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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 the University of North Carolina at Chapel Hill (“UNC Chapel Hill”) 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 UNC Chapel Hill’s website indicates that UNC Chapel Hill is discriminating on the basis of sex by providing unequal athletic participation opportunities, unequal scholarship dollars, and unequal athletic recruitment funding for its female students.

4. In order to address these disparities, *Champion Women* requests that the Office for Civil Rights (“OCR”) investigate UNC Chapel Hill to determine whether it is discriminating against women; whether it is providing women equal opportunities to participate in varsity sports and equivalent recruitment funding as required by Title IX and, if not, to remedy any unlawful conduct. It should be noted that *Champion Women* has sent the University of North Carolina at Chapel Hill numerous other letters regarding their flagrant disregard for its obligation to provide women with equal opportunities, equal scholarship dollars, and equal treatment in sports.

## **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 UNC Chapel Hill currently violates Title IX’s athletic equity requirements, this complaint is timely.

## **III. FACTUAL ALLEGATIONS**

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

9. Data submitted by UNC Chapel Hill 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 UNC Chapel Hill 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	6285	9070	15355	59.07%	513	393	906	43.38%	347
2004-05	6560	9138	15698	58.21%	502	382	884	43.21%	317
2005-06	6589	9322	15911	58.59%	461	398	859	46.33%	254
2006-07	6940	9900	16840	58.79%	483	417	900	46.33%	272
2007-08	7554	10634	18188	58.47%	486	393	879	44.71%	291
2008-09	7027	10016	17043	58.77%	472	395	867	45.56%	278
2009-10	7077	10190	17267	59.01%	470	389	859	45.29%	288
2010-11	7126	10331	17457	59.18%	482	402	884	45.48%	297
2011-12	7212	10174	17386	58.52%	473	394	867	45.44%	273
2012-13	7265	10241	17506	58.50%	503	404	907	44.54%	305
2013-14	7284	10235	17519	58.42%	513	426	939	45.37%	295
2014-15	7352	10174	17526	58.05%	500	420	920	45.65%	272
2015-16	7295	10311	17606	58.57%	466	401	867	46.25%	258
2016-17	7361	10467	17828	58.71%	527	478	1005	47.56%	271
2017-18	7464	10811	18275	59.16%	530	455	985	46.19%	313
2018-19	7462	11049	18511	59.69%	547	442	989	44.69%	368
2019-20	7425	11091	18516	59.90%	537	449	986	45.54%	353
2020-21	7365	11129	18494	60.18%	538	422	960	43.96%	391
2021-22	7452	11464	18916	60.60%	508	442	950	47.25%	339

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.<sup>1</sup>

<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/>

- The University of North Carolina at Chapel Hill employs this practice; it is counting 13 men as “women” in the EADA in 2021 - 2022.
- On the EADA, UNC’s notes sections:
  - “No Men's Basketball JV participants this year - Includes 11 male practice players for Women's Basketball -Includes 2 male practice players for Field Hockey.”
- According to our 2019 – 2020 data, UNC Chapel Hill was counting 23 men as “women.”<sup>2</sup>
- Therefore, the gaps listed on the chart above are even larger than would be derived from doing simple math from the EADA raw numbers that UNC Chapel Hill reports.

11. UNC Chapel Hill 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.

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, UNC Chapel Hill's participation gap was 339 athletes. Then an additional 13 women athletes need to be added to that gap, because UNC Chapel Hill is counting men as women, on their side of the ledger. Instead of 339, UNC Chapel Hill would need to add 352 women. In other words, UNC Chapel Hill must add 352 additional athletic opportunities for women in order to provide athletic opportunities substantially proportionate to enrollment; 352 additional opportunities is enough to add almost an entire athletic department; UNC Chapel Hill currently only has 384 women athletes. If an average squad size is 25 athletes – some more, some less – then UNC Chapel Hill will need to add 13 new women’s teams.

13. The EADA data and evidence gathered on UNC Chapel Hill's website show that UNC Chapel Hill 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, UNC Chapel Hill did not deviate much from 2003 to 2012. From 2006 – 2013, UNC Chapel Hill went backwards, from 417 to 404, finally catching up in 2014 – 2015 before backsliding again the next year. In 2006, UNC Chapel Hill provided women 417 athletic opportunities. It did not reach this same number until 2013, 7 years later. UNC Chapel Hill provided women with 478 athletic opportunities in 2016; it is currently offering women 36 fewer opportunities at 442, minus the 13 men that are being counted as women, or 49. *Champion Women* cannot know the history of adding sports between 1975 and 2003, but UNC Chapel Hill cannot show a history of continuous

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<sup>2</sup> See column AH:

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

program expansion that is demonstratively responsive to the growing interests of women in sport.

15. A review of UNC 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. UNC Chapel Hill sponsors 11 men's varsity sports (Baseball, Basketball, Track, Fencing, Football, Golf, Lacrosse, Soccer, Swimming & Diving, Tennis, and Wrestling) serving 441 men, and 13 women's varsity sports (Basketball, Track, Fencing, Field Hockey, Golf, Gymnastics, Lacrosse, Rowing, Soccer, Softball, Swimming & Diving, Tennis, and Volleyball) serving 384 women.

17. Information available on UNC Chapel Hill'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. UNC Chapel Hill women participate in the club sports of rugby, badminton, equestrian, ice hockey, water polo and wrestling. The existence of these women's club teams and others indicates that there is unmet interest in women's athletics at UNC Chapel Hill.

19. The UNC Chapel Hill Wrestling Head Coach recently welcomed all women to train at UNC Chapel Hill's affiliate facility: <https://d1womenswrestling.com/unc-chapel-hill-coach-coleman-scott-announces-support-of-womens-wrestling/> Certainly this demonstrates women's interest and athletic abilities.

20. UNC Chapel Hill is a member of the Atlantic Coast Conference ("ACC"). The ACC covers an enormous geographic area; it has 15 member institutions from 10 states. These 10 states within the ACC's geographical footprint are Florida, Georgia, Indiana, Kentucky, Massachusetts, New York, North Carolina, Pennsylvania, South Carolina and Virginia. Inside this normal geographic region, UNC Chapel Hill will have many choices of competitors for its new women's sports.

21. The ACC is one of the richest athletic conferences; Wikipedia reports UNC Chapel Hill alone made \$119,569,409 in its athletics programming.

22. Members of the ACC currently sponsor teams in Beach Volleyball, Ice Hockey, Rifle, Sailing, Skiing, and Squash. UNC Chapel Hill does not sponsor any of these 6 women's sports. These 6 sports demonstrate women's interest in these sports, and their athletic ability to compete, as well as provide other competitors in UNC Chapel Hill's competitive geographic area.

23. The University of North Carolina at Chapel Hill recruits its student body and its athletes from the whole country and internationally. High school-age girls in this competitive geographic region compete in both school and club sports, some traditional sports, like

Basketball, Soccer, Golf, Tennis, Track & Field, Soccer, Volleyball, and other 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 nationally have demonstrated their interest in competitive athletics, and their ability to compete at any level.

24. 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.<sup>3</sup>

25. Wrestling, Rugby, Equestrian, and Triathlon are NCAA emerging sports. 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.<sup>4</sup>

26. A review of the UNC Chapel Hill website does not reveal that UNC Chapel Hill 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.

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<sup>3</sup> See

[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>

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>

27. 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 UNC Chapel Hill provided its male and female students with the same opportunities to participate, UNC Chapel Hill would need to add **\$5,440,387** *additional* athletic scholarship dollars to women, to balance out the amount UNC Chapel Hill provides to its male students.

28. If, for some reason, the OCR determines that UNC Chapel Hill is, in fact, not discriminating against women in providing opportunities in sport, then UNC Chapel Hill would still need to provide its women students participating in sports with **\$414,212** more in athletic scholarship aid, to match the amount UNC Chapel Hill provides its male athletes.

29. UNC Chapel Hill's EADA data further indicates that the university provides inadequate and unequal funding for the recruitment of female athletes. In 2021-2022, UNC Chapel Hill spent \$1,753,781 on men's recruitment and only \$720,850 on women's recruitment. If UNC Chapel Hill treated women equally, women's teams would receive an *additional* **\$1,977,129** in recruiting budgets.

30. If, for some reason, the OCR determines that UNC Chapel Hill is, in fact, not discriminating against women in providing opportunities in sport, UNC Chapel Hill would still need to provide its women's sports teams – and women's coaches – with **\$430,978** more recruiting dollars in order to be consistent with the school's investment in men's sports.

#### 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
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).<sup>4</sup>

It is worth noting how odd Prong 2 is for 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 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,

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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.”



regulations that were passed by Congress. When a school uses Prong 2, it is admitting that it is not providing women with equal educational opportunities, but that their discrimination is acceptable, because the school is “improving”. Title IX’s Prong 2 allows schools to provide girls and women with less.

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 nondiscriminatory 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. (9<sup>th</sup> 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 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.*

43. 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.*

44. 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.*

45. 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.*

46. 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.*

47. 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.

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; recipients are responsible for equality under Title IX. Schools choose which schools to sponsor, and some schools have chosen scholarship-dense sports for men, like football, and scholarship-light sports for women, like track.

49. 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*.

50. 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*.

51. 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).

52. 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)”).

53. 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 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."

54. UNC Chapel Hill'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

55. *Champion Women* requests that OCR:

- a. Investigate the University of North Carolina at Chapel Hill to determine whether it is discriminating against its female students; whether it is providing them with equal participation opportunities in athletics, equal and proportionate athletic scholarship dollars, and equal treatment and benefits.
- b. Additional violations of Title IX are expected to be found, including facilities, publicity and promotion, and travel, to name just a few. When violations are found, secure assurances of compliance with Title IX from the University of North Carolina at Chapel Hill, that include full remedies.
- c. Among other steps to achieve compliance with Title IX, require UNC Chapel Hill 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, increase scholarship dollars for women, and adopt and implement a plan to achieve full compliance with Title IX.
- d. Monitor any resulting agreement with the University of North Carolina at Chapel Hill to ensure that the school achieves full and complete compliance with Title IX throughout its athletic department, now and in the future.

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

Respectfully submitted,



A handwritten signature in blue ink that reads "Nancy Hogshead".

Nancy Hogshead, J.D., OLY  
September 12, 2023