

COURT BLOCKS UNIVERSITY FROM CUTTING WOMEN'S SPORTS PROGRAMS: WHAT YOUR SCHOOL NEEDS TO KNOW

Insights
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In the wake of the groundbreaking settlement establishing a new revenue-sharing system with student-athletes, a federal court in Texas just blocked a university from cutting women's beach volleyball, golf, and bowling teams for the upcoming school year because of potential gender discrimination concerns. The August 1 decision against Stephen F. Austin State University (SFA) could help carve a new landscape when it comes to the application of Title IX to athletic programs in this new era of compliance. What do you need to know about this decision and what should you consider doing to put your school in the best position?

What Happened?

One of the major questions following the *NCAA v. House settlement* has been the implications of Title IX. Since a key term of the settlement agreement allows institutions to directly share revenue with their student-athletes, schools have begun to figure out the best ways to manage this additional burden while staying on the right side of the law. This development has prompted athletic departments across the country to evaluate how they will fund these payments.

- SFA, located in Nacogdoches, Texas, chose to opt in to the *House* agreement. This gave it flexibility to directly compensate its student-athletes – but also meant that it had to balance new financial responsibilities.
- The school recently announced it would have to eliminate its varsity women's beach volleyball and bowling teams,

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along with the men's and women's golf teams. Given the timing in the academic year, female student-athletes playing these sports were put in a tough sport – the transfer portal windows for these sports were already closed or were closing imminently, while other schools had already secured their rosters for the 2025-2026 academic year.

- A group of seven female student-athletes at SFA initially engaged in settlement negotiations with the school, but SFA ultimately informed them that it would not reinstate the eliminated teams. Subsequently, the student-athletes filed a lawsuit in federal court on June 30 and asked the court for a preliminary injunction blocking the school from cutting the programs for this upcoming school year.

Court Applies Title IX to Block Program Cuts

The court granted the students' request on August 1 and issued an order temporarily blocking SFA from cutting the sports. It applied the three-prong test for equal participation opportunities under Title IX as articulated by the Department of Education's 1979 Policy Interpretation. This test evaluates whether an institution effectively accommodates the interests and abilities of female student-athletes by examining:

1. Whether intercollegiate-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments;
2. If one sex is underrepresented among athletes, whether the institution has a history and continuing practice of program expansion responsive to developing interests and abilities of that sex; and
3. Where underrepresentation exists and program expansion cannot be demonstrated, whether the interests and abilities of that sex have been fully and effectively accommodated by the present program.

In ruling in favor of the female student-athletes, the court found that the institution failed to satisfy all three prongs.

Specifically, the court concluded that SFA was "nowhere near close to substantial compliance" when it chose to eliminate the women's beach volleyball, bowling, and golf

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teams. Expert testimony showed that women constitute 63% of the undergraduate student body but were only receiving 45.6% of athletic opportunities.

Moreover, the court was not persuaded by SFA's arguments that the cut sports teams were not widely sponsored at the Division I level, were unpopular in Texas, or that one team had to travel extensively due to lack of local competition. The court noted these factors do not relate to the university's student body or whether it assessed the interests and abilities of its current or prospective students regarding these programs.

What Happens Next?

The court ordered SFA to preserve the women's beach volleyball, bowling, golf teams, and all other women's varsity programs while the case is pending. It is expected that SFA will appeal this decision to the 5th Circuit Court of Appeals, but for now these programs will take the field of play for the upcoming school year.

What Should You Do?

Athletic departments contemplating program eliminations or navigating the Title IX obligations under the *House/NCAA* settlement should take this decision to heart and consider the following points.

- First, institutions should carefully consider how changes will affect equal opportunities for male and female student-athletes to ensure fairness in their athletic programs.
- Second, the *House* settlement's direct revenue-sharing with student-athletes introduces new financial pressures, requiring you to conduct careful budgeting and allocate resources transparently in order to ensure compliance.
- Finally, institutions should anticipate potential legal challenges and plan proactively by engaging in thorough evaluations of student interest, competitive opportunities, and Title IX program obligations before making decisions.

Conclusion

For questions regarding NIL and Title IX, feel free to reach out to your Fisher Phillips attorney, the authors of this Insight, another member of our [Sports Industry Group](#), or

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