published in the Star Tribune on December 25, 2020 and correspondence sent by Gopher Athletics Director Mark Coyle March 22, 2021 to the Baseline Tennis Club and its Title IX counsel. The information below is all part of the current public record.

The decision of the Board of Regents more than 17 months ago came after much study and as the Chair and Vice Chair of the Board of Regents expressed, it was a decision they wished they did not have to make. That said, it rests upon three interrelated considerations: finances, Title IX, and the program evaluation of the Athletics Director. Focusing on one consideration in isolation from the others does not do justice to the decision.

As these materials explain, the financial considerations cannot be judged by simply comparing a one-year budget of any one program against the overall Athletics Department budget, nor the salary of the football coach for that matter. As is true of prudent planning, each expenditure must be evaluated on its own in an effort to have the Athletics Department live within its means. At the same time, the dynamic is such that considerations such as COVID-19 and its impacts, market demands, and a drive for excellence all demand that the University invest fully to advance the sports programs that make for the right program mix given all of the considerations

at play. Accordingly, the annual budgets of the affected sports, the deficits within the department budget overall, and the growing needs of the University's 22 intercollegiate sports programs mean the 2020 decision is consistent with what was and is needed to position the University of Minnesota for the challenges of an uncertain future.

The University's commitment to Title IX is also at work. That requires more than counting student athletes; it also requires that the University provides "meaningful participation opportunities" for all student-athletes. Due to a shift in our student population, those obligations left the University needing to eliminate three men's programs and pare down the rosters of other programs as well. As the enclosed materials explain, adding women's programs is not an option the University can afford at this time.

Finally, the Gopher Athletics Director has the difficult task of "right-sizing" Minnesota's program offerings and assessing where Minnesota should commit its talent and resources given how intercollegiate sports are evolving. With men's gymnastics, for example, only 13 Division I programs remain in the country.

Thank you for the opportunity to provide this background information within the constraints of the current litigation.

Thank you.

Handwritten signatures of JD and BA.

JD Burton
Chief Government Relations Officer
University of Minnesota

Enc: Powell/Sviggum Editorial; 12/25/20
Response to Men's Tennis Title IX Letter; 3/22/21