



**United States Department of Education
Office for Civil Rights**

DISCRIMINATION COMPLAINT FORM

You do not have to use this form to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). You may send OCR a letter or email instead of this form, but the letter or email must include the information in items 1-15 of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed. An online, fillable version of this form, which can be submitted electronically, can be found at:

<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

Before completing this form, please read all information contained in the enclosed packet including: Information About OCR's Complaint Resolution Procedures, Notice of Uses of Personal Information and the Consent Form.

If you have questions about civil rights or how to file a complaint, you may contact OCR at 800-421-3481, 800-877-8339 (TTY), OCR@ed.gov, or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at: <https://ocrcas.ed.gov/contact-ocr>.

If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800- USA-LEARN (1- 800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov. If you are a person with a disability, you may request disability-related assistance by contacting OCR at 800-421-3481, 800-877-8339 (TTY), OCR@ed.gov, or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at:

<https://ocrcas.ed.gov/contact-ocr>. To request this document in an alternate format such as Braille or large print please contact the Department at 202-260-0852 or om_eeos@ed.gov.

1. Name of person filing this complaint:

Last Name: Hogshead, J.D., OLY First Name: Nancy Address: 3116 St. Johns Avenue

Champion Women, a non-profit providing legal advocacy for girls and women in sports.

City: Jacksonville State: Florida Zip Code: 32205

Primary number: (904) 384-8484 Alternate number: _____

Email Address: hogshead@championwomen.org

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent, guardian, or other authorized legal representative is required.

Last Name: _____ First Name: _____ Address: _____

City: _____ State: _____ Zip Code: _____

Primary Phone: _____ Alternative Phone: _____

Email Address: _____

3. OCR investigates discrimination complaints against schools, colleges and universities, institutions, and agencies which receive funds or other forms of financial assistance from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Institution: Texas State University – OCR # 06-23-2313

Address: 223 James P Brawley Drive S.W.

City: Atlanta State: GA Zip Code: 30314

Department/School: Athletics Department

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, or age. The regulations also ban retaliation against persons who assert the right to be free from discrimination. Please note the following:

- Discrimination based on race, color, and national origin includes failure to provide meaningful access to English learners and limited English proficient parents and guardians, as well as discrimination based on shared ancestry or

ethnic characteristics or based on citizenship in a country with a dominant religion.

- Discrimination based on sex includes discrimination based on sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity, as well as rules about parental, family, or marital status that treat people differently based on sex.
- Discrimination based on disability includes discrimination against individuals who have a physical or mental impairment that substantially limits a major life activity, as well as individuals who have a record of or are regarded as having a disability.
- Discrimination based on age does not limit protection against discrimination to a certain age group (e.g., people over 40); however, there are a variety of exceptions to the relevant Federal law that may permit age to be taken into account.
- Retaliation refers to actions taken for the purpose of interfering with any rights under the laws enforced by OCR, or because you made a complaint, testified, or participated in any manner in an OCR proceeding.

Please indicate the basis of your complaint:

Discrimination **based on race (specify)**

Discrimination **based on color (specify)**

Discrimination **based on national origin (specify)**

Discrimination **based on sex (specify)**

Texas State University 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.

Discrimination **based on disability (specify)**

Discrimination **based on age (specify)**

Retaliation because you filed a complaint or otherwise asserted rights
under laws enforced by OCR (specify)

Violation of the Boy Scouts of America Equal Access Act (specify)

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

Women at Texas State University are 60.72% of the student body, but they are provided just 38.98% of the student-athlete opportunities. In order to provide athletic opportunities that are substantially proportionate to men's and women's enrolment, or Prong 1, or the "Proportionality Test," Texas State University must add 238 additional athletic opportunities for women.

Texas State University sponsors:

- 5 men's varsity sports (Baseball, Basketball, Track, and Field, Football, and Golf), providing this educational opportunity to 220 men, using the single count.
- 7 women's varsity sports (Basketball, Track and Field, Golf, Soccer, Softball, Tennis, and Volleyball), providing this educational opportunity to 129 women, using the single count.

In *Champion Women's* attached letter, we provide detailed facts that Texas State University cannot meet Prong 2 or Prong 3 either.

Champion Women's materials include a chart with 19 years of EADA data showing that the school does not have "a continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex", the requirement for Prong 2.

Champion Women demonstrates that Texas State University cannot meet Prong 3 of meeting women's interest and athletic ability with the following facts, better detailed in our letter, from:

- Texas State University is a member of the Sun Belt Conference, with a vast geographic reach of South Carolina, North Carolina, Arkansas, Georgia, Virginia, Louisiana, West Virginia, Alabama, Virginia and Texas. It is difficult to imagine a collegiate sport that would not be competing within this enormous geographic region.
- The Sun Belt Conference provides women with two championship sports: Beach Volleyball and Swimming & Diving, sports not offered by Texas State.
- Members of the Sunbelt Conference sponsor Bowling, Field Hockey, Lacrosse, Rifle, Rowing, and Sailing, six sports that Texas State does not sponsor for women.
- Texas offers high school girls competitive opportunities to compete in Badminton, Fencing, Field Hockey, Lacrosse, Rugby, Softball, Swimming & Diving, Water Polo, Weightlifting and Wrestling. all sports Texas State does not offer its female students.
<https://www.nfhsnetwork.com/states/TX>
- High school-age girls in Texas compete in sports not associated with schools: club sports, travel teams, the AAU, and the Olympic and Paralympic sports, including Basketball, Golf, Tennis, Equestrian, Badminton, Table Tennis, Team Handball, Sailing, Field Hockey, Fencing, Swimming & Diving, Skateboarding, Water Polo, Archery, Field Hockey, Rifle, Triathlon, Ice Hockey, Sport Climbing, Artistic Swimming, Skiing, Snowboarding, Gymnastics, Rowing, Wrestling, Rugby, and combat sports, like Judo, Jujitsu, Karate, and Taekwondo.
- College sports, particularly NCAA Division I, is a rare, rationed type of educational experience. According to the NCAA, in 2020, only 1.3% of high school girls basketball players were provided the opportunity to play in Division I. Just 2.9% of high school Field Hockey players, 2.8% of Golfers, 8.9% of Ice Hockey players, 3.7% of Lacrosse players, 2.4% of Soccer players, 1.8% of Softball players, 3.3% of Swimmers, 1.5% of Tennis players, 2.8% of Track & Field athletes, 1.2% of Volleyball players in high school are provided opportunities to play their sport in Division I. These metrics demonstrate that women have expressed enormous demand to compete in sports that is unmet. Girls and women have the interest and athletic ability to play additional sports.
- The percentage of those high school athletes who are provided with a college athletic scholarship is even smaller. Sadly, most of these women think they cannot play a sport

in college because they aren't good enough, aren't as good as their male peers, rather than the fact that schools offer girls and women so many fewer opportunities and athletic scholarship dollars.

- Women at Texas State University participate in several club sports of baseball, basketball, cheerleading, climbing, cycling, equestrian, esports, fencing, gymnastics, ice hockey, lacrosse, powerlifting, quadball, rugby, running, soccer, swimming, taekwondo, tennis, trap & skeet, triathlon, ultimate, volleyball, water polo, water ski, weightlifting, and wrestling. The existence of these women's club teams indicates that there is unmet interest in women's athletics at Texas State.
- Champion Women provides the NCAA "emerging sport" list of sports, with sports that the Texas State University does not offer: Rugby, Equestrian, Triathlon, and Wrestling.
- Champion Women also provides links to sport governing bodies, which makes it easy to see where women's teams and potential competitors are located.

We also checked the school's website and found Texas State University does not provide avenues to add more women's sports, it is not assessing the interests and athletic abilities of its students to determine which new sports to add, and its Title IX page is devoted to sexual harassment and violence, ignoring sex discrimination in the athletic department.

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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 Texas State provided its male and female students with the same opportunities to participate, Texas State needs to add an *additional* **\$4,081,786** in women's athletic scholarship dollars, to balance out the amount Texas State has chosen to provide its male students. If, for some reason, the OCR determines that Texas State is not discriminating against women in providing unequal athletic opportunities, and the ratio used is the student-athlete ratio, instead of the student-body ratio, no more scholarship dollars for women would be required.

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Texas State University needs to give women's teams an additional **\$745,395** in recruiting funds, based on enrollment. If, for some reason, the OCR determined that Texas State University is, in fact, not discriminating against women in providing opportunities in sport, Texas State University would still need to provide its women's sports teams – and women's coaches – with **\$112,821** more recruiting dollars in order to be consistent with the school's investment in men's sports.

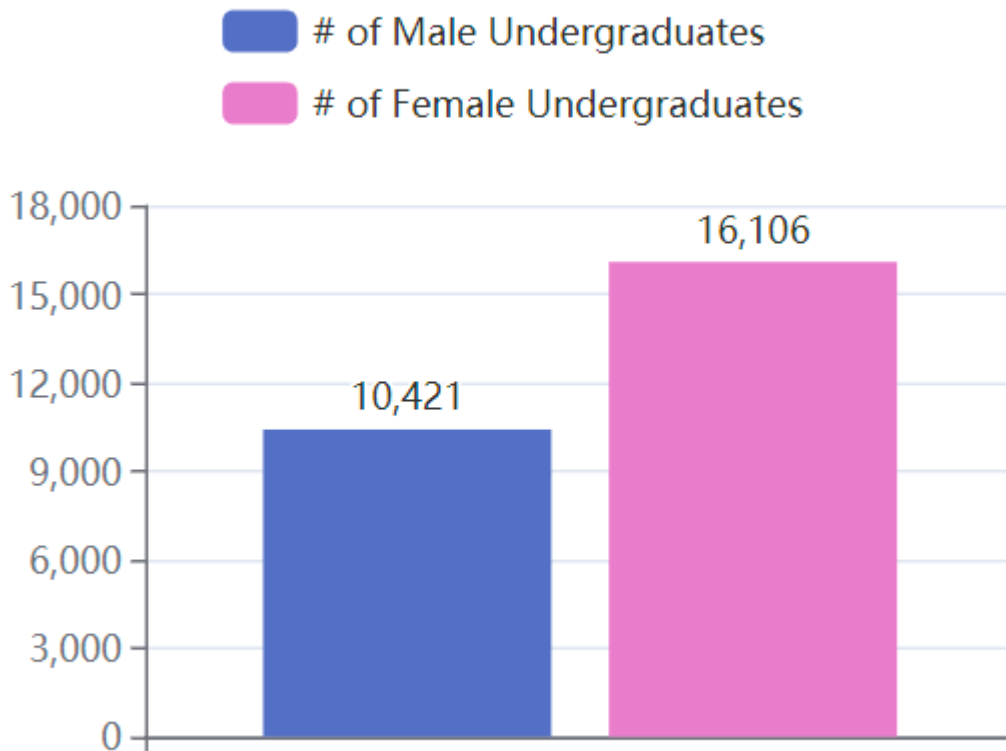
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In order to address these disparities, *Champion Women* requests that the Office for Civil Rights ("OCR") investigate Texas State University to determine whether it is discriminating against

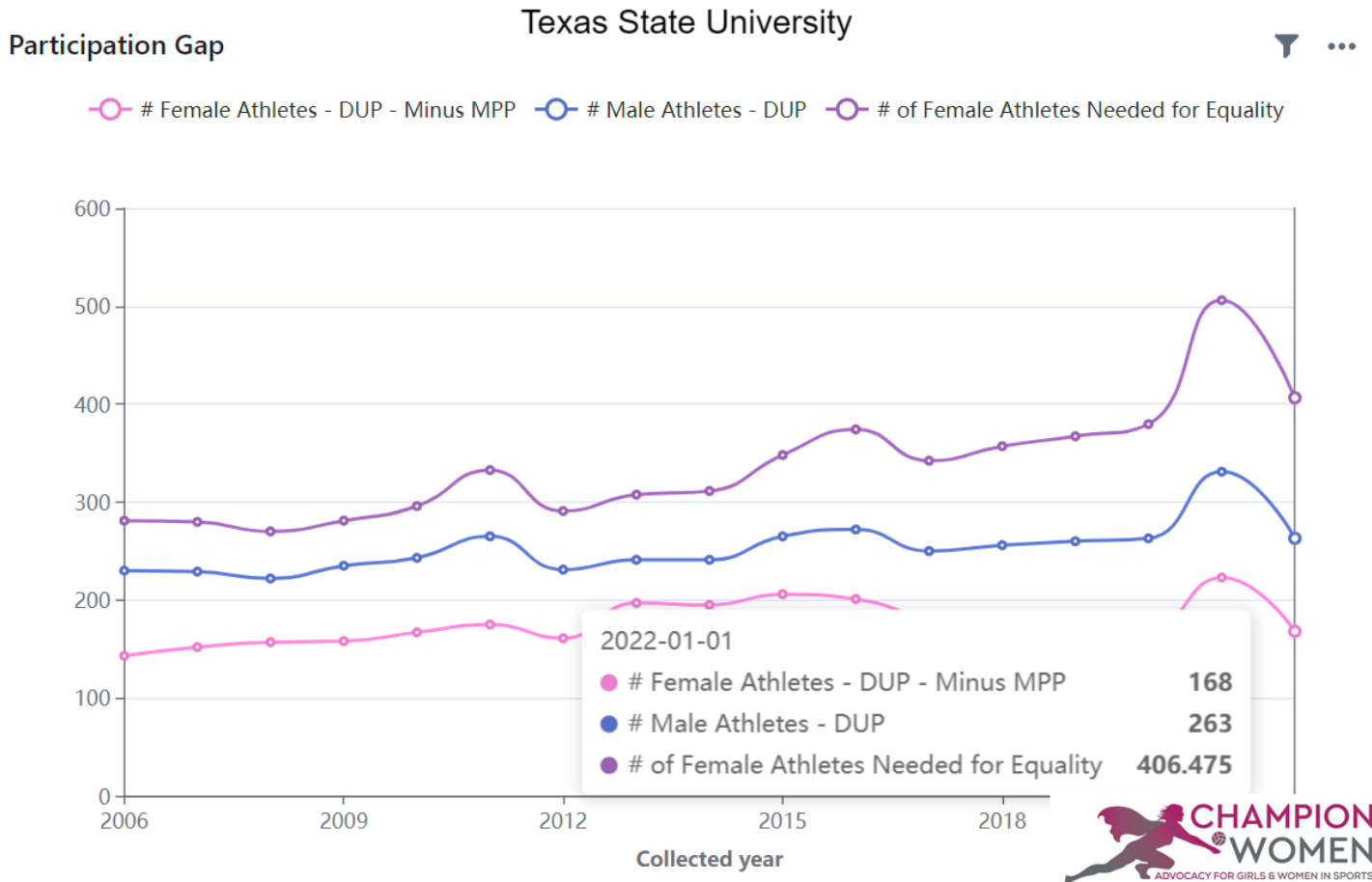
women in its athletic department. Additional Title IX violations are expected to be found, including equipment and supplies; game and practice times; travel and per diem allowances; coaching and academic tutoring; assignment and compensation of coaches and tutors; locker rooms, practice, and competitive facilities; medical and training facilities and services; housing and dining facilities and services; and publicity. 34 C.F.R. §106.41(a), 1979 Policy Interpretation. When violations are found, secure assurances of compliance with Title IX that include full remedies.

Texas State University

2022 Enrollment



For the following graphs, note the difference between the pink line – what women are currently provided – and the purple line – which is the number of opportunities women would have if the school provided women with proportional athletic opportunities to the school’s student-body ratio.



Texas State University

2022 Need to Add

249

Female Athletic Opportunities Missing

+38 ↗ More Needed Since 2021

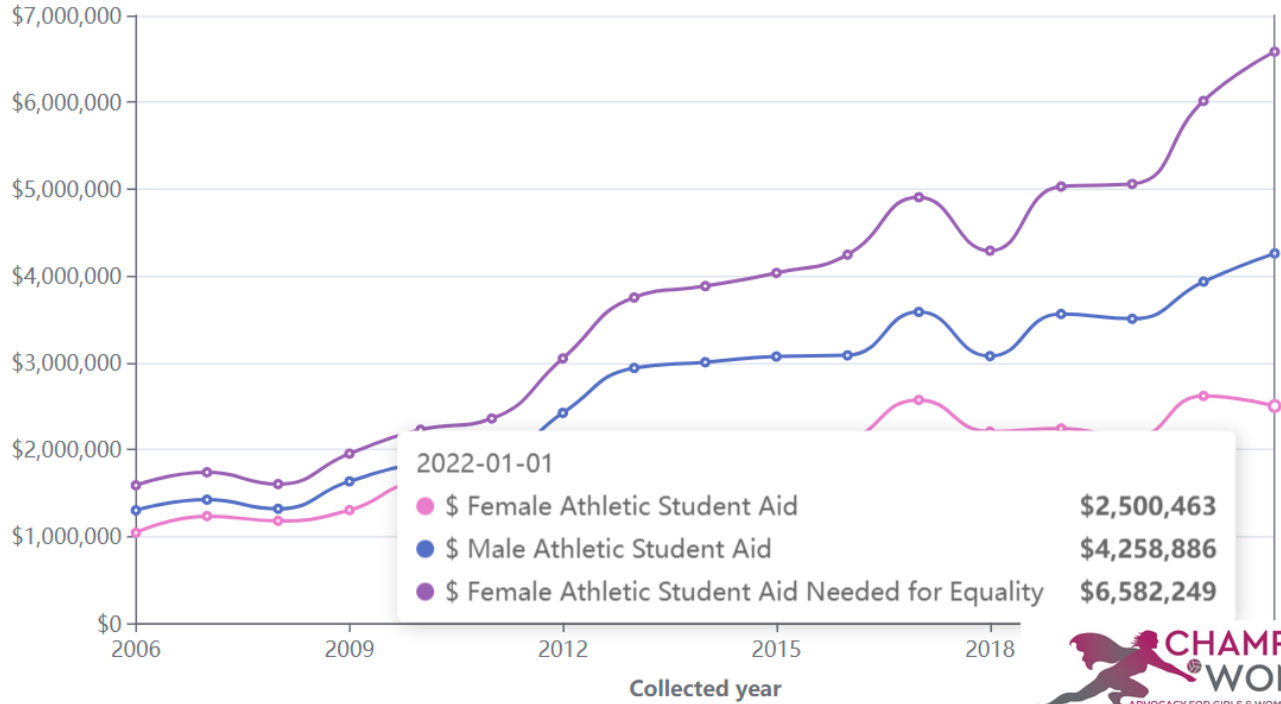


Texas State University

Scholarships



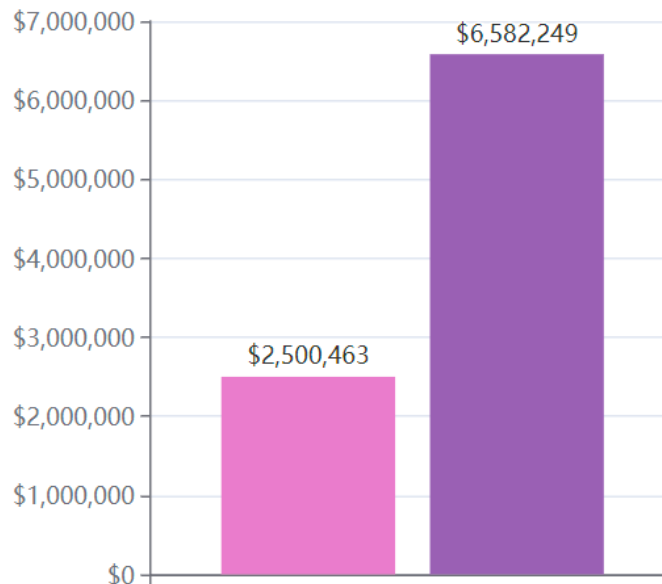
○ \$ Female Athletic Student Aid ○ \$ Male Athletic Student Aid ○ \$ Female Athletic Student Aid Needed for Equality



Texas State University

2022 Scholarship Gap

■ \$ Female Athletic Student Aid
■ \$ Female Athletic Student Aid for Equality



Texas State University

2022 Need To Add Athletic Scholarships

\$4,081,786

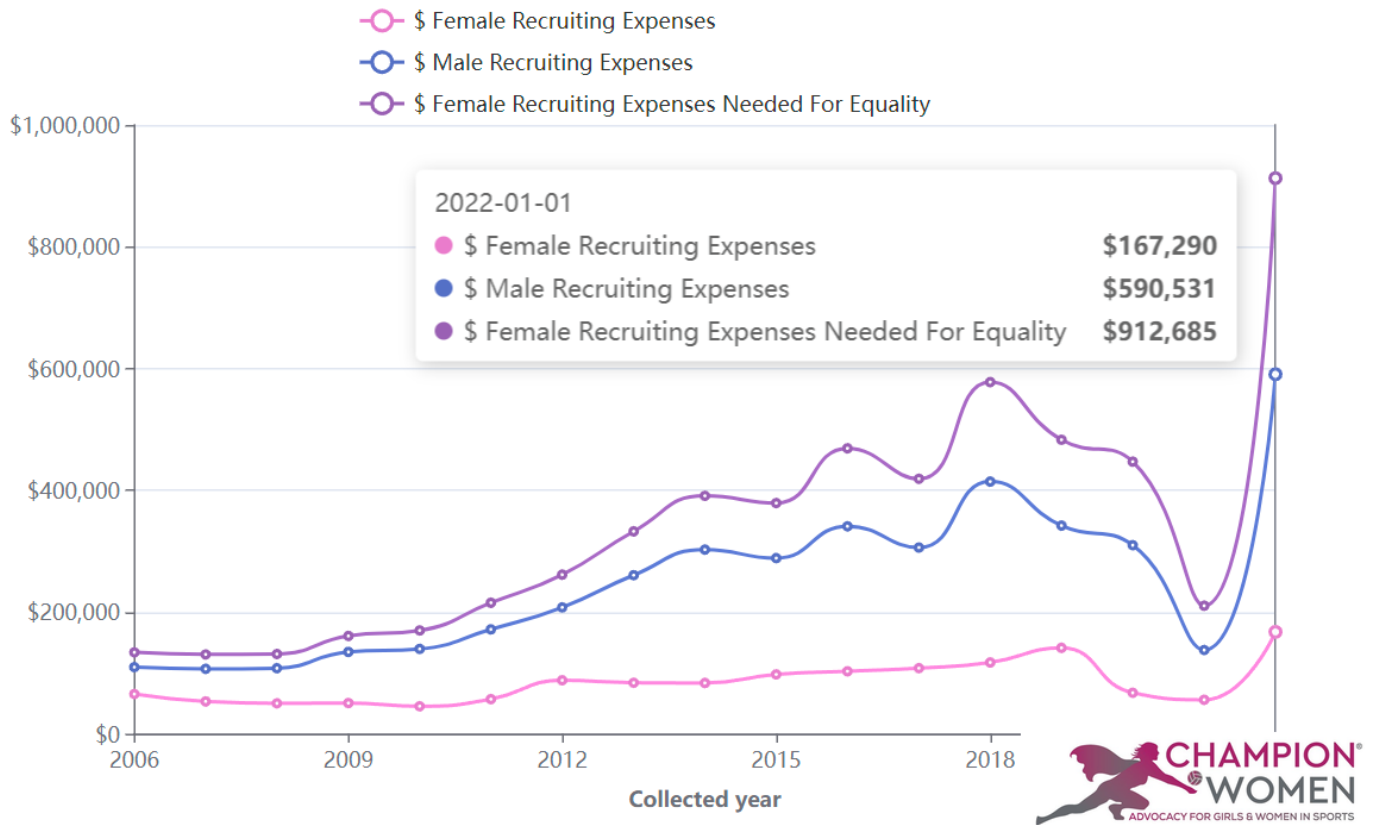
Missing for Female Athletes

+\$683,962 ↗ More Missing Since 2021

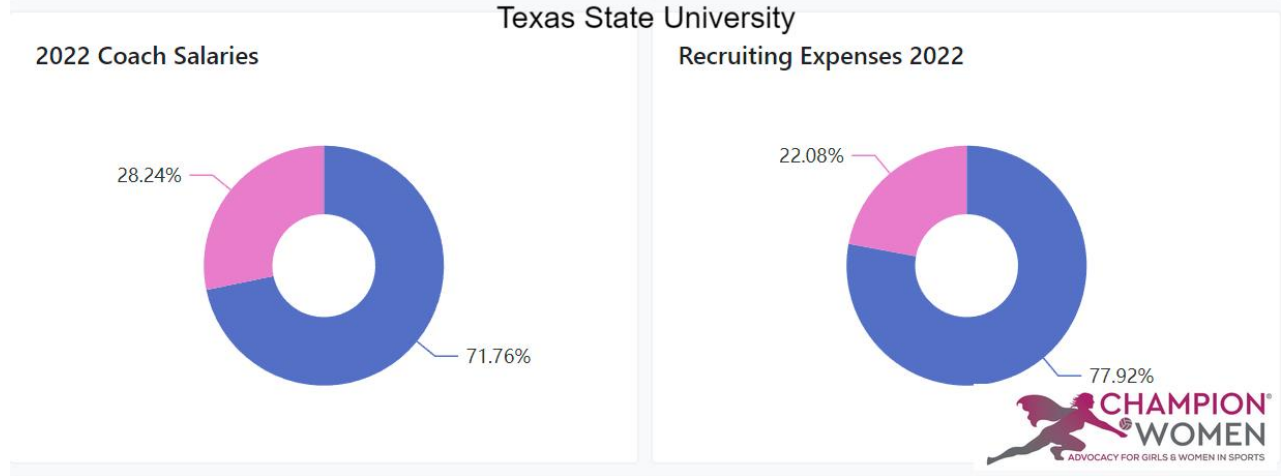


Recruiting Expenses Gap

Texas State University



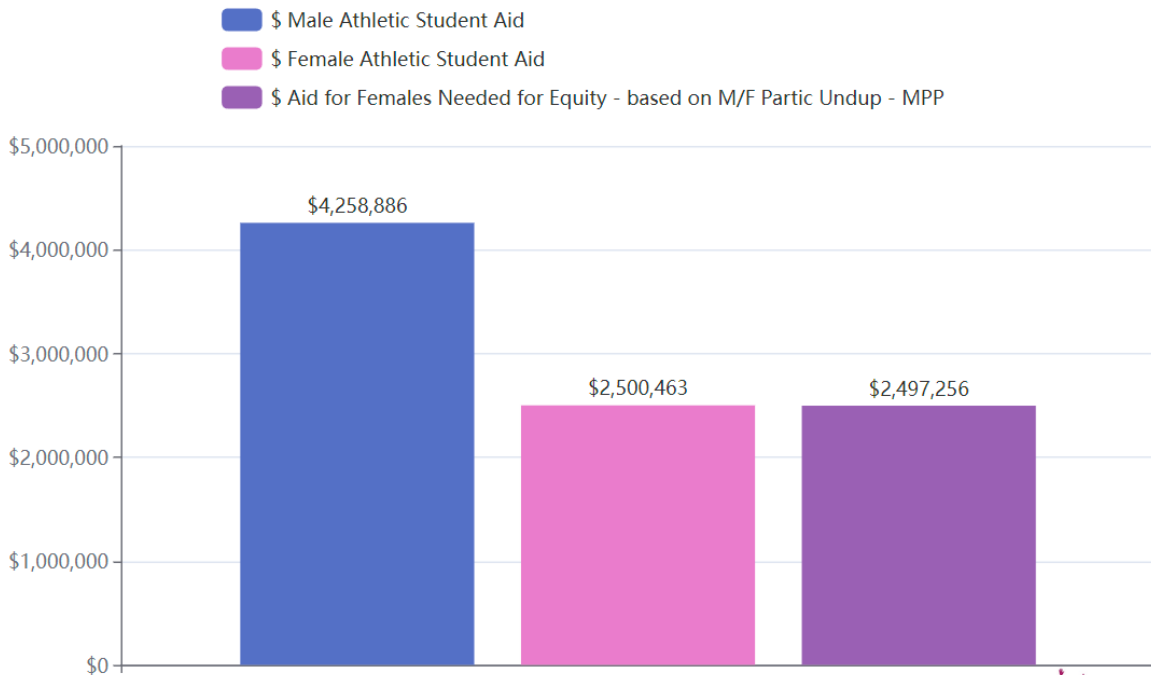
Texas State University

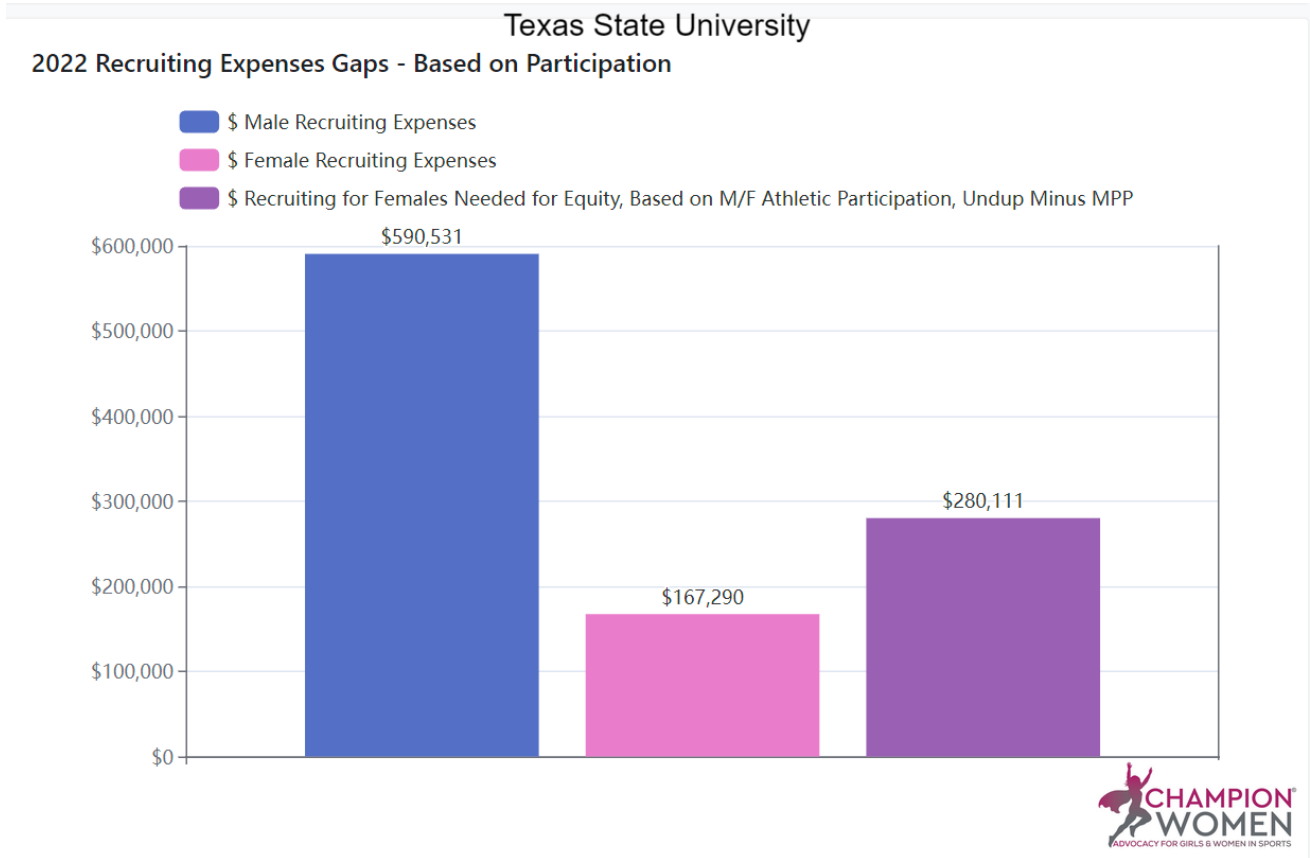


In the next two graphs below, notice how women are entitled to much less in athletic scholarship aid and recruiting budgets than the school provides men, if the OCR allows a school to count women multiple times, but not require the same for men, or the OCR does not require Prong 1 or Proportionality. Texas State would need to add \$4,081,786 additional athletic scholarship dollars for women, to balance out the amount it provides to its male students. But if the student-athlete ratio is used, then Texas State would not need to provide women with additional athletic scholarship aid.

Texas State University

2022 Athletic Aid Gap - Based on Participation





6. Do you have documents or written information that you think will help us to understand your complaint?
 No
 Yes

If yes, please describe the documents or written information you have.

Please see the attached file - "Champion Women OCR Complaint Texas State University"

If OCR investigates your complaint, we may ask you to provide us with the items you describe above.

7. What is the most **recent date** you were discriminated against?

Date: The discrimination against women on the basis of sex is ongoing at Texas State University.

8. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why did not file your complaint within 180 days.

9. Have you complained about the allegations that you raise in this complaint to your school, institution, or another organization or agency?

YES NO

If yes, have you complained about the allegations that you raise in this complaint by:

filing an internal complaint or appeal with your school or institution?

participating in your school or institution's grievance procedures?

participating in a due process hearing either at your school or institution, or through another organization or government agency?

If you answered **yes to any of the above questions**, please describe the allegations that you raised in an internal complaint or appeal, through your school or institution's grievance procedures, or in a due process hearing, identify the date you complained about the allegations and where you made the complaint, and tell us the status of the complaint, appeal, grievance procedures, or due process hearing. If possible, please provide us with a copy of your complaint or grievance or appeal or due process request and, if completed, the decision in the matter.

10. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: _____

Date Filed: _____

Case Number or Reference: _____

Results of Investigation/Findings by Agency or Court:

11. You do not need to have a lawyer to file a complaint with OCR; however, if you do have a lawyer, OCR staff are required to communicate directly with your lawyer. If you have a lawyer representing you in this matter, please provide the lawyer's contact information.

Last Name: Hogshead **First Name:** Nancy

Telephone: (904) 384-8484 **Email:** hogshead@championwomen.org

12. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Last Name: Casey **First Name:** Alistair

Telephone: (310) 562-4549 **Email:** alistaircasey@championwomen.org

13. **Option to Participate in OCR’s Early Mediation Process**

OCR provides an early mediation process as an opportunity for you and the recipient institution to voluntarily resolve your complaint soon after you file it with OCR.

Mediation is a form of complaint resolution that OCR offers as an alternative to its investigative process. Mediation is an informal process in which a staff member from OCR who is trained in mediation assists the parties to reach a negotiated resolution of the complaint. The mediator does not decide who is right or wrong and does not have the authority to impose a settlement on the parties. Instead, the mediator helps the parties to find a mutually acceptable resolution to your complaint. Mediation is a strictly voluntary process. If either party does not want to participate in mediation, OCR will address the complaint through its regular processes.

If you are interested in participating in the early mediation process, you must check the box below. If you indicate your interest in early mediation by checking the box below **and** OCR determines that your complaint is appropriate for this process, OCR will contact you and the recipient institution and offer this resolution option. If the recipient agrees to participate in early mediation, OCR will work with you and the recipient to achieve a mutually agreeable resolution of your complaint. If the recipient does not wish to participate in early mediation, OCR will proceed with its regular processing of your complaint. ***If you do not indicate your interest in early mediation by checking the box below, early mediation will not be offered to you and OCR will proceed with its regular processing of your complaint.***

I am interested in participating in early mediation (Please check box):

14. What would you like the institution to do as a result of your complaint
— what remedy are you seeking?

- Investigate Texas State University to determine whether it is discriminating against women; whether it is providing female students with equal participation opportunities in varsity athletics, equal and proportionate athletic scholarship dollars, equal treatment and benefits, including equal recruiting budgets.
- Take all necessary steps to remedy all unlawful conduct identified by Title IX and its implementing regulations.
- To add more athletic opportunities for women, and to accord women athletes and these additional teams the full range of benefits accorded to men's varsity teams and athletes, such as 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), 1979 Policy Interpretation. Increase scholarship and recruiting budgets and opportunities, to be equal to the men's, and adopt and implement a plan to achieve full compliance with Title IX throughout the entire athletic department.

15. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

A handwritten signature in blue ink that reads "Nancy Hoshed". The signature is written in a cursive style with a large initial 'N'.

December 8, 2023
(Date)

CEO, *Champion Women*
(Signature)

Please mail or email the completed and signed Discrimination Complaint Form, your signed consent form and copies of any written material or other documents you believe will help OCR understand your complaint to the OCR Enforcement Office responsible for the state where the institution or entity about which you are complaining is located. You can locate the mailing information for the correct enforcement office on OCR's website at <https://ocrcas.ed.gov/contact-ocr>.

Excerpt from the Online Interactive Complaint Form

Race / Color / National Origin / Ethnicity / Shared Ancestry

Discrimination based on national origin includes discrimination based on the country, world region, or place where a person or their ancestors come from; a person's limited English proficiency or English learner status; and a person's actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (e.g., Hindu, Jewish, Muslim, and Sikh students). For more information about race, color, and national origin discrimination, please visit www.ed.gov/ocr/frontpage/pro-students/race-origin-pr.html.

Sex

Discrimination based on sex includes discrimination based on sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity. Discrimination based on sex also encompasses rules about parental, family, or marital status that treat people differently based on sex. For more information about sex discrimination, please visit <https://www2.ed.gov/policy/rights/guid/ocr/sexoverview.html>.

Disability

A person with a disability is defined as any person who (i) has a physical or mental impairment, which substantially limits one or more major life activities, or (ii) has a record of such impairment, or (iii) is regarded as having such an impairment. Whether a person has a disability is determined without considering mitigating measures. For more information about disability discrimination, please visit www.ed.gov/policy/rights/guid/ocr/disability.html.