



## 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](mailto: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](mailto: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](mailto: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](mailto: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:** Michigan State University - 15-23-2263

**Address:** 1855 Place, 550 S Harrison Road

**City:** East Lansing **State:** MI **Zip Code:** 48824

**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)**

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Discrimination **based on color (specify)**

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

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Discrimination **based on sex (specify)**

Michigan 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)**

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Discrimination **based on age (specify)**

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

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

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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 Michigan State University are 52.18% of the student body, but they are provided just 50.69% of the student-athlete opportunities. To provide athletic opportunities that are substantially proportionate to men's and women's enrollment, or Prong 1 or the "Proportionality Test," MSU must add 25 additional athletic opportunities for women.

Michigan State University sponsors:

- 10 men's varsity sports (Baseball, Basketball, Cross Country, Football, Golf, Ice Hockey, Soccer, Tennis, Track and Field, and Wrestling) serving 323 men, based on single count.

- 11 women’s varsity sports (Basketball, Cross Country, Field Hockey, Golf, Gymnastics, Rowing, Soccer, Tennis, Track and Field and Volleyball) serving 335 women, based on single count.

Champion Women also calculated whether MSU was padding women’s teams, and the impact of this padding on the student-athlete experience, and on coaching-ratios.

We found that if MSU provided men and women with sports opportunities that are equally as coach-intensive and comparable in size with their peer institutions, MSU would need to add up to 125 women’s athletic opportunities. As a result, women received less coaching resources than their male peers. Moreover, people who coach women had a heavier coaching load than men’s coaches.

In our attached letter, Champion Women also looked at Michigan State’s Roster Sizes on its webpage: <https://msuspartans.com/> and we show how MSU treats its men’s and women’s programs differently, to the detriment of the women’s educational opportunities of the women; the very definition of sex discrimination.

■ **Website: MSU Men Squad Sizes:**

- Baseball – 36
- Basketball – 14
- Cross Country – 32
- Football – 105
- Golf – 8
- Ice Hockey – 27
- Soccer – 25
- Tennis – 10
- Track & Field – 58
- Wrestling – 26
- **Total Men Athletes at MSU: 341**

■ **Website: MSU Women Squad Sizes:**

- Basketball – 13,
- Cross Country – 49,
- Field Hockey – 24,
- Golf – 9,
- Gymnastics – 23,
- Rowing – 71,
- Soccer – 31,
- Softball – 23,
- Tennis – 11,
- Track & Field – 75,
- Volleyball – 18
- **Total Women Athletes at MSU: 347**

Using MSU Website data, instead of EADA data, MSU would need to add 25 women to its athletic department, keeping the men’s number of athletic opportunities constant. 25 is the same finding using EADA data; it is easily enough for a new women’s team.

However, we found that MSU is “padding” its women’s teams, but not men’s teams. In other words, MSU’s squad sizes are not gender-neutral.

For men, MSU’s squad sizes are roughly consistent with NCAA Division I average squad size of these sports:<sup>1</sup>

- **NCAA Average Squad Size, Division I, Men’s Teams:**
- Baseball – 40.3
- Basketball – 15.7
- Cross Country – 15.4
- Football – 124.3
- Golf – 10.1
- Ice Hockey – 28.5
- Soccer – 29.3
- Tennis – 10.5
- Track & Field – 40
- Wrestling – 32.4 –
- **Total NCAA DI Men Average Squad Size: 346.5 (as compared with MSU’s 341 in the Squad-Size Count)**

But for women, Michigan State is inflating the squad sizes by 94 women.

- **NCAA Average Squad Size, Division I Women’s Teams:<sup>2</sup>**
- Basketball – 14.6
- Cross Country – 16.4
- Field Hockey - 23.2
- Golf – 8.5
- Gymnastics – 19.5
- Rowing – 52.4
- Soccer – 29.2
- Softball – 23.4
- Tennis – 9.6
- Track and Field – 40.4
- Volleyball - 16.9
- **Total NCAA DI Women Average Squad Size: 253 (as compared with MSU’s 347 in the Squad-Size Count)**

If MSU adhered to NCAA average squad sizes for women, as it does for men, MSU would need to add 125 women’s opportunities to its athletic department, instead of 25. Padding women’s teams, but not men’s teams, is not an accident. It is intentional sex discrimination.

Sex Discrimination in Coaching: MSU’s EADA reports that:

- Male athletes have 9 head coaches and 38 assistant coaches – 47 FTE.
- Meanwhile, women athletes have 10 head coaches and 31 assistant coaches – 41 FTE.

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<sup>1</sup> NCAA Sport Sponsorship and Participation Rates Report, page 85 for NCAA Average Squad Sizes:  
[https://ncaaorg.s3.amazonaws.com/research/sportpart/2021RES\\_SportsSponsorshipParticipationRatesReport.pdf](https://ncaaorg.s3.amazonaws.com/research/sportpart/2021RES_SportsSponsorshipParticipationRatesReport.pdf)

<sup>2</sup> Id., p. 86 for NCAA Women’s Average Squad Sizes.

- In other words, 323 male athletes are provided the attention of 47 FTE coaches - an instructional ratio of 1 coach for every 6.87 athletes.
- 335 female athletes are provided the coaching services of 41 FTE coaches - 1 coach for every 8.17 athletes.
- Moreover, MSU's coaches of female athletes are carrying up to 16% heavier instructional ratios than MSU's coaches of male athletes.

In our attached letter, *Champion Women* provides detailed facts that Michigan State University cannot meet Prong 2 or Prong 3 either. We 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 standard for compliance with Title IX's Prong 2. In addition, MSU recently cut a women's team, their swimming team, which is incompatible with Prong 2.

We demonstrate that Michigan State University cannot meet Prong 3 of meeting women's considerable interest and athletic ability, from:

- Michigan State is a member of the Big 10 Athletic Conference. The Big 10 sponsors women's Lacrosse and Swimming & Diving as Championship sports, but MSU does not offer either of these to women.
- Members of the Big Ten Conference sponsor women's Bowling, Fencing, Ice Hockey, Rifle, Synchronized Swimming, Water Polo, Beach Volleyball and Wrestling. MSU does not sponsor any of these 8 sports for its women.
- The school's competitive geographical area, which is enormous, and the many women's sports offered throughout the country.
- at least 21 women's club sports at Michigan State University,
- High school girls in Michigan compete in: Badminton, Bowling, Fencing, Ice Hockey, Lacrosse, Skiing, Swimming & Diving, Softball, and Wrestling. These are 9 high school sports that girls play, that MSU does not sponsor for women, despite having a steady supply of well-trained students.
- the small percentage of high school athletes that are provided with an NCAA Division I sports experience; most sports are under 2% of high school female athletes,
- The percentage of those high school athletes who are provided with a college athletic scholarship is even smaller.

- Club sports, travel teams, AAU, and Olympic sports programs, that are not associated with high schools, but are nonetheless a huge source of women interested and well-trained to play college sports,
- the NCAA “emerging sport” list of sports, with sports that the Michigan State University does not offer,
- links to sport governing bodies, which makes it easy to see how many and where women’s teams are located.

Michigan State University will have many sport choices for new women’s sports.

We also checked the school’s website and found Michigan 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. There is no Title IX education, as it applies to athletics, offered to students.

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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 MSU provided its male and female students with the same opportunities to participate, MSU would need to add **\$3,135,110 additional** athletic scholarship dollars, to balance out the amount MSU provides to its male students. If, for some reason, the OCR determines that MSU is, in fact, not discriminating against women in providing opportunities in sport, then MSU would still need to provide its women students participating in sports with **\$2,620,726** more in athletic scholarship aid, to match the amount MSU provides its male athletes.

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Michigan State University needs to give women’s teams an additional **\$1,174,917** in recruiting funds, based on enrollment. If, for some reason, the OCR determined that Michigan State University is, in fact, not discriminating against women in providing opportunities in sport, Michigan State University would still need to provide its women’s sports teams – and women’s coaches – with **\$537,896** more recruiting dollars in order to be consistent with the school’s investment in men’s sports.



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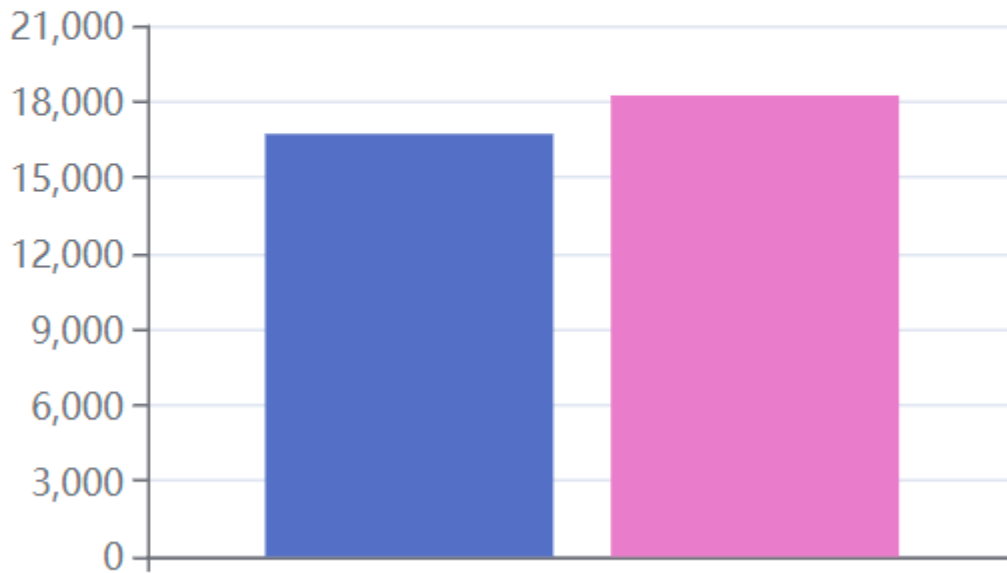
In order to address these disparities, *Champion Women* requests that the Office for Civil Rights (“OCR”) investigate Michigan State University to determine whether it is discriminating against women in its athletic department. Additional Title IX violations are expected to be found, including facilities, publicity, promotional support, and travel, to name just a few. When violations are found, secure assurances of compliance with Title IX that include full remedies.



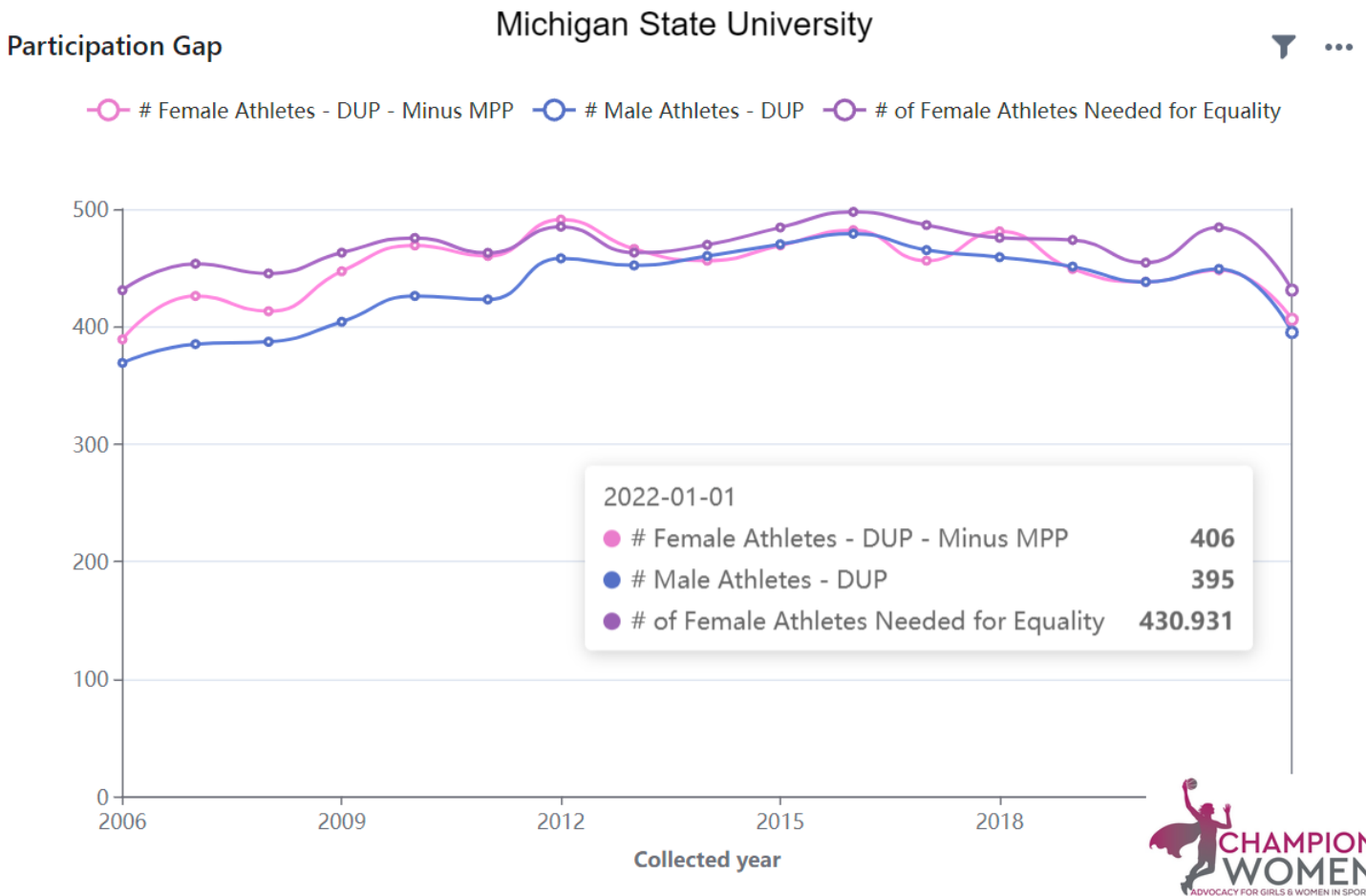
Michigan State University

## 2022 Enrollment

-  # of Male Undergraduates
-  # of Female Undergraduates



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 athletic opportunities that were proportional to the school’s student-body ratio. This data is NOT reflective of the “padding” issues raised above, where men’s sports are entirely consistent with the country’s average squad size, and the women’s teams are overrepresented in NCAA average squad sizes by 94 women athletes.



## 2022 Need to Add

# 54

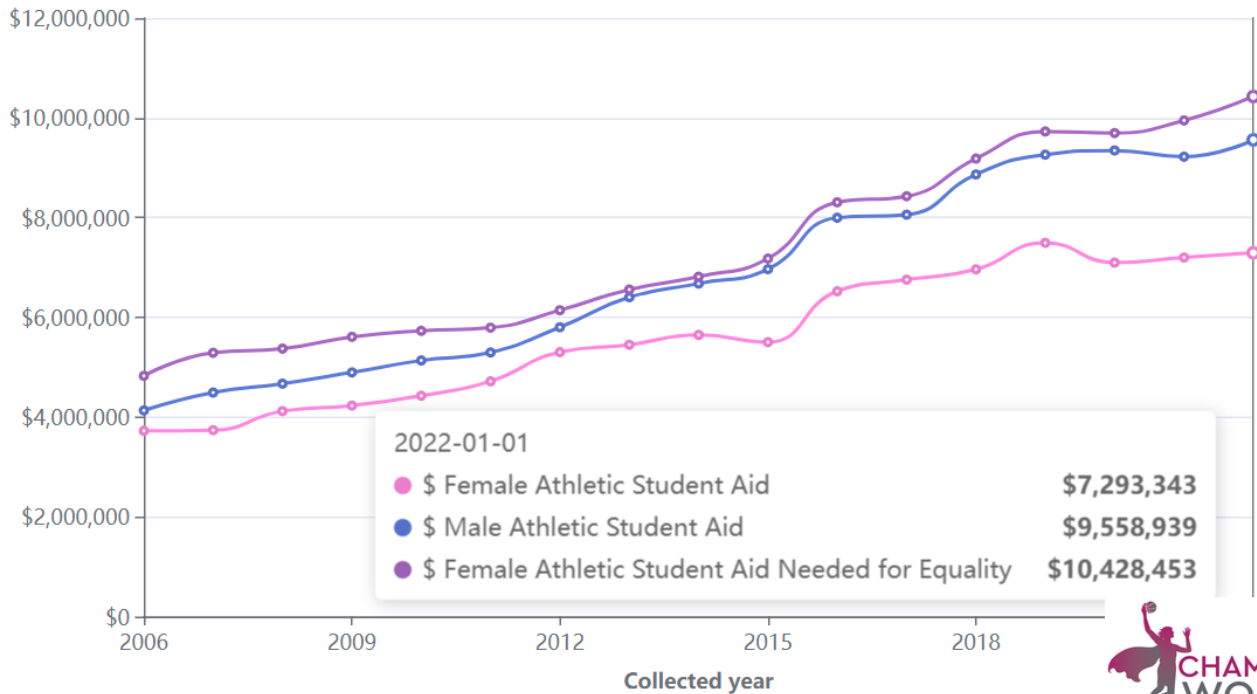
## Female Athletic Opportunities Missing

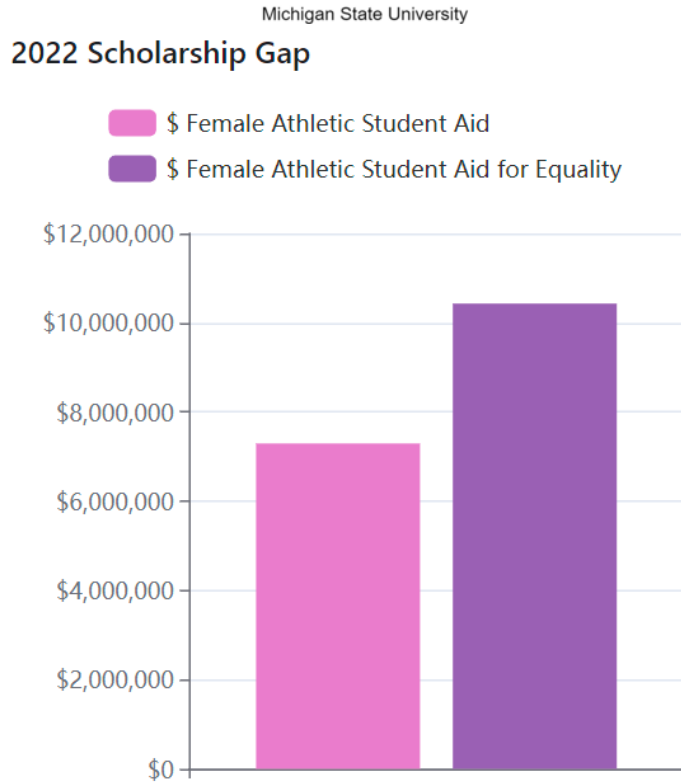
**+37 ↗** More Needed Since 2021



### Scholarships Michigan State University ⌵ ⋮

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





Michigan State University

### 2022 Need To Add Athletic Scholarships

# \$3,135,110

Missing for Female Athletes

**+\$387,423 ↗** More Missing Since 2021

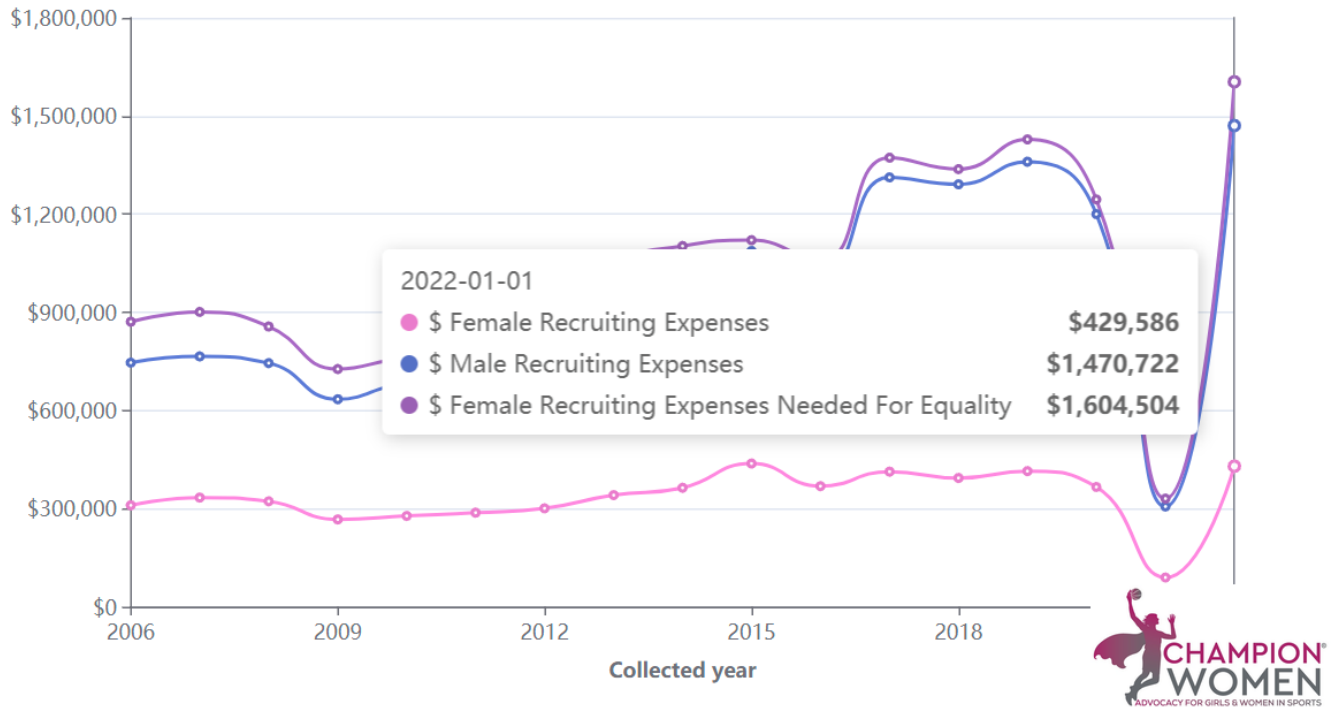


Recruiting Expenses Gap

Michigan State University



○ \$ Female Recruiting Expenses 
 ○ \$ Male Recruiting Expenses 
 ○ \$ Female Recruiting Expenses Needed For Equality



Notice that women’s coaches have a heavier load of students-per-coach, as outlined above, but they receive far less pay.

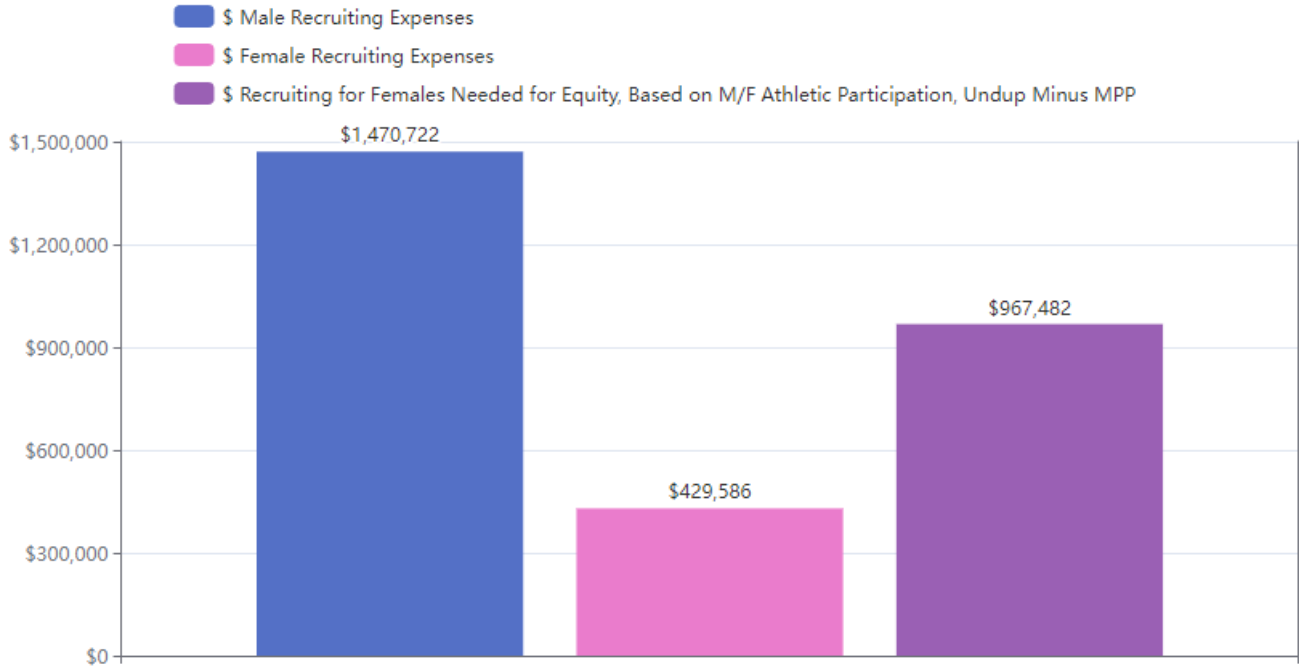


**This portion is updated:** The next two graphs demonstrate the scholarship/ recruiting losses if the OCR fails to require MSU to conform to proportionality, as measured against the student-body, instead of the student-body ratio. MSU would need to add **\$3,135,110 additional** athletic scholarship dollars for women if OCR used the student-body proportionality test. But if the current, status-quo, student-athlete ratio is used, then MSU would need to provide women with just **\$2,620,726** more in athletic scholarship aid, or half a million dollars less for women. Recruiting budgets follow the same pattern. **These two graphs do NOT show the differences for the “padding” that MSU has engaged in for its women’s sports program.**

### Michigan State University



### 2022 Recruiting Expenses Gaps - 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 Michigan State University"

**If OCR investigates your complaint, we may ask you to provide us 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 Michigan 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.

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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.

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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:**

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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 Michigan State University to determine whether it is discriminating against women; whether it is providing female students with equal participation opportunities in varsity athletics, whether it is padding women’s teams, but not men’s teams, whether it is providing equal and proportionate athletic scholarship dollars, equal treatment and benefits, including equal recruiting budgets.
- Take all necessary steps to remedy and 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. 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, appearing to read "Lancy Hoshed".

November 11, 2023  
(Date)

(Signature)

**\*UPDATED DECEMBER 12, 2023**

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>.