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ADMINISTRATIVE CLASS COMPLAINT

COMPLAINANT

Champion Women
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RECIPIENT

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I. PRELIMINARY STATEMENT

1. This complaint is filed by *Champion Women*, pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* (“Title IX”) and the regulations and policies promulgated thereunder. *See* 34 C.F.R. § 106 *et seq.* Title IX prohibits discrimination on the basis of sex in federally funded education programs and activities, including athletics.

2. *Champion Women* is a 501(c)(3) that provides legal advocacy for girls and women in sports.

3. As detailed in the Factual and Legal Allegations below, data submitted by Baylor University, (“Baylor”) to the Office of Postsecondary Education of the U.S. Department of Education pursuant to the Equity in Athletics Disclosure Act (“EADA”), 20 U.S.C. § 1092, as well as information collected from Baylor’s website indicates that Baylor is discriminating on the basis of sex by providing women with unequal athletic participation opportunities, unequal athletic scholarship dollars, and unequal treatment and benefits, including athletic recruitment funding.

4. In order to address these disparities, *Champion Women* requests that the Office for Civil Rights (“OCR”) investigate Baylor to determine whether it is discriminating against women; whether it is providing women equal opportunities to participate in varsity sports, equal opportunities to earn athletic scholarships, and equivalent treatment and benefits, including recruitment funding as required by Title IX and, if not, to remedy any unlawful conduct.

II. JURISDICTION

5. The OCR is responsible for ensuring compliance with Title IX and receiving information about, investigating, and remedying violations of Title IX and its implementing regulations and guidelines. 34 C.F.R. §§ 106.71, 100.7.

6. *Champion Women* has not filed this complaint with any other agency or institution.

7. As Baylor currently violates Title IX’s athletic equity requirements, this complaint is timely.

III. FACTUAL ALLEGATIONS

8. Baylor receives federal financial assistance and is therefore prohibited from discriminating on the basis of sex pursuant to Title IX.

9. Data submitted by Baylor to the U.S. Department of Education pursuant to the EADA that is publicly available on the Office of Postsecondary Education website for academic

years 2003-04 through 2021-2022 indicates that Baylor is discriminating against women; it is not currently and has not in the past been providing female athletes equal opportunities to participate in athletics under Title IX's three-part participation test.

10. *Champion Women* has edited the EADA data in just one instance: to remove male practice players who are counted in the tally as “women”. These male practice players are not female athletes and have therefore been subtracted from the totals in the EADA.¹

Year	Undergraduate Enrollment				Athletic Participation				
	Men	Women	Total	Percent Women	Men	Women Prong 2: This # should Rise Continuously and Steadily Over Time, Without Going Backwards	Total	Percent Women	Female Athletes Who Would Need to be Added to Achieve
2003-04	4684	6576	11260	58.40%	296	132	428	30.84%	284
2004-05	4602	6560	11162	58.77%	324	194	518	37.45%	268
2005-06	4750	6715	11465	58.57%	310	238	548	43.43%	200
2006-07	4476	6958	11434	60.85%	292	240	532	45.11%	214
2007-08	4834	6807	11641	58.47%	275	235	510	46.08%	152
2008-09	4931	6916	11847	58.38%	270	257	527	48.77%	122
2009-10	4912	6968	11880	58.65%	277	286	563	50.80%	107
2010-11	5136	7052	12188	57.86%	272	346	618	55.99%	27
2011-12	5171	7149	12320	58.03%	277	393	670	58.66%	-10
2012-13	5202	7387	12589	58.68%	280	407	687	59.24%	-9
2013-14	5432	7601	13033	58.32%	280	442	722	61.22%	-50
2014-15	5685	7892	13577	58.13%	285	405	690	58.70%	-9
2015-16	5812	8099	13911	58.22%	284	406	690	58.84%	-10
2016-17	5915	8172	14087	58.01%	273	418	691	60.49%	-41
2017-18	5801	8284	14085	58.81%	275	377	652	57.82%	16
2018-19	5632	8327	13959	59.65%	268	385	653	58.96%	11
2019-20	5521	8236	13757	59.87%	258	369	627	58.85%	16
2020-21	5626	8460	14086	60.06%	272	369	641	57.57%	40
2021-22	5906	8935	14841	60.20%	293	378	671	57.84%	65

¹ See *Champion Women* website for every college and university receiving federal funds: <https://titleixschools.com/2023/05/20/eada-data/> High school data for these schools receiving federal funds is available here: <https://titleixschools.com/2023/06/06/check-your-high-school/>

11. Baylor does not and has not provided athletic opportunities to female students in numbers substantially proportionate to their enrollment pursuant to part one of the Title IX participation test. Women are 60.2 percent of the student body, but Baylor gives them just 55.1 percent of the athletic opportunities.

12. In 2021-2022, the most recent academic year for which EADA data is available that is not corrupted by disruptions related to Covid-19, Baylor's participation gap was 65 women or 115 women.

- a. First, Baylor counted 24 men as "women" in its 2022 EADA report. *Champion Women* has deducted these men from the women's count in the chart only for the most recent year, for 2021-2022.² Our 2019-2020 data also shows Baylor University counted 21 men as women.³ This would take their gap of 11 to 33, clearly enough for a new team. Therefore, the women's gaps for earlier years as reported are not very reliable.
- b. Baylor double-triple counts 88 women, and just 38 of its male athletes, or 50 more women than men.⁴ In 2019 – 2020, Baylor was counting 31 more women than it was counting men.⁵
- c. Eliminating these two practices, adding 50 women (over-duplicated women athletes) to 65 (the gap plus the 24 men Baylor counts as women), the total is now 115 women for Baylor to add, in order to equal the athletic opportunities it is providing men.
- d. To put this gap of 115 into perspective, assuming an average athletic team has 25 members – some more, some less, Baylor would need to add between 4 and 5 new women's teams. Even without the "counting" issue, Baylor will need to add 65 women, which equates to additional athletic teams for women.

13. The EADA data and evidence gathered on Baylor's website show that Baylor does not have a history and continuing practice of expanding athletic participation opportunities for women pursuant to Prong 2 of the Title IX participation test. See column "Women" under

² Baylor's comment on the EADA is:

"Women's Basketball: Females=10; Male practice players=24. Both Total Participants and Unduplicated Count include those participants who have Exhausted Eligibility and those who are Medically Exempt, as well as Male Practice Players on rosters as of first scheduled contest. Acrobatics and Tumbling is reported as Gymnastics. Acrobatics and Tumbling was added as an Emerging Sport for Women by the NCAA effective August 1, 2020."

³ See column AH:

<https://docs.google.com/spreadsheets/d/1HAeri0bRdEXObIUUvy9Zq171siE2kdpN/edit#gid=1888707526>

⁴ Double-triple counting women is another practice that makes Baylor's gap look smaller than it actually is. Double/ triple counting women, far more than double/ triple counting men, is done intentionally to prevent a school from having to add more women's sports, or women's athletic scholarships. See, e.g., Katie Thomas, New York Times, "College Teams, Relying on Deception, Undermine Gender Equity" April 25, 2011, available at:

<https://www.nytimes.com/2011/04/26/sports/26titleix.html>

⁵ See column BI

<https://docs.google.com/spreadsheets/d/1HAeri0bRdEXObIUUvy9Zq171siE2kdpN/edit#gid=1888707526>

“Athletic Participation” above. The number of women athletes does not consistently increase over time.

14. Almost a decade ago in 2013, Baylor provided women with a high of 442 sports opportunities. It then dropped down to 377 in 2017, a loss of 65 women’s opportunities, and down again in 2021 with 378, a loss of 64 opportunities from its high. Baylor provided more opportunities to women in eight years prior than it does now, starting in 2011. *Champion Women* cannot know the history of adding sports between 1975 in 2003, but it is unlikely to show a history of continuous program expansion that is demonstratively responsive to the growing interests of women in sport.

15. A review of Baylor’s website did not show any policy or procedure for adding new sports or elevating existing club sports to varsity status. Nor did it reveal any athletic gender equity plan or any gender equity committee.

16. Baylor sponsors 6 men’s varsity sports (Baseball, Basketball, Fencing, Football, Golf, Tennis, Track and Field) serving 255 men, and 9 women’s varsity sports (Basketball, Golf, Equestrian, Track and Field, Acrobatics and Tumbling, Soccer, Tennis, Softball, Volleyball) serving 290 women. (Baylor ticks the box for “Gymnastics” on its EADA report, but in the notes that it is actually providing women with “Acrobatics and Tumbling” – a different sport. It is Gymnastics that is sponsored by the Big 12 as a championship sport.)

17. Information available on Baylor’s website suggests that the university is not accommodating the interests and abilities of female athletes as required by prong three of the Title IX participation test.

18. Baylor offers 35 club teams for its students. Women participate in the club sports of basketball, soccer, softball, ultimate, water polo, table tennis, badminton, fencing, rugby, equestrian, sailing, swimming, rowing and triathlon, to name a few. The existence of these women’s club teams indicates that there is unmet interest in women’s athletics at Baylor. See <https://campusrec.web.baylor.edu/club-sports/sports>

19. Baylor is a member of the Big 12 Athletic Conference, serving NCAA Division 1 FBS programs. The conference members cover Florida, Iowa, Kansas, Ohio, Oklahoma, Texas, Utah, and West Virginia. In 2024, schools in Arizona and Colorado will also join the Big 12. This expansive competitive geographic region will give Baylor many choices to add new sports for women.

20. The Big 12 Conference sponsors three Championship sports that Baylor does not offer: Gymnastics, Rowing and Swimming & Diving. A Championship team experience is a unique educational experience. These three teams demonstrate women’s interest, their athletic ability, and that competition exists in the competitive geographic area.

21. A number of universities in the Big 12 sponsor Beach Volleyball, Lacrosse, Rifle, Skiing, Triathlon, and Water Polo. <https://big12sports.com/> All 6 sports that Baylor does not offer to women. These teams demonstrate that women are interested in additional sports, they have the athletic ability to compete, and that competition exists in Baylor's competitive geographic area.

22. High school-age girls in the competitive geographic region compete in both school and club sports. These include Wrestling, Badminton, Beach Volleyball, Table Tennis, Team Handball, Field Hockey, Fencing, Sailing, Swimming & Diving, Skateboarding, Water Polo, Archery, Rifle, Triathlon, Ice Hockey, Sport Climbing, Artistic Swimming, Skiing, Lacrosse, Rifle, Skiing, Water Polo, Snowboarding, Gymnastics, Rowing, Rugby, and all sorts of combat sports, like Judo, Karate, and Taekwondo, to name a few. Baylor will have many choices of new sports for women.

22. Sport Governing Bodies and the NCAA, for member schools, make it very easy to see where other competitors are located. The NCAA publishes the "NCAA Sports Sponsorship and Participation Rates Report, 1956 - 2022" for schools to find competitors within the school's normal competitive region: NCAA Sports Sponsorship and Participation Rates Report.⁶

23. Rugby, Triathlon, Wrestling, and Equestrian are NCAA emerging sports. There are 163 college women's Wrestling programs, 42 NCAA schools sponsor Triathlon, and at least 32 colleges currently sponsor women's varsity Rugby.

⁶ See

https://ncaaorg.s3.amazonaws.com/research/sportpart/2022RES_SportsSponsorshipParticipationRatesReport.pdf

See individual sports' governing bodies for more, e.g.,

Women's College Rugby: <https://www.urugby.com/teams/womens-teams>

Collegiate Equestrian: <https://collegiateequestrian.com/sports/2020/5/6/schools.aspx>

Women's Collegiate Wrestling: <https://wrestlelikeagirl.org/college-opportunities>

Collegiate Competitive Cheer Teams: <https://www.ncsasports.org/cheerleading/colleges> (not to be confused with sideline cheerleading)

Women's Collegiate Triathlon: <https://www.usatriathlon.org/multisport/ncaa-triathlon>

Collegiate Sailing is governed by the Inter-Collegiate Sailing Association (ICSA) with 220 schools: <https://www.collegesailing.org/about/overview>

Women's Collegiate Ice Hockey: <https://www.uscho.com/teams/#d1women>

Collegiate Field Hockey: <https://www.teamusa.org/USA-Field-Hockey/PLAYERS/College/Team-Websites>

Collegiate Synchronized/ Artistic Swimming: <https://www.collegexpress.com/lists/list/colleges-with-notable-synchronized-swimming-teams/581/>

Collegiate Bowling - <https://collegebowling.bowl.com/teams>

Collegiate Rifle - <https://competitions.nra.org/competitions/nra-national-matches/collegiate-championships/collegiate-shooting-sports-directory/>

Collegiate Skiing - <https://www.uscsa.org/>

Collegiate Water Polo - <https://collegiatewaterpolo.org/>

Collegiate Women's Gymnastics <https://www.ncaa.com/sports/gymnastics-women>

24. A review of the Baylor website does not reveal that Baylor undertook any athletic interest surveys or other research into interest and competition to support the addition of women's varsity sports. While surveys are never sufficient to deny women sports opportunities, they are often helpful in determining *which sports* the school should add.

25. If Baylor provided its male and female students with the same opportunities to participate, Baylor would need to add **\$6,406,114** *additional* athletic scholarship dollars, to balance out the amount Baylor provides to its male students. Despite being 60.2% of the students, women are only given 47.1% of the athletic scholarship dollars. The failure to provide women with equal opportunities to play impacts the availability of athletic scholarship dollars for women. These are important sources of funding for educational attainment that women are being denied because of their sex.

26. If, for some reason, the OCR determines that Baylor is, in fact, not discriminating against women in providing athletic opportunities, then Baylor would still need to provide its current women students participating in sports with **\$2,540,230** more in athletic scholarship aid, to match the amount Baylor provides its male athletes.

27. Baylor's EADA data further indicates that the university provides inadequate and unequal funding for the recruitment of female athletes. In 2021-2022, Baylor spent \$1,427,354 on men's recruitment and only \$569,986 on women's recruitment; women's teams should receive **\$1,589,412** *additional* recruiting dollars.

28. If, for some reason, the OCR determines that Baylor is, in fact, not discriminating against women in providing opportunities in sport, Baylor would still need to provide its women's sports teams – and women's coaches – with **\$492,818** more recruiting dollars in order to be consistent with the school's investment in men's sports.

IV. LEGAL ALLEGATIONS

29. Title IX provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. §1681(a).

30. Title IX regulations prohibit athletic programs from discriminating on the basis of sex in interscholastic, intercollegiate, club or intramural athletics offered by the institution. 34 C.F.R. §106.41(a) (2000).

31. Title IX regulations require institutions that offer athletics programs to provide equal athletic opportunities to members of both sexes to participate in athletics. 34 C.F.R. §106.41(c)(1).

32. Pursuant to the 1979 Title IX Policy Interpretation, compliance with Title IX's equal athletic participation requirement is measured by determining whether the educational institution meets one part of the following three-part test:

1. Prong 1: Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or
2. Prong 2: Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex; or
3. Prong 3: Where the members of one sex are underrepresented among intercollegiate athletes, and the institution cannot show a history and continuing practice of program expansion, as described above, whether it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program.

United States Department of Health, Education, and Welfare, Office for Civil Rights, *Policy Interpretation; Title IX and Intercollegiate Athletics*, 44 Fed. Reg. 71413 (Dec. 11, 1979) [hereinafter *Policy Interpretation*].

33. In determining substantial proportionality under part one of the three-part test, OCR considers the number of opportunities that would have to be added to achieve proportionality and whether it would be sufficient to support another team. If there are a significant number of unaccommodated women, it is likely that a viable sport could be added and therefore the institution has not satisfied part one of the three-part test. United States Department of Education, Office for Civil Rights, *Clarification of Intercollegiate Athletics Policy Guidance: the Three-Part Test* (Jan. 16, 1996) [hereinafter *1996 Clarification*].

34. In 1975, schools were given three years to be in compliance with the equal participation mandate under Title IX. Schools had only one year to end sex discrimination in all other areas of Title IX's non-discrimination mandate. Only athletics gave schools three years to add athletic opportunities and to stop discriminating against women – or until 1978. That deadline passed 45 years ago. 34 C.F.R. §106.41(d).⁷

⁷ 34 C.F.R. §106.41(d) “*Adjustment period.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.”

It is worth noting how odd Prong 2 is as a legal test, in comparison to other non-discrimination civil rights. For a school to be able to argue that it is still playing catch-up with non-discrimination – exists nowhere else in law. This is especially true 51 years after the passage of Title IX, and 48 years after the passage of the regulations OCR depends on, regulations that were passed by Congress. When a school uses Prong 2, it is admitting that it is not providing women with equal educational opportunities, but justifies this lesser-than treatment, arguing that the school is “improving.” Title IX’s Prong 2 allows schools to provide girls and women with less.

35. Therefore, it is understandable that Prong 2 is a strict legal test. In determining whether an institution has a history and continuing practice of expansion under Prong 2 of the three-part test, OCR reviews the entire history of the athletic program and evaluates whether the institution has expanded participation opportunities for the underrepresented sex in a manner that was demonstrably responsive to their developing interests and abilities, considering a number of factors, including:

- an institution’s record of adding intercollegiate teams, or upgrading teams to intercollegiate status, for the underrepresented sex;
- an institution’s record of increasing the numbers of participants in intercollegiate athletics who are members of the underrepresented sex;
- an institution’s affirmative responses to requests by students or others for addition or elevation of sports; and
- whether the institution has effective ongoing procedures for collecting, maintaining and analyzing information on the interest and abilities of students of the underrepresented sex, including monitoring athletic participation, and assessing interest and ability on a periodic basis.

United States Department of Education, Office for Civil Rights, *Intercollegiate Athletics Policy Clarification: The Three-Part Test- Part Three* (Apr. 20, 2010) [hereinafter *2010 Clarification*]; *1996 Clarification*.

36. In determining whether an institution has a continuing practice of program expansion under Prong 2, OCR will consider a number of factors, including:

- an institution’s current implementation of a non-discriminatory policy or procedure for requesting the addition of sports (including the elevation of club or intramural teams) and the effective communication of the policy or procedure to students;
- an institution’s current implementation of a plan of program expansion that is responsive to developing interests and abilities; and
- an institution’s efforts to monitor developing interests and abilities of the underrepresented sex, for example, by conducting periodic nondiscriminatory assessments of developing interests and abilities and taking timely actions in response to the results.

2010 Clarification, 1996 Clarification.

37. OCR will not find a history and continuing practice of program expansion where an institution increases the proportional participation opportunities for the underrepresented sex by reducing opportunities for the overrepresented sex alone or by reducing participation opportunities for the overrepresented sex to a proportionately greater degree than for the underrepresented sex. *2010 Clarification, 1996 Clarification.*

38. Courts have found that schools must have both a history *and* continuing practice of expanding opportunities for women for Prong 2 compliance. *Mansourian v. Bd. Of Regents of Univ. of Cal.*, 594 F. 3d 1095, 1108. (9th Cir. Cal. 2010).

39. Prong 3 of the three-part test requires an examination of whether there is an unmet interest in a particular sport, a sufficient ability to sustain a team in the sport, and a reasonable expectation for competition for a team in the sport. *2010 Clarification, 1996 Clarification.*

40. Whether there is unmet interest and ability will be determined by examining a broad range of indicators, including whether the institution uses non-discriminatory methods of assessing interest and ability, the elimination of a viable team for the unrepresented sex, multiple indicators of interest and ability, and frequency of conducting assessments. *2010 Clarification.*

41. Sufficient interest can be established by student requests to add a sport or elevate a club sport, increases in club or intramural sport participation, responses to interviews and interest surveys, assessments of student athletic participation before entering the institution or in the secondary schools from which the university draws its students, and assessments of participation in intercollegiate sports in the institution's normal competitive regions. *Id.*

42. Ability may be established by the athletic accomplishments and competitive experience of club sports and admitted students, the opinions of coaches, administrators, and athletes, and student participation in other sports. *Id.*

43. Expectation of competition may be established through athletic opportunities offered by other schools with which the school competes or opportunities at other schools in the school's geographic area, including those against which the institution does not compete. *Id.*

44. Under Prong 3 of the three-part test, OCR will also examine an institution's recruitment practices. If an institution recruits potential student-athletes for its men's teams, OCR will examine whether the institution is providing women's teams with substantially equal opportunities to recruit potential student-athletes. *Id.*

45. Title IX also requires schools to provide equal scholarship dollars, in proportion to the number of students of each sex participating in athletics. 34 C.F.R. §106.37(c) (2000). NCAA or conference limits on scholarships per team is not a legal defense; schools cannot blame a third party for sex discrimination; recipients are responsible for equality. Schools choose

which sports to sponsor, and some schools have chosen scholarship-dense sports for men, such as football and basketball, where 80% of the men may be on full scholarship, and scholarship-light sports for women, such as track, where only 10 – 15% of women on these teams may be on athletic scholarship.

46. Title IX also requires equal opportunity in the recruitment of student-athletes where equal athletic opportunities are not present for male and female students. Compliance will be assessed by examining the recruitment practices of the athletic programs for both sexes and evaluating whether the financial and other resources made available for recruitment in male and female athletic programs are equivalently adequate to meet the needs of each program. *1979 Policy Interpretation*.

47. Title IX requires schools to provide women with equal treatment, including equipment and supplies; game and practice times; travel and per diem allowances; coaching and academic tutoring; assignment and compensation of coaches and tutors; locker rooms, practice, and competitive facilities; medical and training facilities and services; housing and dining facilities and services; and publicity. 34 C.F.R. §106.41(a) (2000), *Policy Interpretation*.

48. Lack of money is not a legal defense to sex discrimination. *See, e.g., Roberts Colorado State Univ.*, 814 F. Supp. 1507, 1518 (D. Colo. 1993) (“[A] financial crisis cannot justify gender discrimination.”); *Favia v Indiana University of Pennsylvania*, 812 F. Supp. 578, 585 (W.D. Pa. 1993) (finding that financial concerns alone cannot justify gender discrimination); *Cook v. Colgate University*, 802 F. Supp. 737, 750 (1992) (“[I]f schools could use financial concerns as a sole reason for disparity of treatment, Title IX would become meaningless.”); *Haffer v. Temple*, 678 F. Supp. 517, 520 (1987) (finding that financial concerns alone cannot justify gender discrimination).

49. Monies and in-kind benefits from third-party sources, such as donors, sponsorships, television rights, ticket sales, and student fees, are not a defense to a sex discrimination charge, whether those resources were used to build facilities, fund scholarships, provide equipment and uniforms, or any other benefit of sports participation. None of those sources of money creates a legal defense against sex discrimination. Schools must ensure that their students are not receiving second-class educational opportunities because they are female. *See* 20 U.S.C. § 1687 (2005); *See* Office for Civil Rights, *Department of Education, Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance* (June 11, 2003), *Cohen v. Brown Univ.*, 809 F. Supp. 978, 996 (D.R.I. 1992) (concluding that “all monies spent by Brown’s Athletic Department, whether originating from university coffers or from the Sports Foundation [booster club] must be evaluated as a whole under § 106.41(c)”)

50. It is *Champion Women’s* experience that most athletes and former athletes are acutely aware of all the ways they are treated as second-class within their athletics department because they are women. As NIL monies become more available, equal promotion and publicity

will be important for female athletes. *Champion Women* asked current collegiate athletes what equality would look like under this list. Here's what the athletes came up with:

- i. Men's and Women's sports would be equally featured, with equal prominence, on school and Athletic Department websites and social media.
- ii. Schools would invest equally in cameras and production equipment for Women's and Men's sports.
- iii. Schools would optimize Google searches for their Men's and Women's teams to receive equal search results.
- iv. Women's and Men's sports would employ an equal caliber of talent in their sports information and marketing departments, and they would be paid and promoted equally.
- v. Women's and Men's sports jerseys, apparel, and memorabilia would be equally and easily accessible.
- vi. The needs of Women's teams would not revolve around Men's football and men's basketball teams.
- vii. The Women's and Men's teams would have equal access to dining halls, nutrition, etc. at times equally convenient to both teams.
- viii. Men's and Women's teams would have equal access to optimal practice times when they share facilities.
- ix. Men's and Women's sports marketing efforts would focus on performance; Broadcasters and schools would not focus on a woman athlete's appearance or sexuality.
- x. Women's and Men's medical care and athletic training access would be equal; Neither male nor female athletes would have priority accessing these resources.
- xi. Schools would hire competition officials of the same quality, with equal compensation, for the Women's and Men's teams.
- xii. Men's and Women's sports performance staff would be equal and would be paid and promoted comparably.
- xiii. Schools would intentionally use language that equally prioritizes Men's and Women's sports.
 1. Teams would be referred to as "Women's Basketball" and "Men's Basketball."
 2. "Basketball" would not be used to refer to Men's Basketball.
 3. Schools would have Social Media handles that referred to men's and women's teams; "Oregon Soccer" would be changed to "Oregon Men's Soccer."

51. Baylor's own data, as outlined in the Factual Allegations above, demonstrate that it is not providing equal opportunities for its female students to participate in sports under Title IX's three-part participation test, in addition to scholarship, treatment, and recruitment requirements.

V. RELIEF REQUESTED

52. *Champion Women* requests that OCR:

- a. Investigate Baylor University to determine whether it is discriminating against women; whether it is providing its female students with equal participation opportunities in athletics, equal athletic scholarship dollars, and equal treatment and benefits.
- b. We anticipate other violations, like facilities, publicity and travel will be found. We ask the OCR to take all necessary steps to remedy unlawful conduct identified in your investigation, as required by Title IX and its implementing regulations.
- c. Among other steps to achieve compliance with Title IX, require Baylor to add more athletic opportunities for women, accord to additional teams and athletes the full range of benefits accorded to men's varsity teams and athletes, increase recruiting budgets and opportunities, and adopt and implement a plan to achieve compliance with Title IX.
- d. Monitor any resulting agreement with Baylor University to ensure that the school achieves full and complete compliance with Title IX throughout its athletic department, now and in the future.

I give the OCR my consent to disclose my name and *Champion Women's* name contained in this letter to others for OCR's investigation of, and enforcement activities related to, the Discrimination Complaint.

Respectfully submitted,



A handwritten signature in blue ink that reads "Nancy Hogshead". The signature is fluid and cursive, located on the right side of the page.

Nancy Hogshead, J.D., OLY
September 8, 2023