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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 Keiser University-Fort Lauderdale (“Keiser Ft. Lauderdale”) 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 Keiser Ft. Lauderdale’s website indicates that Keiser Ft. Lauderdale is discriminating on the basis of sex by providing unequal athletic participation opportunities, unequal athletic scholarships, and unequal treatment and benefits, including athletic recruitment funding, for women.

4. In order to address these disparities, *Champion Women* requests that the Office for Civil Rights (“OCR”) investigate Keiser Ft. Lauderdale to determine whether it is discriminating against women in its athletic department; whether Keiser Ft. Lauderdale is providing equal opportunities to participate in varsity sports and equivalent scholarships, equal 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, incorporating Title VI regulations 34 C.F.R. §§ 100.7.

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

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

## **III. FACTUAL ALLEGATIONS**

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

9. Data submitted by Keiser Ft. Lauderdale 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 2015-16 through 2021-2022 indicates that Keiser Ft. Lauderdale is discriminating against its female students; the school is not currently and has not in the past been providing female athletes equal opportunities to participate in athletics, equal scholarships or treatment under Title IX’s three-part participation test.

10. *Champion Women* has edited the EADA data on our website <https://titleixschools.com/> on our website 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.<sup>1</sup>

Year	Undergraduate Enrollment				Men	Women Prong 2: This # should Rise Continuously and Steadily Over Time, Without Going Backwards	Athletic Participation		
	Men	Women	Total	Percent Women			Total	Percent Women	Female Athletes Who Would Need to be Added to Achieve
2015-16	3072	5966	9038	66.01%	186	126	312	40.38%	235
2016-17	3769	7699	11468	67.13%	293	179	472	37.92%	420
2017-18	3301	6885	10186	67.59%	317	236	553	42.68%	425
2018-19	3755	7625	11380	67.00%	431	183	614	29.80%	692
2019-20	3321	7156	10477	68.30%	509	216	725	29.79%	881
2020-21	3142	7803	10945	71.29%	548	293	841	34.84%	1068
2021-22	3022	7356	10378	70.88%	558	294	852	34.51%	1064

11. Keiser Ft. Lauderdale 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 70.88% of the student body, but just 34.51% 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, Keiser Ft. Lauderdale’s participation gap was 1064 athletes. In other words, Keiser Ft. Lauderdale must add 1064 additional athletic opportunities for women in order to provide athletic opportunities substantially proportionate to enrollment. Assuming the average squad size is 25 athletes – some more and some less – Keiser

<sup>1</sup> 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/>

will need to add 42 new teams.

13. The EADA data and evidence gathered on Keiser Ft. Lauderdale's website show that Keiser Ft. Lauderdale 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. Over the 7 academic years covered by the available EADA data, Keiser Ft. Lauderdale participation fell in 2018 by 53 women athletes. It would not be until 2020 that Keiser matched its 2017 numbers. The EADA information starts in 2015, but online Keiser touts winning championships in women's golf in 2003; perhaps because Keiser was a for-profit school before 2015. But even for-profit schools receive federal funds with their student-loans.<sup>2</sup>

*Champion Women* cannot know the 40-year history of adding sports between 1975 and 2015, but Keiser University cannot show a history of continuous program expansion that is demonstratively responsive to the growing interests of women in sport.

15. While the percentage of men attending Keiser has fallen, from 34% to 29.2%, the number of men has increased at an astounding rate; growing by 372 *additional men* over just 7 years. The number of men has grown consistently over the 7 years. Keiser has added men's adding football and men's wrestling in the past six years.

16. A review of Keiser Ft. Lauderdale'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.

17. Almost 71% of the student body at Keiser - women - have the same right to equal educational opportunities offered to the 30% of men.

18. Keiser Ft. Lauderdale sponsors 11 men's varsity sports (Baseball, Basketball, Cross Country, Football, Golf, Track & Field, Lacrosse, Soccer, Swimming, Tennis, and Wrestling) serving 506 men, and 11 women's varsity sports (Basketball, Cross Country, Flag Football, Golf, Track and Field, Lacrosse, Soccer, Softball, Swimming, Tennis, and Volleyball), serving 260 women.

19. Keiser's EADA report also lists "Other Sports" without listing what they are. Keiser's athletics website lists E-sports and Cheerleading. Due to the way Keiser is operating its Cheerleading program, it is unlikely to be considered a competitive sport for EADA or Title IX purposes; Keiser's website lists only 3 competitions for the "season." No men's teams have such truncated seasons.

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<sup>2</sup> See definition of an "Educational Institution": "For purposes of [Title IX] an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, 20 U.S.C. § 1681 ("Title IX")

20. Information available on Keiser Ft. Lauderdale’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.

21. Keiser Ft. Lauderdale women participate in the club sports of equestrian, fishing, and golf. The existence of these women’s club teams indicates that women have exhibited unmet interest in women’s athletics at Keiser Ft. Lauderdale.

22. Keiser Ft. Lauderdale is a member of the Sun Conference. The NAIA Conference has members throughout Florida and Georgia. Affiliate members are in Georgia and South Carolina. Keiser will have no problem finding women athletes to close its 1064 gap between the opportunities offered to men as opposed to women in this competitive geographic area.

23. Sun Conference sponsors women’s Championships Beach Volleyball or Flag Football, sports not sponsored by Keiser. The existence of these Championship sports demonstrates that interest and competition exist in the geographic area from which Keiser Ft. Lauderdale draws its students and with whom it competes to sustain additional varsity sports.

24. High school-age girls in the Florida – Georgia competitive geographic region compete in both school and club sports, some traditional sports, like Basketball, Soccer, Golf, Tennis, and Track & Field, and other mosre sports include 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, Wrestling, Rugby, and all sorts of combat sports, like Judo, Karate, and Taekwondo, to name a few. Keiser University-Fort Lauderdale recruits from this area; women have demonstrated their interest and ability in these competitive sports.

25. Acrobatics and tumbling, Equestrian, Rugby, Triathlon and Wrestling and Stunt are NAIA emerging sports, and Keiser Ft. Lauderdale may have to compete out of conference to meet the interests and abilities of its women, a regular accepted practice. There are 163 college women’s Wrestling programs, 26 colleges sponsor women’s varsity Equestrian, and at least 32 colleges currently sponsor women’s varsity Rugby.

26. Sport Governing Bodies and the NAIA for member schools, make it very easy to see where other competitors are located.<sup>3</sup>

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<sup>3</sup> See, e.g.,

[https://ncaaorg.s3.amazonaws.com/research/sportpart/2022RES\\_SportsSponsorshipParticipationRatesReport.pdf](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>

27. A review of the Keiser Ft. Lauderdale website does not reveal that Keiser Ft. Lauderdale 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.

28. 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 Keiser Ft. Lauderdale provided its male and female students with the same opportunities to participate, Keiser Ft. Lauderdale would need to add **\$7,790,048 additional** athletic scholarship dollars, to balance out the amount Keiser Ft. Lauderdale provides to its male students.

29. If, for some reason, the OCR determines that Keiser Ft. Lauderdale is, in fact, not discriminating against women in providing opportunities in sport, then Keiser Ft. Lauderdale would still need to provide its women students participating in sports with **\$693,863 more** in athletic scholarship aid, to match the amount Keiser Ft. Lauderdale provides its male athletes.

30. Keiser Ft. Lauderdale’s EADA data further indicates that the university provides inadequate and unequal funding for recruitment of female athletes. In 2021-2022, Keiser Ft. Lauderdale spent \$52,171 on men’s recruitment and only \$8,040 on women’s recruitment; women were allocated only 13.35 percent of the recruiting budget even though they account for 34.51 percent of the athletic population and 70.88 percent of the full-time undergraduate population. If Keiser Ft. Lauderdale provided its male and female students with the same opportunities to participate, Keiser Ft. Lauderdale would still need to add **\$118,952 additional** athletic recruiting dollars to women’s teams – and women’s coaches - to balance out the amount Keiser Ft. Lauderdale provides to its male students.

31. If, for some reason, the OCR determines that Keiser Ft. Lauderdale is, in fact, not discriminating against women in providing opportunities in sport, Keiser Ft. Lauderdale would still need to provide its women’s sports teams – and women’s coaches – with **\$12,397 more** recruiting dollars in order to be consistent with the school’s investment in men’s sports.

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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/>

#### IV. LEGAL ALLEGATIONS

32. 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).

33. 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).

34. 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).

35. 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*].

36. 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].

37. 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).<sup>4</sup>

It is worth noting how odd Prong 2 is as a legal test, 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 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, 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 their discrimination, because the school is “improving”. Title IX's Prong 2 allows schools to continue to provide women with less.

38. Therefore, it is understandable that Prong 2 has always been a strict 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.

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<sup>4</sup> 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.”



39. 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.*

40. 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.*

41. 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. (9<sup>th</sup> Cir. Cal. 2010).

42. 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.*

43. 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.*

44. 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.*

45. 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.*

46. 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.*

47. In determining whether certain sports "count" for Title IX purposes, the OCR will inquire "Whether the regular season competitive opportunities differ quantitatively and/or qualitatively from established varsity sports; whether the team competes against intercollegiate or interscholastic varsity opponents in a manner consistent with established varsity sports;" and "whether the primary purpose of the activity is to provide athletic competition at the intercollegiate or interscholastic varsity levels rather than to support or promote other athletic activities. When analyzing this factor, the following may be taken into consideration:

a. Whether the activity is governed by a specific set of rules of play adopted by a state, national, or conference organization and/or consistent with established varsity sports, which include objective, standardized criteria by which competition must be judged;

b. Whether resources for the activity (e.g., practice and competition schedules, coaching staff) are based on the competitive needs of the team;

c. If post-season competition opportunities are available, whether participation in post-season competition is dependent on or related to regular season results in a manner consistent with established varsity sports; and

d. Whether the selection of teams/participants is based on factors related primarily to athletic ability.

For more, please see *Letter from Stephanie Monroe, Assistant Sec'y for Civil Rights, Dear Colleague Letter: Athletic Activities Counted for Title IX Compliance*, (Sept. 17, 2008) ("2008 OCR Letter") Available at: <http://www2.ed.gov/print/about/offices/list/ocr/letters/colleague-20080917.html>

48. 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.*

49. 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). NAIA limits on scholarships per team is not a legal defense; schools cannot blame a third party for sex discrimination; recipients are responsible for equality and non-discrimination. 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.

50. 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*.

51. 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*.

52. 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).

53. 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)”).

54. 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."

55. Keiser Ft. Lauderdale'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

56. *Champion Women* requests that OCR:

- a. Investigate Keiser University at Fort Lauderdale to determine whether it is discriminating against its female students, with unequal participation opportunities in varsity athletics, unequal athletic scholarship dollars, and whether women are receiving equal treatment, including but not limited to equal recruiting budgets.
- b. Take all necessary steps to remedy any sex discrimination and unlawful conduct that it identifies in its investigation, as required by Title IX and its implementing regulations.
- c. If any violations are found, secure assurances to end sex discrimination, and to comply with Title IX from Keiser University, that include full remedies for the violations found.
- d. Among other steps to achieve compliance with Title IX, require Keiser University to add new teams for women students, accord to additional teams and athletes the full range of benefits accorded to men's varsity teams and athletes, increase recruiting budgets, and adopt and implement a plan to achieve compliance with Title IX.
- e. Monitor any resulting agreement with Keiser University at Fort Lauderdale to ensure that the school does not discriminate against women and achieves compliance with Title IX, now and in the future.
- f. I give OCR my consent to disclose my name to others for OCR's investigation of, and enforcement activities related to, the Discrimination Complaint Form.



A handwritten signature in blue ink that reads "Nancy Hogshead". The signature is written in a cursive style.

Nancy Hogshead, J.D., OLY  
CEO, Champion Women  
September 4, 2023