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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 University of Pittsburgh-Pittsburgh Campus (“Pittsburgh”) 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 Pittsburgh’s website indicates that Pittsburgh 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 Pittsburgh to determine whether it is discriminating against women; whether it is providing women equal opportunities to participate in varsity sports, equal opportunities to earn athletic scholarships, and equivalent treatment and benefits, including recruitment funding as required by Title IX and, if not, to remedy any unlawful conduct.

II. JURISDICTION

5. The OCR is responsible for ensuring compliance with Title IX and receiving information about, investigating, and remediating 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 Pittsburgh currently violates Title IX’s athletic equity requirements, this complaint is timely.

III. FACTUAL ALLEGATIONS

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

9. Data submitted by Pittsburgh 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 Pittsburgh is discriminating against its female students. Pittsburgh 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, equal athletic scholarship opportunities and equal treatment.

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	7300	7841	15141	51.79%	318	225	543	41.44%	117	
2004-05	7322	7758	15080	51.45%	318	249	567	43.92%	88	
2005-06	7368	7732	15100	51.21%	316	244	560	43.57%	88	
2006-07	7565	7796	15361	50.75%	321	238	559	42.58%	93	
2007-08	7675	7944	15619	50.86%	320	305	625	48.80%	26	
2008-09	7793	8174	15967	51.19%	329	290	619	46.85%	55	
2009-10	8230	8460	16690	50.69%	309	298	607	49.09%	20	
2010-11	8458	8577	17035	50.35%	317	272	589	46.18%	49	
2011-12	8552	8602	17154	50.15%	314	267	581	45.96%	49	
2012-13	8672	8551	17223	49.65%	299	307	606	50.66%	-12	
2013-14	8677	8758	17435	50.23%	312	304	616	49.35%	11	
2014-15	8698	8929	17627	50.66%	330	342	672	50.89%	-3	
2015-16	8734	9081	17815	50.97%	328	315	643	48.99%	26	
2016-17	8716	9413	18129	51.92%	313	299	612	48.86%	39	
2017-18	8877	9475	18352	51.63%	314	291	605	48.10%	44	
2018-19	8732	9659	18391	52.52%	323	259	582	44.50%	98	
2019-20	8458	9852	18310	53.81%	326	249	575	43.30%	131	
2020-21	8318	9938	18256	54.44%	336	257	593	43.34%	144	
2021-22	8432	10772	19204	56.09%	342	317	659	48.10%	120	

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

- Pittsburgh counts 10 men as “women.”
- This means Pittsburgh needs to add 130 women athletes to be offering equal participation opportunities, not 120 that is represented in the chart.
- Pittsburgh is providing 250 women with the educational opportunity of sport, not 260.
- In our 2019-2020 EADA data, Pittsburgh added 14 men to its count of women.² That year, Pittsburgh would have needed to add 145 women to be proportional to the athletic opportunities offered to men.
- Therefore, it is difficult to conclude much from the history of Pittsburgh’s gap, other than it is too large.

11. Pittsburgh 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 56.09% of the student body, but just 48.1 % 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, Pittsburgh’s participation gap was 130 athletes. In other words, Pittsburgh must add 130 additional athletic opportunities for women in order to provide athletic opportunities substantially proportionate to enrollment; 130 additional opportunities would require the addition of approximately five new women’s athletic teams, assuming sports with roughly 20 – 25 women per team.

13. The EADA data and evidence gathered on Pittsburgh’s website show that Pittsburgh 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 19 academic years covered by the available EADA data, Pittsburgh’s number of opportunities for women has fluctuated many times. In 2021, Pittsburgh now offers women the same numbers as in 2007, 2008, 2009 and 2012. Opportunities declined in 2005 and 2006, 2008, 2010, 2011, 2013, 2015 and 2016. In 2014, Pittsburgh offered women 342 opportunities, and it has never offered that number again to date, as low as 93 fewer opportunities for women in 2019. *Champion Women* cannot know the history of adding sports since 1975, but it is unlikely to show a history of continuous program expansion that is

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/>

² See column AH: <https://docs.google.com/spreadsheets/d/1HAeri0bRdEXObIUUvy9Zq171siE2kdpN/edit#gid=1888707526>

demonstratively responsive to the growing interests of women in sport.

15. A review of Pittsburgh'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. Pittsburgh sponsors 9 men's varsity sports (Baseball, Basketball, Cross Country, Football, Soccer, Swimming & Diving, Indoor Track, Outdoor Track, and Wrestling) serving 300 men, and 10 women's varsity sports (Basketball, Cross Country, Gymnastics, Indoor Track, Outdoor Track, Lacrosse, Soccer, Softball, Swimming & Diving, and Volleyball) serving 250 women.

17. Information available on Pittsburgh'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. Pittsburgh women participate in the club sports of Archery, Cycling, Equestrian, Fencing, Field Hockey, Golf, Ice Hockey, Rowing, Rugby, Tennis, Triathlon, and Water Polo, *Student Affairs*, University of Pittsburgh, 2023 (last visited February 21, 2023). The existence of these women's club teams indicates that there is unmet interest in women's athletics at the University of Pittsburgh.

19. The University of Pittsburgh is a member of the Atlantic Coast Conference ("ACC"), which covers an enormous geographical region. Colleges in the ACC include Boston College, Clemson University, Duke University, Georgia Institute of Technology, Florida State University, North Carolina State University, Syracuse University, University of Louisville, University of Miami, University of North Carolina, University of Notre Dame, University of Virginia, Virginia Polytechnic Institute and State University, and Wake Forest. Pittsburgh will not have a problem finding competitors in their geographic region in almost any sport.

20. The ACC sponsors Championships sports in Fencing, Field Hockey, Golf, Rowing, Tennis; Pittsburgh does not offer any of these five sports. Championship sports are a unique educational experience. The existence of these five new sports demonstrates women's interest and athletic ability to play, and a reasonable expectation within Pittsburgh and the ACC's competitive geographic region.

21. A number of ACC members sponsor Beach Volleyball, Ice Hockey, Rifle, Sailing, Skiing and Squash. These are 6 sports within Pittsburgh's competitive geographic region that it could add. The existence of these 6 ACC sports teams demonstrates women's interest and ability to play, and a reasonable expectation within Pittsburgh and the ACC's competitive geographic region.

22. As a Power 5 school, the student body and athletes are recruited nationally and internationally. High school-age girls in the competitive geographic region compete in both

school and club sports, some traditional sports, like Basketball, Soccer, Golf, Tennis, and Track & Field, and other sports that are growing rapidly. These 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, Squash Artistic Swimming, Skiing, Snowboarding, Gymnastics, Rowing, Rugby, and all sorts of combat sports, like Judo, Karate, and Taekwondo, to name a few.

23. 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.

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.³

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

26. The failure to provide women with equal opportunities to play impacts the availability of athletic scholarship dollars for women. These are important sources of funding for educational attainment that women are being denied because of their sex. If Pittsburgh provided

³ 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>

its male and female students with the same opportunities to participate, Pittsburgh would need to add **\$6,180,816** *additional* athletic scholarship dollars, to balance out the amount Pittsburgh provides to its male students.

27. If the OCR determines that Pittsburgh is not discriminating against women in the number of sport opportunities sponsored, Pittsburgh would still need to provide women with **\$1,304,411** more scholarship dollars in order to be consistent with the scholarship dollars it is providing male students.

28. Pittsburgh's EADA data further indicates that the university provides inadequate and unequal funding for the recruitment of female athletes. In 2021-2022, Pittsburgh spent \$1,621,838 on men's recruitment and only \$419,649 on women's recruitment; women were allocated only 20.56 percent of the recruiting budget even though they account for 47.30 percent of the athletic population and 56.09 percent of the full-time undergraduate population. If Pittsburgh provided its male and female athletes with the same opportunities to participate, Pittsburgh would need to add **\$1,652,272** *additional* recruiting dollars, to balance out the amount Pittsburgh provides to its male students.

29. If, for some reason, the OCR determines that Pittsburgh is, in fact, not discriminating against women in providing opportunities in sport, Pittsburgh would still need to provide its women's sports teams – and women's coaches – with **\$487,678** more recruiting dollars in order to be consistent with the school's investment in men's sports.

IV. LEGAL ALLEGATIONS

30. 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).

31. 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).

32. 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).

33. 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*].

34. 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*].

35. 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).⁴

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

⁴ 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 failures are excusable, because the school is “improving.” Title IX’s Prong 2 allows schools to provide girls and women with less.

36. 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*.

37. 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.

38. 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.*

39. 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).

40. 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.*

41. 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.*

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

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

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

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

46. Title IX also requires schools to provide equal scholarship dollars, in proportion to the number of students of each sex participating in athletics. 34 C.F.R. §106.37(c) (2000). NCAA limits on scholarships per team is not a legal defense; schools cannot blame a third party for sex discrimination; recipients are responsible for equality. Schools choose which sports to sponsor, and some schools have chosen scholarship-dense sports for men, such as football and basketball, and scholarship-light sports for women, such as track.

47. Title IX also requires equal opportunity in the recruitment of student-athletes where equal athletic opportunities are not present for male and female students. Compliance will be assessed by examining the recruitment practices of the athletic programs for both sexes and

evaluating whether the financial and other resources made available for recruitment in male and female athletic programs are equivalently adequate to meet the needs of each program. *1979 Policy Interpretation*.

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

49. Lack of money is not a legal defense to sex discrimination. *See, e.g., Roberts Colorado State Univ.*, 814 F. Supp. 1507, 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).

50. Monies and in-kind benefits from third-party sources, such as donors, sponsorships, television rights, ticket sales, and student fees, are not a defense to a sex discrimination charge, whether those resources were used to build facilities, fund scholarships, provide equipment and uniforms, or any other benefit of sports participation. None of those sources of money creates a legal defense against sex discrimination. Schools must ensure that their students are not receiving second-class educational opportunities because they are female. *See* 20 U.S.C. § 1687 (2005); *See* Office for Civil Rights, *Department of Education, Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance* (June 11, 2003), *Cohen v. Brown Univ.*, 809 F. Supp. 978, 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)”)

51. It is *Champion Women’s* experience that most athletes and former athletes are acutely aware of all the ways they are treated as second-class within their athletics department, because they are women. As NIL monies become more available, equal promotion and publicity will be important for female athletes. *Champion Women* asked current collegiate athletes what equality would look like under this list. Here’s what the athletes came up with:

- i. Men’s and Women’s sports would be equally featured, with equal prominence, on school and Athletic Department websites and social media.
- ii. Schools would invest equally in cameras and production equipment for Women’s and Men’s sports.
- iii. Schools would optimize Google searches for their Men’s and Women’s teams to receive equal search results.

- iv. Women’s and Men’s sports would employ an equal caliber of talent in their sports information and marketing departments, and they would be paid and promoted equally.
- v. Women’s and Men’s sports jerseys, apparel, and memorabilia would be equally and easily accessible.
- vi. The needs of Women’s teams would not revolve around Men’s football and men’s basketball teams.
- vii. The Women’s and Men’s teams would have equal access to dining halls, nutrition, etc. at times equally convenient to both teams.
- viii. Men’s and Women’s teams would have equal access to optimal practice times when they share facilities.
- ix. Men’s and Women’s sports marketing efforts would focus on performance; Broadcasters and schools would not focus on a woman athlete’s appearance or sexuality.
- x. Women’s and Men’s medical care and athletic training access would be equal; Neither male 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.”

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

V. RELIEF REQUESTED

53. *Champion Women* requests that OCR:
- a. Investigate the University of Pittsburgh to determine whether it is discriminating against women students. Determine whether Pittsburgh is providing female students with equal participation opportunities in athletics, equal and proportionate athletic scholarship dollars, and are receiving equal treatment and benefits, including equal recruiting budgets.
 - b. Additional violations are expected to be found, including facilities, publicity and promotion, and travel, to name a few. *Champion Women* asks the OCR to take all necessary steps to remedy any unlawful conduct that it identifies in its investigation, as required by Title IX and its implementing regulations. When violations are found, secure assurances of compliance with Title IX from the University of Pittsburgh, that include full remedies.
 - c. Among other steps to achieve compliance with Title IX, require the University of Pittsburgh 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 adopt and implement a plan to achieve compliance with Title IX.
 - d. Monitor any resulting agreement with the University of Pittsburgh to ensure that the school achieves compliance with Title IX, 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.



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

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