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ADMINISTRATIVE CLASS COMPLAINT

COMPLAINANT

Champion Women
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RECIPIENT

Lander University
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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 Lander University, (“Lander”) 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 Lander’s website indicates that Lander 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 Lander to determine 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 Lander currently violates Title IX’s athletic equity requirements, this complaint is timely.

III. FACTUAL ALLEGATIONS

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

9. Data submitted by Lander 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 Lander 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.

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	
2003-04	807	1474	2281	64.62%	74	71	145	48.97%	64	
2004-05	796	1575	2371	66.43%	80	68	148	45.95%	90	
2005-06	773	1492	2265	65.87%	98	64	162	39.51%	125	
2006-07	772	1490	2262	65.87%	87	75	162	46.30%	93	
2007-08	732	1360	2092	65.01%	92	77	169	45.56%	94	
2008-09	808	1469	2277	64.51%	117	91	208	43.75%	122	
2009-10	882	1715	2597	66.04%	106	78	184	42.39%	128	
2010-11	926	1853	2779	66.68%	100	82	182	45.05%	118	
2011-12	877	1904	2781	68.46%	108	76	184	41.30%	158	
2012-13	839	1866	2705	68.98%	91	82	173	47.40%	120	
2013-14	797	1787	2584	69.16%	112	90	202	44.55%	161	
2014-15	799	1722	2521	68.31%	117	81	198	40.91%	171	
2015-16	756	1688	2444	69.07%	114	84	198	42.42%	171	
2016-17	783	1746	2529	69.04%	120	98	218	44.95%	170	
2017-18	824	1759	2583	68.10%	128	91	219	41.55%	182	
2018-19	870	1889	2759	68.47%	152	109	261	41.76%	221	
2019-20	932	2003	2935	68.25%	204	148	352	42.05%	290	
2020-21	1000	2150	3150	68.25%	258	179	437	40.96%	376	
2021-22	1003	2196	3199	68.65%	281	208	489	42.54%	407	

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

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. Lander 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 68.65% of the student body, but just 42.54% 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, Lander's participation gap was 407 athletes. In other words, Lander must add 407 additional athletic opportunities for women in order to provide athletic opportunities substantially proportionate to enrollment; 407 additional opportunities is enough to add almost an entire athletic department; Lander currently only has 208 women athletes. Assuming a new team would have an average of 25 athletes – some more, some less – Lander would need to add over 16 new women's sports teams.

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

14. Over the 19 academic years covered by the available EADA data, Lander achieved a total net gain of only 6 women's athletic opportunities through the first 5 years. By 2009-10, the total number of women athletes had actually decreased from 91 to 78, or 13 women. From 2008 – 2017, Lander offered consistent opportunities for women, going up and down between 76 to 91. Women's opportunities declined in 2004, 2005, 2009, 2011, 2014, 2016.

While the men and women start at similar numbers of athletes, Lander added 207 for male students. The gap between Lander's offerings to its male and female students grows steadily from 64 women needed for parity to the current gap of 407.

15. A review of Lander'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. Lander sponsors 11 men's varsity sports (Baseball, Basketball, Club Rugby, Cross Country, Golf, Lacrosse, Soccer, Tennis, Track & Field, and Wrestling) serving 281 men, and 14 women's varsity sports (Acrobatics & Tumbling, Basketball, Cross Country, Equestrian, Field Hockey, Golf, Lacrosse, Rugby, Soccer, Softball, Tennis, Track & Field, Volleyball and Cheer), serving 208 women.

17. Information available on Lander'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.

18. Lander's EADA report and its website are very different. Lander's website does not make it clear if its Dance and Cheerleading teams would be considered competitive sports

for Title IX purposes. The Acrobatics and Tumbling competitive schedule with 9 competitions, but not as many competitions as a typical football program, the benchmark sport for low numbers of competitions, due to the bodily impacts, brain health and the contact nature of injuries in the sport. The equestrian program has just four competitions, while baseball has 49, and a non-varsity sports, men's club rugby, has six. Cheer and Dance did not have a schedule of competitions. See all <https://landerbearcats.com/index.aspx>

19. Women's Equestrian, Wrestling, Rugby, Dance, and Cheer are included on the Lander's athletics' website, but not part of their EADA report. Bass Fishing and E-Sports are listed as co-ed sports, but neither is part of the EADA.

20. Lander's website offers men Junior Varsity soccer. It is not clear if this is part of the 51 men's soccer players on Lander's EADA report.

21. Lander women participate in the club sports of Disc Golf, Equestrian, Powerlifting, Volleyball, *Club Sports*, Lander, 2023 (last visited August 2, 2023). The existence of these women's club teams indicates that there may be unmet interest in women's athletics at Lander.

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.²

² 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>

23. Lander is a member of the Peach Belt Conference (PBC). Conference members include schools located in South Carolina, Florida, and Georgia with a few affiliates in Alabama. This large geographic region will be fertile ground for additional women's sports in Lander's regular competitive region.

24. Other members of the PBC compete in Golf, Rifle, and Swimming & Diving; sports that Lander does not sponsor. These three sports demonstrate that Lander has opponents for additional women's sports in their competitive geographic region.

25. Girls in South Carolina high schools compete in Badminton, Bass Fishing, Wrestling, Flag Football, Swimming & Diving, Lacrosse. <https://www.nfhsnetwork.com/states/SC> These high school programs will provide Lander with many women interested and able to compete in new sports.

High school-age girls in PBC competitive region compete in numerous club sports, including Wrestling, Badminton, Table Tennis, Team Handball, Sailing, Field Hockey, Fencing, Swimming & Diving, Water Polo, Archery, Field Hockey, Rifle, Triathlon, Ice Hockey, Sport Climbing, Artistic Swimming, Gymnastics, Rowing, and Rugby, and all sorts of combat sports, like Judo, Karate, and Taekwondo, to name a few.

According to NFHS data, girls participate in sports in high numbers across the country: Track and Field leads the way for girls with 486,355 participants, followed by Volleyball (470,488), Basketball (373,366), Soccer (377,838), Softball (377,838), Tennis (191,036), Swimming & Diving (191,036), and Lacrosse (98,014).³

Meanwhile, NCAA schools sponsor far fewer opportunities, roughly less than a tenth of the athletic opportunities: Track and Field (30,425), Volleyball (17,610), Basketball (16,090), Soccer (27,986), Softball (21,478), Tennis, (21,478), Swimming & Diving (12,889), Lacrosse (12,921)⁴

All these metrics demonstrate that there is an enormous unmet demand for women to compete in sports and that girls and women have expressed the interest and athletic ability to play more sports.

26. Wrestling, Rugby, Equestrian, and Triathlon are NCAA emerging sports. 42 NCAA schools sponsor Triathlon, 26 colleges sponsor women's varsity Equestrian, and at least 32 colleges currently officially sponsor women's varsity Rugby.

27. A review of the Lander website does not reveal that Lander 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.

³ See, NFHS, High School Athletics Participation Survey, Conducted By the National Federation of State High School Associations; Based on Competition at the High School Level in the 2022-23 School Year https://www.nfhs.org/media/7212351/2022-23_participation_survey.pdf

⁴ See, NCAA Sports Sponsorship and Participation Rates Report (1956-57 through 2020-21) https://ncaaorg.s3.amazonaws.com/research/sportpart/2021RES_SportsSponsorshipParticipationRatesReport.pdf
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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 Lander provided its male and female students with the same opportunities to participate, Lander would need to add **\$2,331,496 additional athletic scholarship dollars**, to balance out the amount Lander provides to its male students.

29. If, for some reason, the OCR determines that Lander is, in fact, not discriminating against women in providing opportunities in sport, then Lander would still need to provide its women students participating in sports with \$34,239 more in athletic scholarship aid, to match the amount Lander provides its male athletes.

30. Lander's EADA data further indicates that the university provides inadequate and unequal funding for recruitment of female athletes. In 2021-2022, Lander spent \$35,313 on men's recruitment and only \$34,916 on women's recruitment. Lander needs to add an **additional \$42,399** to its women's teams – and women's coaches – to equal the recruiting resources it is providing men.

31. If, for some reason, the OCR determines that Lander is, in fact, not discriminating against women in providing opportunities in sport, Lander would still need to provide its women's sports teams – and women's coaches – with \$5,043 more recruiting dollars in order to be consistent with the school's investment in men's sports.

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).⁵

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

⁵ 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.”

women with equal educational opportunities, but that their actions are acceptable, because the school is “improving.” Title IX’s Prong 2 allows schools to provide girls and women with less.

38. 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.*

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. (9th 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. 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.*

48. 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, and scholarship-light sports for women.

49. 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>

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. Lander'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 lack of scholarship equality, and treatment and benefits.

V. RELIEF REQUESTED

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

- a. Investigate Lander University to determine whether it is discriminating against women; whether it is providing female students with equal participation opportunities in varsity athletics, equal athletic scholarship dollars, and equal treatment and benefits.
- b. Take all necessary steps to remedy any and all unlawful conduct that you identify in your investigation, as required by Title IX and its implementing regulations, including securing written assurances of compliance.
- c. Among other steps to achieve compliance with Title IX, require Lander to add more athletic opportunities for women, accord to all women's teams, including any additional teams, the full range of benefits accorded to men's varsity teams, and their athletes. Require Lander to provide women with equal athletic scholarship dollars, to equalize treatment and benefits, and to adopt and implement a plan to achieve full compliance with Title IX.
- d. Monitor any resulting agreement with Lander University to ensure that the school achieves compliance with Title IX, now and into 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.



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

Nancy Hogshead, J.D., OLY
September 17, 2023