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SETTLEMENT REACHED IN KINSMAN V. FLORIDA STATE UNIVERSITY

On January 25, 2016, Ms. Erica Kinsman settled her Title IX lawsuit against Florida State University in exchange for payment of \$950,000 and a five year commitment from FSU to sexual assault awareness, prevention, and training programs. In addition, FSU has agreed to increased transparency through publication of annual reports for the next five years about its programs to deter and address campus sexual assault.

The settlement is separate from the ongoing federal investigation of FSU by the Office of Civil Rights of the U.S. Department of Education. That investigation was initiated in March 2014 following Ms. Kinsman's complaint to the Department and is expected to further address FSU's Title IX deficiencies as well as any needed changes or monitoring of the university's compliance.

In her Title IX lawsuit Ms. Kinsman asserted that FSU violated federal law by refusing to investigate and by covering up her allegations of a sexual assault on December 7, 2012, as well as a second woman's report of sexual misconduct, by fellow student Jameis Winston. Winston, who had not yet played football for FSU at the time of the assault, went on to lead FSU as quarterback to two undefeated regular seasons and a national championship in 2014. He went on to become FSU's third Heisman Trophy winner in December 2013. The Title IX lawsuit alleged that university officials concealed and obstructed the sexual assault investigation so that Mr. Winston could play football for more than two years afterwards.

The lump sum payment of \$950,000 is the largest in history to a single plaintiff to settle Title IX discrimination claims of this kind for a school's indifference to a plaintiff's sexual assault.

Erica Kinsman has filed a separate lawsuit in Orlando for sexual battery against Jameis Winston individually. That case will proceed unaffected by the settlement of the Title IX claims. Mr. Winston left FSU shortly after the Seminoles lost in the semi-finals of the College Football Playoffs in January 2015. Winston was the number one pick in the 2015 NFL draft and signed a contract with the Tampa Bay Buccaneers. Ms. Kinsman is graduating this spring with a degree in Mass Communications from another four year university.

Ms. Kinsman is grateful to have reached this outcome. "I'll always be disappointed that I had to leave the school I dreamed of attending since I was little. I am happy that FSU has committed to continue making changes in order to ensure a safer environment for all students. My hope is that the federal investigation of my complaint by the Office of Civil Rights will produce even more positive change, not just at FSU, but across the country."

Erica Kinsman is represented by John Clune, Baine Kerr, and Lauren Groth of Hutchinson Black and Cook in Boulder, Colorado, and by David King, Thomas Zehnder, and Taylor Ford of King Blackwell Zehnder Wermuth in Orlando.