



**U.S. Department of Education
Office for Civil Rights**

Dr. Miguel Cardona
Secretary of Education, Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202
Phone (202) 401 – 3000
ocr@ed.gov

Catherine Lhamon, J.D.
Ass't Secretary, Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202 - 1100
Catherine.lhamon@ed.gov

Suzanne B. Goldberg, J.D.
Acting Ass't Secretary, Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202 - 1100
Suzanne.goldberg@ed.gov

ADMINISTRATIVE CLASS COMPLAINT

COMPLAINANT

Champion Women
Nancy Hogshead, J.D., OLY, CEO
EMAIL: Hogshead@ChampionWomen.org

RECIPIENT

Florida State University
Michael Alford, Director of Athletics
600 W College Ave.
Tallahassee, FL 32306
EMAIL: ad@athletics.fsu.edu

Richard McCullough, President
211 Westcott Building
Tallahassee, FL 32306-1470
president@fsu.edu

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 Florida State University (“FSU”) 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 FSU’s website indicates that FSU is discriminating on the basis of sex. FSU is providing women with unequal athletic participation opportunities, unequal athletic scholarship dollars, and unequal treatment and benefits, including, but not limited to unequal athletic recruitment funding.

4. In order to address these disparities, *Champion Women* requests that the Office for Civil Rights (“OCR”) investigate FSU to determine whether it is discriminating against women; whether FSU is providing women equal opportunities to participate in varsity sports, equal access to athletic scholarship dollars, and equivalent benefits and treatment, 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 FSU currently violates Title IX’s athletic equity requirements, this complaint is timely.

III. FACTUAL ALLEGATIONS

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

9. Data submitted by FSU 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 FSU 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 on our website <https://titleixschools.com/> in just one instance: to remove male practice players who are counted up 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	Total	Percent Women	Female Athletes Who Would Need to be Added to Achieve
2003-04	11204	14755	25959	56.84%	241	187	428	43.69%	130
2004-05	11491	15128	26619	56.83%	285	292	577	50.61%	83
2005-06	11705	15498	27203	56.97%	287	304	591	51.44%	76
2006-07	13513	17545	31058	56.49%	299	347	646	53.72%	41
2007-08	13972	17536	31508	55.66%	309	316	625	50.56%	72
2008-09	11588	14677	26265	55.88%	334	292	626	46.65%	131
2009-10	12260	15253	27513	55.44%	326	307	633	48.50%	99
2010-11	12517	15489	28006	55.31%	333	358	691	51.81%	54
2011-12	12601	15991	28592	55.93%	336	360	696	51.72%	66
2012-13	12477	16053	28530	56.27%	332	379	711	53.31%	48
2013-14	12600	16109	28709	56.11%	333	326	659	49.47%	100
2014-15	12722	16211	28933	56.03%	331	370	701	52.78%	52
2015-16	12699	16232	28931	56.11%	335	352	687	51.24%	76
2016-17	12689	16362	29051	56.32%	339	329	668	49.25%	108
2017-18	12663	16524	29187	56.61%	350	360	710	50.70%	97
2018-19	12263	16635	28898	57.56%	322	336	658	51.06%	101
2019-20	12557	17211	29768	57.82%	340	345	685	50.36%	121
2020-21	12244	16824	29068	57.88%	380	326	706	46.18%	196
2021-22	12662	17403	30065	57.88%	373	318	691	46.02%	195

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. FSU 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 57.88% of the student body, but just 46% of the student-athletes.

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, FSU's participation gap was 195 athletes. In other words, FSU must add 195 additional athletic opportunities for women in order to provide athletic opportunities substantially proportionate to enrollment. To put this in perspective, FSU currently only has 221 women in its athletic department. FSU will need to add about 8 new athletic teams for women, assuming an average squad size of 25 – some more, some less.

13. The EADA data and evidence gathered on FSU's website show that FSU 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. The number of women athletes does not consistently increase over time.

14. In the past 19 years of EADA reports, FSU's athletic opportunities for women have fluctuated. FSU's top participation was in 2014, with 379. It has not matched that number in the past decade. In 2006, the total number of women athletes decreased from 347 to 292, a loss of 55 women's opportunities. Since 2014, FSU has been providing women with fewer and fewer educational opportunities in the form of sport; decreasing women's opportunities to 318, where it is in the most recent data for 2021 - 2022. FSU is now offering women 79 fewer opportunities than it was a decade ago. Meanwhile, the number of opportunities for men has grown by 40 since 2014. *Champion Women* does not know the history of adding women's sports since 1975, 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 FSU's website shows that their policy for adding another women's sport (or 14) is unreasonable. It puts additional barriers to adding sports for women, that do not exist in law. FSU is placing all the burden of ending sex discrimination on current students – rather than the very well-paid staff. Athletic Director Mike Alford makes over \$5 million a year.² Of note, FSU's policy would require women students, typically 18 – 22 year old students, to secure a competition schedule with peer institutions;

“A schedule that meets NCAA criteria must be provided for the first proposed varsity season (e.g., most of the contests must be played against Division I competition). Evidence of the integrity of the schedule must include letters of intention to contract with

² Curt Weiler, The Tallahassee Democrat, “Florida State Releases Contract Details for New Director of Athletics, Mike Alford,” December 18, 2021, available at: <https://www.tallahassee.com/story/sports/college/fsu/2021/12/18/florida-state-fsu-football-seminoles-director-of-athletics-ad-michael-alford-contract-bonuses/8946646002/>

the FSU team if varsity status is achieved.”³

16. A review of FSU’s website could not locate a gender equity plan or a gender equity committee on their website, despite that FSU is providing women with 200 fewer sports opportunities than it does for male students.

17. FSU sponsors 7 men’s varsity sports (Baseball, Basketball, Football, Golf, Swimming & Diving, Tennis, Track and Field) serving 309 men, and 9 women’s varsity sports (Basketball, Track and Field, Golf, Soccer, Softball, Swimming & Diving, Tennis, and Volleyball and Beach Volleyball) serving 221 women.

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

19. FSU women participate in the club sports of equestrian, bowling, fencing, gymnastics, lacrosse, rowing, rugby, and water polo. The existence of these women’s club teams indicates that there is an unmet interest in women’s athletics at FSU.

20. Florida State is a member of the Atlantic Coast Conference (ACC). The ACC has 15 member institutions from 10 states; Florida, Georgia, Indiana, Kentucky, Massachusetts, New York, North Carolina, Pennsylvania, South Carolina, and Virginia. FSU will have many choices to add more women’s sports in this enormous geographic region.

21. The ACC currently sponsors Championships in six sports that are not sponsored by Florida State: Fencing, Field Hockey, Field Hockey, Gymnastics, Lacrosse, and Rowing. Championship sports are unique educational experiences. These teams demonstrate women’s interest and abilities, and that competition exist in the ACC and FSU competitive geographic area.

22. Members of the ACC sponsor Ice Hockey, Sailing, Rifle, Skiing and Squash. These five teams demonstrate women’s interest and competition exist in the competitive geographic area. Florida State could add any of these women’s teams and have competitors in their normal geographic region.

23. Florida State University recruits its student body and its athletes from the whole country and internationally. The Florida High School Athletic Association sponsors many girls’ Wrestling, Swimming & Diving, Weightlifting, and Water Polo, Basketball, Soccer, Golf, Tennis, Track & Field, Soccer, Volleyball, <https://www.nfhsnetwork.com/states/FL> These teams demonstrate women’s interest in these sports and their athletic ability in these sports; pulling from Florida State’s recruiting area.

³ See, Florida State University, Intercollegiate Athletics Policies and Procedures, section 510, page 344. <https://regulations.fsu.edu/sites/g/files/imported/storage/original/application/5348b51f9210030cdc94a7ff59037d93.pdf>

High school-age girls in this competitive geographic region also compete in club sports or travel teams in additional sports like Wrestling, Badminton, Table Tennis, Team Handball, Sailing, Field Hockey, Fencing, Swimming & Diving, Skateboarding, Water Polo, Archery, Field Hockey, Rifle, Triathlon, Ice Hockey, Sport Climbing, Artistic Swimming, Skiing, Snowboarding, Gymnastics, Rowing, Rugby, and all sorts of combat sports, like Judo, Karate, and Taekwondo, to name a few. Girls and women have demonstrated their interest and athletic ability in sport.

According to the NCAA,⁴ in 2020, only 1.3% of high school girls basketball players were provided the opportunity to play in Division I. Just 2.9% of high school Field Hockey players, 2.8% of Golfers, 8.9% of Ice Hockey players, 3.7% of Lacrosse players, 2.4% of Soccer players, 1.8% of Softball players, 3.3% of Swimmers, 1.5% of Tennis players, 2.8% of Track & Field athletes, 1.2% of Volleyball players in high school are provided opportunities to play their sport in Division I.

These metrics demonstrate that women have expressed enormous demand to compete in sports that is unmet. Girls and women have the interest and athletic ability to play additional sports. It cannot be said that there are not women interested and athletically able to compete in many additional sports at Florida State University.

24. Rugby, Equestrian, Wrestling, and Triathlon are NCAA emerging sports for women. There are 163 college women's Wrestling programs, 42 NCAA schools sponsor Triathlon, 26 colleges sponsor women's varsity Equestrian, and at least 32 colleges currently sponsor women's varsity Rugby.

25. A review of the FSU website does not reveal that FSU 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.

26. 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. If FSU provided its male and female students with the same opportunities to participate, FSU would need to add **\$4,592,986 additional** athletic scholarship dollars, to balance out the amount FSU provides to its male students.

27. If, for some reason, the OCR determines that FSU is, in fact, not discriminating against women in providing opportunities in sport, and the student-athlete ratio was used rather than the student-body, then FSU would still need to provide its women students participating in sports with **\$400,959** more in athletic scholarship aid, to match the amount FSU provides its male athletes.

⁴ NCAA: Estimated Probability of Competing in College Athletics:
<https://www.ncaa.org/sports/2015/3/2/estimated-probability-of-competing-in-college-athletics.aspx>

28. FSU's EADA data further indicates that the university provides inadequate and unequal funding for the recruitment of female athletes. In 2021-2022, FSU would need to spend an *additional* **\$1,277,007** on women's sports to equate to recruiting spending for men. FSU spent \$1,219,728 on men's recruitment and only \$399,420 on women's recruitment. That means women were allocated only 24.67 percent of the recruiting budget even though they account for 46.02 percent of the athletic population and 57.88 percent of the full-time undergraduate population.

29. If, for some reason, FSU is, in fact, not discriminating against women in providing opportunities in sport, and the student-athlete ratio was used rather than the student-body, FSU would still need to provide its women's sports teams – and women's coaches – with **\$275,734** more recruiting dollars in order to be consistent with the school's investment in men's sports.

30. Florida State University does boast about Title IX, noting the accomplishments of their athletes and coaches.⁵ It does not, however, address the measurements for equality that have been in place in 1975: equal opportunities, scholarships, and treatment. Imagine what FSU women could do with 200 more opportunities, \$4.5 million more dollars in athletic scholarships, and the same treatment it provides to its male athletes.

IV. LEGAL ALLEGATIONS

31. 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).

32. 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).

33. 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).

34. 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

⁵ See, 50 Years of Title IX at Florida State University, History: <https://seminoles.com/sports/2022/6/20/title-ix>

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*].

35. 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*].

36. 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).⁶

It is worth noting how odd Prong 2 is, in comparison to any other non-discrimination civil right. For a school to be able to argue that it is still playing catch-up with men's athletic opportunities – 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 as men, but that their discrimination is acceptable, because the school is “improving”. Title IX's Prong 2 allows schools to provide girls and women with less.

⁶ 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.”

37. 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*.

38. 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.

39. 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.*

40. 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).

41. 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*.

42. Whether there is unmet interest and ability will be determined by examining a broad range of indicators, including whether the institution uses nondiscriminatory 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*. 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.*

43. 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.*

44. 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.*

45. 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.*

46. 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 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, and scholarship-light sports for women, such as track.

47. 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*.

48. 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*.

49. Lack of money is not a legal defense to sex discrimination. (*See, e.g., Roberts Colorado State Univ.*, 814 F. Supp. 1507, (D.Colo.1993), at 1518 (“[A] financial crisis cannot justify gender discrimination.”); *Favia v Indiana University of Pennsylvania*, 812 F. Supp. 578 at 585 (W.D. Pa. 1993) (finding that financial concerns alone cannot justify gender discrimination); *Cook v. Colgate University*, 802 F. Supp. 737, (1992) at 750 (“[I]f schools could use financial concerns as a sole reason for disparity of treatment, Title IX would become meaningless.”); *Haffer*, 678 F. Supp. 517, (1987) at 530 (finding that financial concerns alone cannot justify gender discrimination).

50. 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 (D.R.I. 1992) at 996 (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)”).

51. 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 or 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 equally qualified 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."

52. FSU'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

53. *Champion Women* expects OCR investigators will find additional violations of the law. *Champion Women* requests that OCR:

- a. Investigate Florida State University to determine whether it is discriminating against women; whether it is providing female students with equal participation opportunities in varsity athletics, equal and proportionate athletic scholarship dollars, and equal treatment and benefits.
- b. Take all necessary steps to remedy any unlawful conduct that you identify in your investigation, as required by Title IX and its implementing regulations. Secure assurances of compliance with Title IX from FSU, that include full remedies for the violations found.
- d. Among other steps to achieve compliance with Title IX, require FSU 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.
- e. Monitor any resulting agreement with Florida State 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 Sex Discrimination Complaint.



A handwritten signature in blue ink that reads "Nancy Hogshead". The signature is fluid and cursive.

Nancy Hogshead, J.D., OLY
September 18, 2023