



PRESS RELEASE

08/06/2022

From: **Battle for Spartan Swim and Dive**
fightforspartanswimdive@gmail.com

For comments on the Title IX lawsuit, contact attorney Jill Zwagerman at (515) 883-2000 or jzwagerman@newkirklaw.com

Statement on MSU Appeal to U.S. Supreme Court

EAST LANSING - One week ago, Michigan State University asked the United States Supreme Court to review its challenge to the Title IX lawsuit filed by 11 members of the Women's Swimming and Diving team.

Battle for Spartan Swim and Dive is profoundly disappointed that MSU has chosen to take its fight with these women to the Supreme Court rather than working with our group of students, alumni, and supporters to restore the swim and dive teams, invest the millions pledged by Battle donors into the program, and reverse MSU's terrible Title IX track record.

In its [July 29th filing](#), MSU argues that measurement of the participation gap used to determine compliance with the landmark [1972 legislation](#) is inconsistently applied and "unworkable" for a large university. In our 22 months of attempted outreach and collaboration with MSU, the only thing that has proven unworkable is the university's willingness to reverse a bad decision based on bad data.

In contrast, the Battle group has worked tirelessly to dispel every reason given for the elimination of the MSU Swim and Dive program in October 2020. The financial shortfall expected from the pandemic has been erased by [nearly \\$200 million in donations to MSU Athletics](#) over the last 18 months. Plus the Battle team has identified \$10.85M in pledges, endowments, and estate donations for MSU Swim and Dive as part of the group's [reinstatement proposal](#). Another key to the proposal is the planned replacement of an aging IM West pool with a modern 50-meter pool as part of the new recreation center being funded by student rec fees implemented in the last school year. Finally, the competitiveness of a reinstated program will be

built on the foundation of the 21 student-athletes still on campus, including 13 who helped lead the Michigan State Swim Club to a [national championship](#) in April.

With the funding, future facilities, and a foundation of swimmers on campus, the [time to reinstate the program is now](#). This season is well within reach despite MSU's claims. Samantha Barany, Executive Director of the College Swimming & Diving Coaches Association of America, [submitted a declaration](#) to District Court Judge Hala Jarbou confirming that every Big Ten swim program plus a number of other Division I schools would be "eager to schedule a meet involving a Swim and Dive team from Michigan State University during the 2022-23 season."

It is also time for Michigan State to get on the right side of Title IX. After many decades of [disparate treatment of female athletes](#), a [1979 lawsuit](#), multiple [botched investigations](#) into [sexual assaults](#), and the [Larry Nassar conviction](#) and [aftermath](#), MSU needs to [stop being a threat](#) to equal access and support and start being a proponent for fair female representation into the next century.

Battle for Spartan Swim and Dive stands ready to make the unworkable work. Instead of dragging out a legal fight with its own students, which has cost the university more than \$500,000 so far according to FOIA records, let's end the fight and move forward.

We ask Athletic Director Alan Haller, President Samuel Stanley, and the Board of Trustees to work with us and return MSU Swim and Dive to a varsity sport. Go Green!

Learn more:

Website - <https://battleforspartanswimanddive.com/>

Facebook - <https://www.facebook.com/groups/battleforspartanswimanddive>

Twitter - <https://twitter.com/battleformsu>

Instagram - <https://www.instagram.com/battleforspartanswimanddive/?hl=en>

Linktr.ee - <https://linktr.ee/battleforspartanswimanddive>