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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 Texas at Austin (“Texas”) 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 Texas’s website indicates that Texas 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 Texas to determine whether it is discriminating against women; 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 Texas currently violates Title IX’s athletic equity requirements, this complaint is timely.

III. FACTUAL ALLEGATIONS

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

9. Data submitted by Texas 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 Texas is not currently and has not in the past been providing female athletes equal opportunities to participate in athletics under Title IX’s three-part participation test.

10. *Champion Women* has edited the EADA data on its 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

Texas counts 45 men as “women”. *Champion Women’s* chart does not capture Texas’ duplicity; nor can it capture the prior years of inflating its women’s numbers in this way, but we can subtract 45 men from being counted as women into account in the narrative.

Year	Undergraduate Enrollment				Athletic Participation				
	Men	Women	Total	Percent Women	Men	Women Prong 2: This # should Rise Continuously and Steadily Over Time, Without Going Backwards	Total	Percent Women	Female Athletes Who Would Need to be Added to Achieve Equity
2003-04	16687	17914	34601	51.77%	354	319	673	47.40%	61
2004-05	16174	17714	33888	52.27%	325	299	624	47.92%	57
2005-06	15973	17709	33682	52.58%	332	307	639	48.04%	61
2006-07	15689	17374	33063	52.55%	315	306	621	49.28%	43
2007-08	17681	19154	36835	52.00%	328	295	623	47.35%	60
2008-09	16417	17955	34372	52.24%	329	323	652	49.54%	37
2009-10	16882	18225	35107	51.91%	347	341	688	49.56%	34
2010-11	17012	18255	35267	51.76%	340	331	671	49.33%	34
2011-12	17038	18282	35320	51.76%	341	341	682	50.00%	25
2012-13	17637	19087	36724	51.97%	383	363	746	48.66%	51
2013-14	17478	19119	36597	52.24%	383	363	746	48.66%	56
2014-15	17167	18905	36072	52.41%	368	333	701	47.50%	72
2015-16	17192	19165	36357	52.71%	349	360	709	50.78%	29
2016-17	17325	19701	37026	53.21%	371	366	737	49.66%	56
2017-18	17419	20091	37510	53.56%	343	364	707	51.49%	32
2018-19	17313	20581	37894	54.31%	342	346	688	50.29%	61
2019-20	16826	20536	37362	54.96%	354	360	714	50.42%	72
2020-21	16329	20943	37272	56.19%	362	328	690	47.54%	136
2021-22	16305	21757	38062	57.16%	345	346	691	50.07%	114

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. Texas does not and has not provided athletic opportunities to female students in numbers substantially proportionate to their enrollment pursuant to part one of the Title IX participation test. Women are 57.16% of the student body, but just 50% of the student-athletes. When the numbers are corrected for the 45 men being counted as “women’s” opportunities, women are just 46.1% of the 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, Texas’s participation gap was 114 athletes. But this gap is actually much bigger, because on its EADA forms, Texas counts 45 men as “women” - men who practice with women but are not team members. The gap is, therefore, much bigger: **Texas needs to add 159 women’s opportunities** to its athletic department. In other words, Texas must add 159 additional athletic opportunities for women in order to provide athletic opportunities substantially proportionate to enrollment. To put this in perspective, 159 additional opportunities is enough to add six new teams, assuming an average squad size of 25 women.

13. The EADA data and evidence gathered on Texas’s website show that Texas 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. Texas is currently offering 301 opportunities for women, when the 45 male practice players are removed from the total. Over the 19 academic years covered by the available EADA data, Texas had a net loss of 18 athletic opportunities. In 2003, Texas offered women 319 athletic opportunities. Then Texas rolled back opportunities, so that it was five years until Texas offered the same number of women’s opportunities again. The numbers of women’s athletic opportunities at Texas fluctuate; in 2012 and 2013 Texas provided 363 women with opportunities, then in 2014 the opportunities declined, then up to an all-time high in 2016. Texas is currently offering women 20 fewer opportunities than it offered its female students in 2016. *Champion Women* cannot know the 28-year history of adding sports between 1975 and 2003, but Texas cannot show a history of continuous program expansion that is demonstratively responsive to the growing interests of women in sport.

15. A review of Texas’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. Texas sponsors 7 men’s varsity sports (Baseball, Basketball, Track and Field, Football, Golf, Swimming and Diving, and Tennis), giving athletic opportunities to 298 men, and 9 women’s varsity sports (Basketball, Track and Field, Golf, Rowing, Soccer, Softball, Swimming & Diving, Tennis, and Volleyball) giving athletic opportunities to 255 women.

17. Information available on Texas'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. Women at Texas participate in many club sports, including archery, badminton, cheering, field hockey, fencing, ice hockey, gymnastics, lacrosse, rifle, sailing, triathlon, water polo and rowing. The existence of these women's club teams indicates that there is unmet interest in women's athletics at Texas.

19. Texas will be a new member of the Southeastern Conference in 2024. The SEC consists of 14 member institutions, with an east division in Florida, Georgia, Kentucky, South Carolina and Tennessee, and the west division in Alabama, Arkansas, Louisiana, Mississippi, and Texas. It would be difficult to find a women's sport that would not offer Texas women athletic opportunities in that enormous competitive geographical region.

Prior to joining the SEC in 2024, Texas is still a member of the Big 12 Conference, where its competitive geographic range was equally as expansive, in the states of Ohio, Florida, Utah, Kansas, and West Virginia. Affiliate members of the Big 12 are in Colorado, Alabama, California, Missouri, North Dakota, Tennessee and Wyoming.

20. The SEC sponsors Gymnastics and Equestrian, as Championship sports, and the University of Texas does not offer either of these sports. These Championship teams demonstrate women's interest in these sports and that competition for these women's sports exists in Texas' competitive geographic area.

The Big 12 Conference sponsors Championship sports in women's Equestrian and Gymnastics. These Championship teams demonstrate women's interest in these two sports and that competition for these women's sports existed in Texas' competitive geographic area.

21. Member SEC schools sponsor 6 sports: Bowling, Beach Volleyball, Rifle, Rowing, Stunt and Lacrosse. Texas does not offer these sports. These 6 sports demonstrate women's interest in sports and that competition for these women's sports exists in Texas'-peer institutional competitive geographic area.

Member Big 12 schools sponsor Lacrosse, Skiing, Triathlon, Rifle, and Water Polo. These 5 sports demonstrate women's interest in sports and that competition for these women's sports exists in Texas' former-peer institutional competitive geographic area.

Women in both of Texas' athletic conferences are sponsoring women's sports that Texas does not offer to its students, in which women have shown an interest in playing, and possess athletic ability.

22. The University Interscholastic League regulates Texas High School sports.² It offers Texas girls' Wrestling, Team Tennis, Water Polo, sports that Texas does not provide its female students. Texas high schools provide Texas with plenty of girls who are interested and able to play these sports.

² See the University Interscholastic League here: <https://www.uil-texas.org/athletics/sports>

23. The University of Texas at Austin 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. Rugby, Wrestling, Equestrian, and Triathlon are NCAA emerging sports. There are 163 college women's Wrestling programs. 42 NCAA schools sponsor Triathlon, and 27 schools sponsor Rugby.

25. 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

26. A review of the Texas website does not reveal that Texas 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

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. If Texas provided its male and female students with the same athletic opportunities to participate, Texas would need to add **\$5,330,204** additional athletic scholarship dollars, to balance out the amount Texas provides to its male students. 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.

28. If, for some reason, the OCR determines Texas is, in fact, not discriminating against women in providing athletic opportunities for women in sport, then, using the ratio of student-athletes instead of the student-body, Texas would still need to provide its women students participating in sports with **\$1,587,116** more in athletic scholarship aid, to match the amount Texas provides its male athletes.

29. Texas's EADA data further indicates that the university provides inadequate and unequal funding for the recruitment of female athletes. In 2021-2022, Texas spent \$3,577,797 on men's recruitment and only \$932,076 on women's recruitment; women were allocated only 20.67 percent of the recruiting budget even though they account for 46.59 percent of the athletic population and 57.16 percent of the full-time undergraduate population. If Texas treated women like it does men, women's teams – and women's coaches – would have an additional **\$3,842,050** in recruiting dollars.

30. If, for some reason, Texas is, in fact, not discriminating against women in providing equal opportunities in sport, then, using the student-athlete ratio instead of the student-body, Texas would still need to provide its women's sports teams – and women's coaches – with **\$1,147,521** 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).⁴

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.”

It is worth noting how odd Prong 2 is as a legal test, in comparison to any other non-discrimination civil right. For a school to be able to argue that it is still playing catch-up with non-discrimination – exists nowhere else in law. This is especially true 51 years after the passage of Title IX, and 48 years after the passage of the regulations OCR depends on, regulations that were passed by Congress. When a school relies on 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 very strict test. In determining whether an institution has a history and continuing practice of expansion under Prong 2 of the three-part test, OCR reviews the entire history of the athletic program and evaluates whether the institution has expanded participation opportunities for the underrepresented sex in a manner that was demonstrably responsive to their developing interests and abilities, considering a number of factors, including:

- an institution’s record of adding intercollegiate teams, or upgrading teams to intercollegiate status, for the underrepresented sex;
- an institution’s record of increasing the numbers of participants in intercollegiate athletics who are members of the underrepresented sex;
- an institution’s affirmative responses to requests by students or others for addition or elevation of sports; and
- whether the institution has effective ongoing procedures for collecting, maintaining and analyzing information on the interest and abilities of students of the underrepresented sex, including monitoring athletic participation, and assessing interest and ability on a periodic basis.

United States Department of Education, Office for Civil Rights, *Intercollegiate Athletics Policy Clarification: The Three-Part Test- Part Three* (Apr. 20, 2010) [hereinafter *2010 Clarification*]; *1996 Clarification*.

38. In determining whether an institution has a continuing practice of program expansion under Prong 2, OCR will consider a number of factors, including:

- an institution’s current implementation of a non-discriminatory policy or procedure for requesting the addition of sports (including the elevation of club or intramural teams) and the effective communication of the policy or procedure to students;
- an institution’s current implementation of a plan of program expansion that is responsive to developing interests and abilities; and
- an institution’s efforts to monitor developing interests and abilities of the underrepresented sex, for example, by conducting periodic nondiscriminatory assessments of developing interests and abilities and taking timely actions in response to the results.

2010 Clarification, 1996 Clarification.

39. OCR will not find a history and continuing practice of program expansion where an institution increases the proportional participation opportunities for the underrepresented sex by reducing opportunities for the overrepresented sex alone or by reducing participation opportunities for the overrepresented sex to a proportionately greater degree than for the underrepresented sex. *2010 Clarification, 1996 Clarification.*

40. Courts have found that schools must have both a history *and* continuing practice of expanding opportunities for women for Prong 2 compliance. *Mansourian v. Bd. Of Regents of Univ. of Cal.*, 594 F. 3d 1095, 1108. (9th Cir. Cal. 2010).

41. Prong 3 of the three-part test requires an examination of whether there is an unmet interest in a particular sport, a sufficient ability to sustain a team in the sport, and a reasonable expectation for competition for a team in the sport. *2010 Clarification, 1996 Clarification.*

42. Whether there is unmet interest and ability will be determined by examining a broad range of indicators, including whether the institution uses 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 are not a legal defense to unequal scholarships; schools cannot blame a third party; recipients are responsible for equality. Schools choose which sports

to sponsor, and some schools have chosen scholarship-dense sports for men, like football, and scholarship-light sports for women, like track.

48. 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*.

49. 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*.

50. 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).

51. Monies from third-party sources, such as donors, sponsorships, television rights, ticket sales, and student fees, are not a defense to a sex discrimination charge. None of those sources of money creates a legal defense against sex discrimination. Schools cannot discriminate against students based on sex. 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)”)

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

- i. Men’s and Women’s sports would be equally featured, with equal prominence, on school and Athletic Department websites and social media.

- ii. Schools would invest equally in cameras and production equipment for Women's and Men's sports.
- iii. Schools would optimize Google searches for their Men's and Women's teams to receive equal search results.
- iv. Women's and Men's sports would employ an equal caliber of talent in their sports information and marketing departments, and they would be paid and promoted equally.
- v. Women's and Men's sports jerseys, apparel, and memorabilia would be equally and easily accessible.
- vi. The needs of Women's teams would not revolve around Men's football and men's basketball teams.
- vii. The Women's and Men's teams would have equal access to dining halls, nutrition, etc. at times equally convenient to both teams.
- viii. Men's and Women's teams would have equal access to optimal practice times when they share facilities.
- ix. Men's and Women's sports marketing efforts would focus on performance; Broadcasters and schools would not focus on a woman athlete's appearance or sexuality.
- x. Women's and Men's medical care and athletic training access would be equal; Neither male or female athletes would have priority accessing these resources.
- xi. Schools would hire competition officials of the same quality, with equal compensation, for the Women's and Men's teams.
- xii. Men's and Women's sports performance staff would be 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."

53. Texas'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

54. *Champion Women* requests that OCR:

- a. Investigate the University of Texas at Austin to determine whether it is discriminating against women; whether it is providing female students with equal athletic participation opportunities, equal and proportionate athletic scholarship dollars, and equal treatment and benefits, including equal recruiting budgets.
- b. Take all necessary steps to remedy any unlawful conduct that you identify in your investigation, as required by Title IX and its implementing regulations.
- c. Other violations of Title IX are expected to be found. Secure assurances of compliance with Title IX from Texas, that include full remedies for the violations found.
- d. Among other steps to achieve compliance with Title IX, require Texas 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, and equalize athletic scholarship and recruiting budgets and opportunities.
- e. Monitor any resulting agreement with the University of Texas at Austin to ensure that the school achieves full and complete compliance with Title IX throughout its athletic department, now and into the future.

Respectfully submitted,



Nancy Hogshead, J.D.



Date: September 14, 2023