

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

**ALLISON DODD; MADELYN AKIN;  
LAUREN BELL; MADISON BOWEN;  
KATHERINE FISHER; ELLA HOUK; PARKER LYNCH;  
LAUREN MCNAMARA; NINA NUGENT;  
LAUREN RAMSEY; SADIE ROGERS;  
CHARLOTTE THOMPSON;  
MOLLY WARNER; KARLEY WOLFGRAM;  
and ZOE WUERDEMAN, individually and  
on behalf of others similarly situated,**

**Plaintiffs,**

v.

**Case No. 3:26-cv-00183**

**MARSHALL UNIVERSITY and MARSHALL  
UNIVERSITY BOARD OF GOVERNORS**

**Defendant.**

**COMPLAINT**

1. Plaintiffs, a group of female student-athletes on Marshall University's swimming and diving team, bring this class action lawsuit against Marshall University and its Board of Governors (together, "Defendants" or "Marshall") for discriminating against female student-athletes and potential student athletes at Marshall University on the basis of their sex in violation of Title IX of the Education Amendments of 1972 ("Title IX"), and by depriving them of equal opportunities to participate.

2. On February 12, 2026, Marshall informed the female student-athletes on the swimming and diving team that it intended to eliminate their team.

3. Although blindsided, the Marshall swimmers and divers competed at the 2026 American Athletic Conference Women’s Swimming and Diving Championship the following week, bringing home school records—a 1<sup>st</sup> place in 200 Meter Butterfly, a 2<sup>nd</sup> place in the 100 Meter Freestyle, a 3<sup>rd</sup> place in the 200 Meter Individual Medley, a 4<sup>th</sup> place in the 50 Meter Freestyle, and many other impressive personal and team achievements.<sup>1</sup>

4. Marshall’s intent to eliminate the women’s swimming and diving team is entirely consistent with its history of sex discrimination in its intercollegiate athletic program.

5. Marshall’s actions caused harm to Plaintiffs and to those similarly situated, and constitute intentional, prohibited discrimination based on sex in violation of Title IX and its implementing regulation at 34 C.F.R Part 106, which applies to universities—like Marshall—that receive federal funding.

6. Title IX requires educational institutions receiving federal funds to provide (a) equal opportunities to participate, (b) equal athletic financial aid, and (c) equal treatment in athletics without regard to sex. Marshall receives substantial federal funding, but it fails to provide the required equality to females in its intercollegiate athletic program.

7. Specifically, Marshall fails to satisfy any of the following measures of compliance with Title IX’s mandate to provide equal opportunities to participate to its female student-athletes:

- It fails to provide female student-athletes with athletic opportunities at a rate that is “substantially proportionate” to their undergraduate full-time enrollment rate;

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<sup>1</sup> HerdZone.com, *McNamara Wins 200 Butterfly on Day Three of American Championship*, available at <https://herdzone.com/news/2026/2/20/womens-swimming-and-diving-mcnamara-wins-200-butterfly-on-day-three-of-american-championship> (Feb 20, 2026); wchstv.com, *Marshall women’s swimmers medal, set records in last meet before program is set to be cut*, Anthony Damcott, available at <https://wchstv.com/sports/top-sports/marshall-womens-swimmers-medal-set-records-in-last-meet-before-program-is-set-to-be-cut> (Feb 22, 2026).

- It fails to demonstrate a “history and continuing practice of program expansion responsive to the interests and abilities of the sex that has been historically underrepresented” (*i.e.*, females); and
- It fails to show that the interests and abilities of the historically underrepresented sex have been fully and effectively accommodated.

8. Marshall’s plan to eliminate the women’s swimming and diving team continues and exacerbates its failure to satisfy these requirements and violates Title IX.

9. On February 23, 2026, Plaintiffs’ counsel sent Defendants a letter raising concerns about the plan to eliminate the women’s swimming and diving team, explaining why the elimination of the team would violate Title IX’s dictates, and requesting a dialogue about the continuation of the program and voluntary Title IX compliance.

10. In response, Marshall advised that it intended to proceed with its planned elimination of the team.

11. Marshall’s plan will not result in Title IX compliance. Indeed, it will only exacerbate Marshall’s current violations of the law.

12. In the Fall of 2025, Helen Grant Consulting perform an independent Title IX evaluation (the “outside evaluation”).<sup>2</sup>

13. After this investigation, Helen Grant Consulting concluded that Marshall is out of compliance with Title IX’s athletics participation requirements. *See generally* **Exhibit A** (“Grant Report”).

14. The report confirms that Marshall does not have a history and continuing practice of expanding women’s participation opportunities.

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<sup>2</sup> Helen Grant is recognized nationally as a leading expert in Title XI Compliance. *See Helen Grant Consulting*, <https://www.helengrantconsulting.com/learn-more-about-helen> (last visited March 6, 2026).

15. And the fact that Marshall now seeks to eliminate a fully rostered and highly competitive women’s swimming and diving team means it does not fully and effectively accommodate women’s interests and abilities either.

16. To comply with Title IX, then, Marshall must show substantial proportionality (*i.e.*, that the percentage of women in the athletics program closely approximates the percentage of women in Marshall’s undergraduate student body). But Marshall cannot satisfy this standard. Indeed, it does not come close. And the planned elimination only makes matters worse.

17. Helen Grant Consulting found an average participation gap of 210 between 2023 and 2026. Ex. A at 4. In other words, to reach proportionality, an outside investigation showed Marshall would need to add about 210 more opportunities for female student-athletes.

18. Even Marshall Athletic Director Gerald Harrison recognized that “Marshall needs to improve the proportionality of women’s student athletics to their undergraduate population.”<sup>3</sup>

19. With the Grant Report in hand, Marshall intends to cut the women’s swimming and diving team, thereby eliminating 30 more participation opportunities.

20. Marshall also says it plans to add a women’s STUNT team, which can support up to 65 student-athletes.<sup>4</sup> However, that hypothetical future action—which is almost certainly years away from reality (assuming it *ever* becomes a reality)—will not result in substantial proportionality either.

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<sup>3</sup> Jessica Patterson & Riley McIlmoyle, *Marshall shuts women’s swimming, announces new STUNT program*, available at <https://www.wowktv.com/sports/marshall-sports/marshall-shutters-womensswimming-announces-new-stunt-program/> (Feb. 17, 2026).

<sup>4</sup> HerdZone.com, *A Message from Marshall University President Brad D. Smith Regarding Marshall Athletics*, available at <https://herdzone.com/news/2026/2/17/general-amessage-from-marshall-universitypresident-brad-d-smith-regarding-marshall-athletics> (Feb. 17, 2026).

21. Indeed, if Marshall retained the women's swimming and diving team *and* added a maximum-sized 65-person STUNT team, the school would still be far short of substantial proportionality.

22. By this lawsuit, Plaintiffs seek to end the historic and ongoing discrimination against female student-athletes at Marshall, create lasting gender equity in Marshall's intercollegiate athletic program, and ensure Marshall's future compliance with Title IX.

### **JURISDICTION AND VENUE**

23. This action arises under Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., and the regulations and policies promulgated pursuant to that law.

24. This Court has jurisdiction over Plaintiffs' federal law claims pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), and 1343(a)(4).

25. Declaratory and other relief is authorized pursuant to 28 U.S.C. §§ 2201 and 2202 to obtain the correct interpretation of the legal requirements described in this Complaint, which is necessary and appropriate to determine the parties' respective rights and duties.

26. Venue is proper in the United States District Court for the Southern District of West Virginia, Huntington Division, pursuant to 28 U.S.C. § 1391(b) because Marshall University is in Huntington, West Virginia, which is within this Court's jurisdiction, and all the Defendants reside in West Virginia. In addition, the events giving rise to the Complaint occurred in Huntington, West Virginia, which is within this Court's jurisdiction.

## **THE PARTIES**

### ***Plaintiffs***

#### *Plaintiff Allison Dodd*

27. Alison Dodd is a junior at Marshall majoring in Exercise Science. She expects to graduate in 2027. She is a member of Marshall's swimming and diving team.

28. Ms. Dodd is from Chester, Virginia, and chose to enroll at Marshall because "of the amazing people here. [She] knew from her first phone call with Coach Ian and the second [she] visited campus that Marshall was truly special!"<sup>5</sup>

29. Marshall's plan to eliminate the women's swimming and diving team has shaken the foundation of Ms. Dodd's college experience. Being a member of the team provided her with development and leadership opportunities that have been the epicenter of her last three years at Marshall. The elimination of the team by Marshall has left her with a distrust of school leaders who claimed they supported women's athletics.

30. Ms. Dodd can't transfer to another collegiate swimming and diving program because she has built connections here through academics that are crucial to her professional development. Leaving Marshall now would set her back academically and professionally.

#### *Plaintiff Madelyn Akin*

31. Madelyn Akin is a sophomore at Marshall majoring in Biology. She expects to graduate in 2028. She is a member of Marshall's swimming and diving team.

32. Ms. Akin hails from Zionsville, Indiana, and chose to enroll at Marshall because "of all the support it had in academics and in athletics."<sup>6</sup>

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<sup>5</sup> HerdZone.com, *Allison Dodd*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/allison-dodd/10412> (last visited March 6, 2026).

<sup>6</sup> HerdZone.com, *Maddy Akin*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/maddy-akin/10411> (last visited March 6, 2026).

33. The elimination of the team has caused significant emotional stress for Ms. Akin because she doesn't know what next year will look like—where she will go to school, where she will live, who her teammates will be, or even if she will be able to continue swimming.

34. This situation has also affected Ms. Akin physically, academically, and athletically, as the stress made it hard for her to sleep and eat, the recruiting process and visits cause her to miss class and reduce her study time, and the news just days before the team's biggest competition of the year negatively impacted her performance.

*Plaintiff Lauren Bell*

35. Lauren Bell is a freshman at Marshall. She is a Nursing major. She expects to graduate in 2029. She is a member of Marshall's swimming and diving team.

36. Ms. Bell is from Latrobe, Pennsylvania.

37. Ms. Bell's biggest role models are the upperclassmen on Marshall's women's swimming and diving team.<sup>7</sup>

38. Since the announcement that the team would be eliminated, Ms. Bell has been grieving the potential loss of her team. She has found it difficult to complete schoolwork while also navigating the recruiting process, again, so soon after she arrived at Marshall.

39. The team has become Ms. Bell's family, and she is extremely sad that it may be taken away.

40. Marshall is also one of the only universities that allows students to major in nursing while competing in a Division I sport. Ms. Bell will likely have to choose between pursuing a nursing career or continuing to swim in college—a heartbreaking choice.

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<sup>7</sup> HerdZone.com, *Lauren Bell*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/lauren-bell/10973> (last visited March 6, 2026).

*Plaintiff Madison Bowen*

41. Madison Bowen is a freshman at Marshall majoring in Elementary Education. She expects to graduate in 2029. She is a member of Marshall's swimming and diving team.

42. Ms. Bowen is from Emerald Isle, North Carolina.

43. Thinking she would have many more opportunities to swim with her Marshall team, Ms. Bowen chose to have surgery just two days before being told that Marshall planned to eliminate her team and a week before the conference championship. Ms. Bowen is devastated she was unable to participate in what might be the last competition for the team and herself.

44. Since the announcement of Marshall's intent to eliminate the team, Ms. Bowen has been focused on doing anything she can to keep the team in place and has therefore found it difficult to focus on her schoolwork or anything else.

45. She has been struggling to sleep and eat as she has tried to contemplate her future without her team at Marshall. She is physically and mentally exhausted.

*Plaintiff Katherine Fisher*

46. Katherine Fisher is a junior at Marshall pursuing her Bachelor of Fine Art in Visual Art. She expects to graduate in 2027. She is a member of Marshall's swimming and diving team.

47. Ms. Fisher is from Lebanon, Ohio, and chose to enroll at Marshall because "it felt like home. The coaching staff was so kind to [her] and all the girls were so welcoming. Before recruiting opened, [she] didn't even know about Marshall. But the second [her] eyes were opened to it, [she] knew it was where [she] was meant to be."<sup>8</sup>

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<sup>8</sup> HerdZone.com, *Katie Fisher*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/allison-dodd/10412> (last visited March 6, 2026).

48. Marshall's plan to eliminate the team took from Ms. Fisher her routine, her purpose, and the family that gave her life structure. Overnight, the goals and identity she had built over the last fifteen years of being a swimmer were gone.

*Plaintiff Ella Houk*

49. Ella Houk is a freshman at Marshall and expects to graduate in 2029. She is a member of Marshall's swimming and diving team.

50. Ms. Hook is from Kent, Ohio, and chose to enroll at Marshall "for the community and the environment."<sup>9</sup>

*Plaintiff Parker Lynch*

51. Parker Lynch is a junior at Marshall majoring in Nursing. She expects to graduate in 2027. She is a member of Marshall's swimming and diving team.

52. Ms. Lynch is from Nashville, Tennessee, and chose to enroll at Marshall because the school had "everything" she was "looking for in academic, athletic, and total collegiate experience."<sup>10</sup>

53. Marshall's announcement that it planned to eliminate the team just days before the conference championship forced Ms. Lynch, who is recovering from hip surgery, to make a difficult decision to compete at what might be the last Marshall women's swimming and diving competition.

54. In addition, the threatened elimination has made it hard for Ms. Lynch to focus on her schoolwork, which is especially intense given her major.

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<sup>9</sup> HerdZone.com, *Ella Houk*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/ella-houk/10977> (last visited March 6, 2026).

<sup>10</sup> HerdZone.com, *Parker Lynch*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/parker-lynch/10417> (last visited March 6, 2026).

55. Ms. Lynch chose Marhsall because they were totally supportive of her ambition to both compete at the Division I level and graduate with a Nursing degree.

56. If the team is eliminated, Ms. Lynch will no longer be able to swim in a collegiate program because her nursing credits would not transfer to a new university.

*Plaintiff Lauren McNamara*

57. Lauren McNamara is a sophomore at Marshall majoring in Secondary Education. She expects to graduate in 2028. She is a member of Marshall's swimming and diving team.

58. Ms. McNamara is from Flatrock, Michigan, and chose to enroll at Marshall "due to the close-knit family feel [she] noticed on [her] recruiting visit."<sup>11</sup> She chose "Marshall because it felt like home." *Id.*

59. The plan to eliminate the women's swimming and diving team has changed Ms. McNamara's life as a student, as an athlete, as a sister, as a daughter, and as a friend. With very little time to weigh her options with other swimming and diving programs, she must now go out and try to find a new home and a new family if she wants to keep swimming. These efforts have left her physically and emotionally exhausted.

60. In addition, Ms. McNamara must make the difficult decision in the next week whether to accept an offer to transfer to a new program.

*Plaintiff Nina Nugent*

61. Nina Nugent is a junior at Marshall. She is majoring in Biomedical Engineering. She expects to graduate in 2027. She is a member of Marshall's swimming and diving team.

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<sup>11</sup> HerdZone.com, *Lauren McNamara*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/lauren-mcnamara/10419> (last visited March 6, 2026).

62. Ms. Nugent is from Wake Forest, North Carolina, and chose to enroll at Marshall because “of the community [she] saw, not only with the girls on the swim team, but with the whole school.”<sup>12</sup>

63. Since hearing that Marshall intends to eliminate her team, Ms. Nugent has found it hard to focus on schoolwork. Coming to the realization that she may never swim at the collegiate level again has been difficult for her.

64. Ms. Nugent is unable to transfer to another program given the rigors and requirements of her major.

*Plaintiff Lauren Ramsey*

65. Lauren Ramsey is a junior at Marshall studying nursing. She expects to graduate in 2027. She is a member of Marshall’s swimming and diving team.

66. Ms. Ramsey is from Birdsboro, Pennsylvania, and chose to enroll at Marshall because of “the amazing academics, team atmosphere, coaching staff, and flexibility that will allow [her] to succeed in both the pool and in the classroom.”<sup>13</sup>

67. Marshall’s plan to eliminate the team has devastated Ms. Ramsey. When she committed to Marshall, she was promised the opportunity to pursue both her nursing degree as well as swim for four years in a Division I program. If the team at Marshall is eliminated, Ms. Ramsey will no longer be a collegiate varsity swimmer as she can’t transfer without having to start over academically.

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<sup>12</sup> HerdZone.com, *Nina Nugent*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/nina-nugent/10420> (last visited March 6, 2026).

<sup>13</sup> HerdZone.com, *Lauren Ramsey*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/lauren-ramsey/10421> (last visited March 6, 2026).

68. In addition, the team at Marshall has been Ms. Ramsey's second family. Having that family taken away with no warning and no transparency has been extremely hard for her to process.

*Plaintiff Sadie Rogers*

69. Sadie Rogers is a freshman at Marshall majoring in International Business. She expects to graduate in 2029. She is a member of Marshall's swimming and diving team.

70. Ms. Rogers is from Rochester, Michigan, and chose to enroll at Marshall because of the community.<sup>14</sup>

71. Marshall's decision to eliminate the women's swimming and diving team has made Ms. Rogers feel that she no longer has value as a student or as an athlete. The decision has made her worry about her future and that something like the sudden elimination of her team could happen again with a different program.

72. Ms. Rogers is in the Marshall honors program and had planned to join the accelerated master's program, which she would not be able to do at a new school due to issues with transferring credits.

73. She now must decide between the academic path she built for herself at Marshall or leaving to continue her athletic career. It is not a decision she ever thought she would have to make.

*Plaintiff Charlotte Thompson*

74. Charlotte Thompson is a junior at Marshall studying Nursing. She expects to graduate in 2027. She is a member of Marshall's swimming and diving team.

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<sup>14</sup> HerdZone.com, *Sadie Rogers*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/sadie-rogers/10971> (last visited March 6, 2026).

75. Ms. Thompson is from Dacula, Georgia, and chose Marshall because “[t]he team was so welcoming and the atmosphere of the school and the nursing program felt like home.”<sup>15</sup>

76. When Ms. Thompson was recruited by Marshall as a junior in high school, she was promised the opportunity to pursue both the chance to swim in a Division I program while earning a Bachelor of Science in Nursing, a very specific and rare combination. She chose to move far from home, and the women’s swimming and diving team has become her family. To have that family taken away is devastating.

77. If the team is eliminated, Ms. Thompson will no longer be able to swim in a collegiate program because her nursing credits would not transfer to a new university.

*Plaintiff Molly Warner*

78. Molly Warner is a junior at Marshall majoring in Biology. She expects to graduate in 2027. She is a member of Marshall’s swimming and diving team.

79. Ms. Warner is from Shelby Township, Michigan.

80. Since Marshall announced its decision to eliminate the women’s swimming and diving team, Ms. Warner has found it hard to focus on anything but the negative consequences of that decision. It has caused extreme stress and emotional turmoil.

81. In addition, Ms. Warner must make the difficult decision in the next week whether to accept an offer to transfer to a new program.

*Plaintiff Karley Wolfgram*

82. Karley Wolfgram is a freshman at Marshall majoring in Exercise Science. She expects to graduate in 2029. She is a member of Marshall’s swimming and diving team.

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<sup>15</sup> HerdZone.com, *Charlotte Thompson*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/charlotte-thompson/10424> (last visited March 6, 2026).

83. Ms. Wolfgram is from Lenoir City, Tennessee, and chose to enroll at Marshall “because of how welcoming the [swimming and diving] team was.”<sup>16</sup>

84. Marshall’s plan to eliminate that team has put extreme emotional stress on Ms. Wolfgram. Completing schoolwork and keeping her grades up during this time is extremely difficult, especially while trying to pursue swimming opportunities at another school.

85. Ms. Wolfgram planned to stay at Marshall for four years with her best friends. Now the elimination of the team has given her a great deal of uncertainty and stress about her future. Moving to a new school and a new team will be very difficult for Ms. Wolfgram, who had finally settled in at Marshall and loves it.

*Plaintiff Zoe Wuerdeman*

86. Zoe Wuerdeman is a freshman at Marshall and is expected to graduate in 2029. She is a member of Marshall’s swimming and diving team.

87. Ms. Wuerdeman is from Cincinnati, Ohio and chose to enroll at Marshall because of the “environment and the spirit of community.”<sup>17</sup>

*Defendants*

88. Defendant Marshall University is a recipient of federal funds and is required to comply with Title IX and all implementing regulations.

89. Defendant Marshall University holds itself out as a university committed to providing top-quality intercollegiate sports programs. The university uses this distinction as part of its efforts to recruit top student-athletes and coaching staff.

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<sup>16</sup> HerdZone.com, *Karley Wolfram*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/karley-wolfram/10972> (last visited March 6, 2026).

<sup>17</sup> HerdZone.com, *Zoe Wuerdeman*, available at <https://herdzone.com/sports/womens-swimming-and-diving/roster/zoe-wuerdeman/10965> (last visited March 6, 2026).

90. Defendant Marshall University Board of Governors (the “Board”) is a sixteen-member body responsible for adopting regulations and policies governing the university.

91. The Board has authority over educational planning, financial decisions, campus planning, and the school’s athletics programs, including what sports are offered, what aid and other benefits student-athletes are provided, and how those student-athletes are treated.

92. Under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and the regulations adopted pursuant to 34 C.F.R Part 106, Defendants Marshall and the Board must provide equality of opportunity for women and men in every program Marshall offers, including equal opportunities for male and female athletes in the intercollegiate sports programs.

### **FACTUAL ALLEGATIONS**

#### **The Women’s Swimming and Diving Team**

93. On Thursday, February 12, 2026, the women’s swimming and diving team held their regularly scheduled morning practice and prepared for the American Athletic Conference Championships taking place the following week.

94. Later that day, team members received a message from their coach about a mandatory meeting to occur that day at 2:00 PM. The women had approximately two hours’ notice to rearrange their schedules—some athletes were forced to miss classes or doctor’s appointments—to attend the meeting.

95. In a meeting lasting approximately two-and-a-half *minutes* in total, Athletic Director Gerald J. Harrison informed the athletes that Marshall intended to eliminate their team.

96. Director Harrison told the athletes that out of the “cuttable” women’s sports at Marshall, swimming and diving was the most expensive. He did not explain what, in his view, made women’s sports “cuttable.”

97. Marshall had informed the team's head coach, Ian Walsh, of its intent to cut the women's swimming and diving team on the evening of February 11, 2026.

98. Marshall had informed its student body president two days earlier.

99. Marshall scheduled a compliance meeting for February 13, 2026, allegedly to inform the student-athletes of their options and to teach them about the transfer portal.

100. At the compliance meeting, Marshall advised the student-athletes to put their names in the portal—saying: “just do it to be safe.”

101. During the compliance meeting, a Marshall representative stated that the school would remain in compliance with Title IX obligations while simultaneously admitting that the school does not currently comply with any prong of the applicable Three-Part Test.

102. On February 17, 2026, during the conference championships, Marshall's President Brad D. Smith issued a public statement regarding the school's plan to eliminate the women's swimming and diving team.

103. The impact of Defendants' decision has been immediate and detrimental to the student-athletes and to the coaches and staff members associated with the team.

104. The elimination of the women's swimming and diving team was not only surprising and devastating to the athletes on those teams, but it was also a clear violation of federal law.

105. Title IX prohibits Marshall from engaging in sex-based discrimination, including in its athletics program.

106. As applied to Marshall, Title IX says that “intercollegiate level participation opportunities for male and female students” must be “provided in numbers substantially proportionate to their respective enrollments.” 44 Fed. Reg. 71418 (Jan. 16, 1996).

107. As interpreted by the OCR, this means that, if a university has a full-time undergraduate population that is 60% female and 40% male, the school's varsity athletics program should ideally be 60% female and 40% male. Minor differences from true proportionality will not matter, because, among other things, enrollment numbers and team sizes will reasonably vary from year to year. The key question is whether the number of opportunities required to fill the gap would be "sufficient to sustain a viable team, *i.e.*, a team for which there is a sufficient number of interested and able students and enough available competition to sustain an intercollegiate team." Office of Civil Rights, U.S. DOE, *Clarification of Intercollegiate Athletics Policy Guidance: the Three-Part Test* at 3 (Jan. 15, 1996) ("1996 OCR Clarification"). If the gap is smaller than such a team, the numbers are "substantially proportionate." Not so if the gap is larger.

108. At Marshall, as discussed below, the intercollegiate level participation opportunities for male and female students have not been provided in numbers substantially proportionate to their respective enrollment for years—and the picture is only worse with the elimination of the women's swimming and diving team. The gap created by cutting this team will necessarily "be sufficient to sustain a viable team, *i.e.*, a team for which there is a sufficient number of interested and able students and enough available competition to sustain an intercollegiate team"—namely, the women's swimming and diving team.

109. Thus, the elimination of the women's swimming and diving team violates Title IX.

110. In addition to this most recent and obvious violation of Title IX, Defendants have historically discriminated and continue to discriminate against women student-athletes and potential student-athletes at Marshall on the basis of their sex by depriving them of equal opportunities to participate in Marshall's intercollegiate athletic program.

111. Marshall has been significantly out of compliance with this participation requirement for years.

112. These realities conclusively demonstrate that Marshall cannot satisfy either of the alternative paths to Title IX compliance set forth by the United States Department of Education's Office for Civil Rights ("OCR") (*i.e.*, a history and pattern of program expansion that meets women's interest or full and effective accommodation by the present program).

113. In particular, Marshall does not have a history of expanding opportunities for women. Instead, female participation in its athletics program has been stagnant for a decade. And Marshall has not added a women's team in over two decades.

114. In addition, because it now plans to eliminate a fully rostered women's team, Marshall does not have a continuing practice of program expansion here.

115. For similar reasons, particularly with the planned elimination of a fully rostered and highly competitive women's swimming and diving team, Marshall does not fully and effectively accommodate the interests and abilities of women.

### **Title IX Requirements**

116. Marshall is a member of the NCAA, and the women's swimming and diving team competes in the American Athletic Conference ("AAC"). Marshall participates in Division I athletics, the highest level of intercollegiate competition.

117. At the beginning of the 2025-2026 academic year, Marshall sponsored men's baseball, basketball, cross country, football, golf, soccer, and track & field. During the same period, Marshall sponsored women's basketball, cross country, golf, soccer, softball, swimming & diving, tennis, track & field, and volleyball. Each of these sports is segregated based on sex.

118. Because Marshall receives federal financial assistance, its athletic program is subject to Title IX, and Marshall must comply with Title IX's requirements. 20 U.S.C. § 1687.

119. 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).

120. Applying Title IX to intercollegiate athletics, OCR has adopted regulations requiring educational institutions receiving federal funds to “provide equal athletic opportunity for members of both sexes.” 34 C.F.R § 106.41(c).

121. The United States Department of Education (“DOE”) later adopted these regulations and codified them at 34 C.F.R. Part 106 (collectively, the “Regulations”). These regulations are enforced by OCR.

122. In 1979, OCR issued a policy interpretation of Title IX and the Regulations as applied to intercollegiate athletics at 44 Fed. Reg. at 71418 (the “OCR Policy Interpretation”).

123. The OCR Policy Interpretation sets forth three areas of compliance under Title IX as it relates to college sports: (1) effective accommodation of student interests and abilities; (2) equal athletic financial assistance; and (3) equal treatment and benefits for athletic teams.

124. Violation of the requirements of Title IX constitutes intentional sex discrimination.

125. As particularly relevant here, the elimination of the women's swimming and dive team, knowing the team is made up only of women, is intentional sex discrimination that violates Title IX unless Marshall can demonstrate that it will provide women “substantially proportionate” participation opportunities after the cuts become effective. *See, e.g., Mayerova v. E. Michigan Univ.*, 346 F. Supp. 3d 983, 986 (E.D. Mich. 2018).

126. Marshall fails the first area of compliance because it fails to provide effective accommodation of student interests and abilities for its female student-athletes, and it will not provide women “substantially proportionate” participation opportunities after the team is cut—not even if it adds a fully rostered STUNT team.

**Marshall fails to accommodate female student-athletes’ interests and abilities.**

127. The OCR Policy Interpretation established three different ways to measure whether Marshall effectively accommodates female athletes’ interest and abilities. One of the following three parts must be satisfied for Marshall to be in compliance:

- (1) Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or
- (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 interest and abilities of the members of that sex; or
- (3) Where the members of one sex are underrepresented amount intercollegiate athletes, and the institution cannot show a continuing practice of program expansion such as that cited 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.

44 Federal Register 71,413 a 71,418 (1979) (the “Three-Part Test”).

128. Every federal court of appeals that has considered the three-part test’s validity has upheld it. *See e.g., Mansourian v. Regents of Univ. of California*, 602 F.3d 957, 961 (9th Cir. 2010); *Equity in Athletics v. Dep’t of Educ.*, 504 F. Supp. 88, 102-05 (W.D. Va. 2007), *aff’d* 291 2008 WL 4104235 (4th Cir. 2008); *see also McCormick v. School Dist. Mamaroneck*, 370 F.3d 273, 288 (2d Cir. 2004); *Chalenor v. Univ. of N.D.*, 292 F.3d 1042, 1046-47 (8th Cir. 2002).

129. Marshall cannot comply with any part of the Three-Part Test. Nor can it show that its sex-segregated athletics program offers women equal opportunities to participate. Accordingly, Marshall is violating Title IX.

130. Notably, Marshall's outside evaluation in the fall of 2025 concluded that Marshall does not currently meet any prong of the Three-Part Test.

131. First, it concluded that Marshall fails to provide "intercollegiate level participation opportunities for male and female students in numbers substantially proportionate to their respective enrollments." Ex. A at 5.

132. The outside evaluation reviewed the past three academic years of participation data, the results of which are summarized in the following table:

<b>TABLE 1</b>		<b>THREE-YEAR TEST 1 – PROPORTIONALITY CALCULATIONS</b>					
<b>FT UG Enrollment</b>	<b>AY 2023-24</b>		<b>AY 2024-25</b>		<b>AY 2025-26</b>		
Men	2,718	43.0%	2,881	44.1%	3,124	43.0%	
Women	3,599	57.0%	3,658	55.9%	4,137	57.0%	
<b>TOTALS</b>	<b>6,317</b>	<b>100%</b>	<b>6,539</b>	<b>100%</b>	<b>7,261</b>	<b>100%</b>	
<b>Athletic Participation</b>							
Men	354	59.4%	354	61.1%	297	56.4%	
Women	242	40.6%	225	38.9%	230	43.6%	
<b>TOTALS</b>	<b>596</b>	<b>100%</b>	<b>579</b>	<b>100%</b>	<b>527</b>	<b>100%</b>	
<b>% Difference (Favoring)</b>	<b>16.4%</b>	<b>(Men)</b>	<b>17.1%</b>	<b>(Men)</b>	<b>13.3%</b>	<b>(Men)</b>	
<b>Participation Opportunities</b>	<b>225+</b>		<b>250+</b>		<b>160+</b>		

*Id.*

133. This table reveals significant participation gaps, which will only be made larger by the planned elimination of the women's swimming and diving team.

134. Marshall's history of a significant participation gap extends back to at least 2014.

135. The numbers provided by Marshall as part of the Equity in Athletics Disclosure Act (“EADA”) from 2014-24, which are summarized in the following chart and which are publicly available from the Department of Education’s website, reveal a steadily worsening female participation gap (*i.e.*, the number of women Marshall would need to add to the athletics program to reach proportionality).

Year	Undergraduate Student Body					Athletics Program					
	Males	Male %	Females	Female %	Total	Male Athletes	Male %	Female Athletes	Female %	Total	Gap
2014-15	3,535	43.90%	4,517	56.10%	8,052	201	48.43%	214	51.57%	415	43
2015-16	3,442	43.39%	4,491	56.61%	7,933	215	48.53%	228	51.47%	443	53
2016-17	3,454	43.63%	4,463	56.37%	7,917	226	48.39%	241	51.61%	467	51
2017-18	3,357	43.19%	4,416	56.81%	7,773	217	47.28%	242	52.72%	459	43
2018-19	3,179	43.02%	4,211	56.98%	7,390	219	50.81%	212	49.19%	431	78
2019-20	3,026	43.05%	4,003	56.95%	7,029	236	52.21%	216	47.79%	452	96
2020-21	2,940	42.20%	4,027	57.80%	6,967	273	50.37%	269	49.63%	542	105
2021-22	2,716	41.64%	3,806	58.36%	6,522	252	50.81%	244	49.19%	496	109
2022-23	2,679	42.50%	3,625	57.50%	6,304	293	55.39%	236	44.61%	529	160
2023-24	2,789	42.66%	3,749	57.34%	6,538	364	60.36%	239	39.64%	603	250

136. As these charts make clear, Marshall’s undergraduate population has remained remarkably consistent for the past ten years, always hovering around 57% female and 43% male. Over that same period, Marshall’s men’s teams have grown substantially—from a low of 201 student athletes in 2014-15 to a high of 364 student-athletes in 2023-24. Women’s teams, meanwhile, have largely stayed the same, averaging about 234 student-athletes each year.

137. The highlighted columns entitled “participation opportunities” in the outside evaluation and “gap” in the EADA chart represent the number of female student-athletes Marshall would have needed to add, in a given year, to reach proportionality. Since 2014, that figure was *never* smaller than 43. The figure has exceeded 75 for the most recent eight years, and it has exceeded 100 for six consecutive years, culminating in monstrous gaps of at least 225+ in 2023-2024, 250+ in 2024-2025, and 160+ in 2025-2026.

138. As the numbers clearly demonstrate, Marshall's plan to cut the women's swimming and diving team will constitute a flagrant violation of Title IX.

139. The second part of the Three-Part Test asks whether the institution can show a history and continuing practice of program expansion.

140. Marshall cannot.

141. In fact, the elimination of the women's swimming and diving team, without more, precludes Marshall from satisfying part two of the Three-Part Test.

142. In addition, Marshall previously eliminated women's teams, including the Badminton and Field Hockey teams in the early 1970's and women's golf in 1983 (reinstated 2002).

143. Moreover, Marshall has not added a women's sport since 2002, when it added women's swimming and diving.

144. And Marshall's female participation figures (as shown in the EADA charts) have been stagnant for the past decade.

145. Further, Marshall has no concrete plans, with a date certain, to add a women's sport.

146. Non-specific promises to add a STUNT team at some time in the next two years do not satisfy this prong. In fact, even concrete plans with a date certain would not constitute a history or continuing practice of program expansion for women.

147. The final part of the Three-Part Test asks whether Marshall's current athletics program fully and effectively accommodates women's interests and abilities.

148. Because it intends to cut the women's swimming and diving team, Marshall cannot prevail on this prong. *See Biediger v. Quinnipiac Univ.*, 616 F. Supp. 2d 277, 294 (D. Conn. 2009) ("There is no question that, if Quinnipiac fails to meet prong one of Title IX compliance, it will be

out of compliance with Title IX. That is because, by eliminating a women's team while there is sufficient interest to field one, the University will have failed to demonstrate that it is committed to expanding opportunities for the underrepresented gender—women—or that it has fully and effectively accommodated the interests and abilities of that underrepresented gender.”).

### **INJUNCTIVE RELIEF**

149. Plaintiffs are entitled to immediate injunctive relief that requires Defendants to forego its plan to eliminate any women's sport, including the women's swimming and diving team.

150. Failure to grant the requested injunctive relief will cause irreparable harm to the Plaintiffs by allowing Defendants' discrimination against them to persist and by forever denying them an equal opportunity to participate in varsity intercollegiate athletics at Marshall.

151. If Defendants are not restrained from eliminating women's sports, including women's swimming and diving, Plaintiffs will never again have the opportunity to participate in this valuable experience at Marshall—one that provides academic, physical, psychological, social, and even economic benefits.

152. In addition, when the transfer portal is fully open on March 11, 2026, some members of the swimming and diving team will have to make decisions to stay at Marshall or go to a new swimming and diving program. Losing these members of the team will devastate the swimming and diving program at Marshall.

153. There is no adequate remedy at law for this harm.

154. If the Court were to act quickly, the athletes on the women's swimming and diving team could stay with the Marshall program.

155. Similarly, the coaches and staff would be able to work with the athletes during this academic year and prepare for the 2026-27 season, including by recruiting, budgeting, scheduling competition for the season, and ensuring proper facilities are available.

156. As more time passes, it becomes increasingly difficult—if not impossible—for the teams and athletes to train and prepare adequately for the next season.

157. The continuing, irreparable harm caused by Defendants' discriminatory actions far outweighs any possible harm that granting the injunctive relief might cause Defendants.

158. Preliminarily enjoining Defendants' elimination of women's sports, including the varsity women's swimming and diving team, would merely ensure continuation of the status quo during this litigation.

159. Defendants will suffer no harm by continuing its current slate of women's sports, including the women's varsity swimming and diving team, other than the monetary cost of those teams, which Marshall has already borne for many years.

160. The lifelong harm caused to Plaintiffs by Defendants' discrimination is irreparable and can never be adequately compensated with money. This harm far outweighs any monetary cost incurred by Defendants to continue its current offering of women's sports.

161. Importantly, Defendants could choose to allocate Marshall's budget and athletic opportunities more equitably merely by shifting Marshall's longstanding favoritism toward men to a more equal allocation between men and women.

162. The injunctive relief that Plaintiffs request will promote the public interest by increasing educational opportunities for female students, ending sex discrimination against female student-athletes and potential student-athletes in Marshall's intercollegiate athletic program, and requiring the Defendants to comply with federal law.

163. Congress decided that ending such discrimination is in the public interest when it enacted Title IX. It has reaffirmed that public interest over the past fifty years by defeating every attempt to weaken Title IX. Equal opportunity for all students—male and female—is at the core of this case, is at the core of American values, and is clearly in the public interest.

### **CLASS ALLEGATIONS**

164. Plaintiffs bring this action on behalf of themselves and a class of all those similarly situated, pursuant to Federal Rule of Civil Procedure 23(a) and (b)(2).

165. Plaintiffs seek to represent a class of all present and future women students and potential students at Marshall who participate, seek to participate, and/or are deterred from participating in the intercollegiate athletics at Marshall.

166. Each of the named Plaintiffs is a member of the proposed class and has been injured by the Defendants' sex discrimination in Marshall's varsity athletics program. The announced plan to eliminate Marshall's women's swimming and diving team exacerbates the discrimination by eliminating female athletic participation opportunities at Marshall.

167. The proposed class meets the "numerosity" requirement of Federal Rule of Civil Procedure 23(a)(1) because there are approximately 230 female student-athletes at Marshall and joinder of all of them is impracticable.

168. The proposed class also meets those requirements because joinder of all class members and all persons harmed by Defendants' ongoing sex discrimination in Marshall's varsity intercollegiate athletic program is not just impracticable, but impossible.

169. The proposed class is known to exist, but the members of the class will change during this litigation because of the nature of college enrollment and athletic participation. Students at Marshall generally aim to graduate four years after they matriculate. Athletes are

eligible to participate in their sport for only four years, according to the rules of the NCAA. Accordingly, the members of the class harmed by Defendants' discrimination will change as each outgoing class of students graduates and another incoming class of students enrolls at Marshall.

170. Not all members of the plaintiff class are currently identifiable because the class includes prospective and future students who will enroll at Marshall during this litigation or who will be deterred from enrolling at Marshall because of Defendants' failure to provide athletic participation opportunities for female student-athletes, including the sports in which they want to participate.

171. Not all members of the plaintiff class are currently identifiable because the class includes not only swimmers and divers, but also all present, prospective, and future female students who want to participate in other varsity intercollegiate sports that are not offered at Marshall.

172. Plaintiffs are not aware of Marshall having surveyed its present or prospective student body to assess athletic interests and abilities.

173. Moreover, because Marshall recruits high school and transfer students from around the world, Marshall could increase and thus realize athletic participation opportunities for female students by starting virtually any new women's varsity sports team and then recruiting women to enroll and participate.

174. It is unknown how many present, prospective, or future female student-athletes would enroll at Marshall or would participate in athletics at the university if it stopped discriminating against women. The hundreds of additional student-athletes who might apply, be recruited, or participate in Marshall's varsity intercollegiate athletic program if Defendants added the necessary athletic opportunities to provide equal opportunities for women are too numerous to make joinder practicable.

175. Joinder is impracticable because the class includes members whose identities are not currently known. There are female students at Marshall whose names are currently unknown, but who would participate in varsity athletics at Marshall if Defendants did not intentionally discriminate in the operation of its athletic program or if Defendants offered the sports or events in which they want to participate.

176. Joinder is impracticable because the class includes unknown and unidentifiable perspective and future students who will enroll at Marshall during this litigation or who will be deterred from enrolling at Marshall because of the sex discrimination in the school's varsity intercollegiate athletic program.

177. Plaintiffs satisfy the "commonality" requirement of Federal Rule of Civil Procedure 23(a)(2) because they share questions of law and fact in common with the proposed class, particularly whether Defendants are violating Title IX by failing to provide female student-athletes with equal opportunities to participate in varsity intercollegiate athletics.

178. Because Title IX requires comparison of the sex-segregated men's and women's athletic programs, the Title IX issues in this action are inherently class-based.

179. Plaintiffs satisfy the "typicality" requirement of Federal Rule of Civil Procedure 23(a)(3) because their claims are typical of those of the proposed class. They all have been denied, are continuing to be denied, or will be denied equal opportunities to participate in varsity intercollegiate athletics, equal athletic financial aid, and equal treatment at Marshall because of Defendants' ongoing sex discrimination.

180. Plaintiffs want the Court to prohibit Defendants from eliminating women's varsity intercollegiate athletic opportunities at Marshall and to require Defendants to preserve all women's teams, including the women's swimming and diving team, and to comply with Title IX.

181. Plaintiffs are members of the proposed class and will fairly and adequately represent the interests of the class pursuant to Federal Rule of Civil Procedure 23(a)(4). They intend to prosecute this action vigorously to secure fair and adequate injunctive relief for the entire class and have retained counsel with significant experience and success prosecuting Title IX class actions against universities.

182. Plaintiffs satisfy the requirement that class certification would be superior to other methods available for the fair and efficient adjudication of the controversy required by Federal Rule of Civil Procedure 23(b)(2) because Defendants have acted or refused to act on grounds generally applicable to the class—denying female student-athletes at Marshall equal opportunities to participate in varsity intercollegiate athletics, including, but not limited to, women’s swimming and diving—thereby making final declaratory and injunctive relief appropriate with respect to the class as a whole.

183. Undersigned counsel have devoted substantial time to identifying and investigating the potential claims in this action, have developed detailed knowledge of the facts and the applicable law, and have sufficient resources to commit to representing this putative class as interim counsel under Federal Rule of Civil Procedure 23(g)(3) until such time as this Court determines whether to certify the action as a class action.

## **COUNT I**

### **Title IX**

#### **Unequal Allocation of Athletic Participation Opportunities By the Plaintiffs and Plaintiff Class**

184. Plaintiffs re-allege and incorporate by reference paragraphs 1-183.

185. The Plaintiffs bring this claim as a class action as set forth in the Class Allegations.

186. Defendants determine the number of athletic participation opportunities that Marshall will provide to male and female students by choosing which sports it will offer to each sex and by deciding how many athletes Marshall will allow to participate on each sports team.

187. Defendants fail to provide female students an equal opportunity to participate in varsity intercollegiate athletics in violation of Title IX and 34 C.F.R §106.41(c)(1).

188. Defendants fail to comply with each part of the Three-Part Test, described above, and fail to demonstrate compliance with the requirements of Title IX.

189. Defendants do not provide female students with varsity intercollegiate athletic participation opportunities in a number substantially proportionate to female undergraduate enrollment.

190. Defendants intend to eliminate a fully rostered and highly competitive varsity team that had female participants with the interest and ability to play.

191. Defendants cannot show a history or continuing practice of program expansion for women. Instead, by eliminating the women's swimming and diving team, the Defendants move further out of compliance.

192. Plaintiffs have the interest and ability to participate in women's varsity swimming and diving. High school students (the source of most of Defendants' incoming, prospective, and future students) also have the interest and ability to participate in swimming and diving. Competition exists in swimming and diving because it is a major NCAA sport and Marshall has offered the sport for over two decades—as have other schools in the NCAA.

193. Defendants will continue and exacerbate their existing pattern and practice of sex discrimination in the allocation of athletic participation opportunities at Marshall if they are not

restrained from eliminating female athletic participation opportunities, including by eliminating the women's varsity swimming and diving team.

194. Plaintiffs seek a declaration that Defendants engaged in discrimination on the basis of sex by failing to offer female students an equal opportunity to participate in intercollegiate athletics at Marshall.

195. Plaintiffs seek expedited preliminary and permanent injunctive relief requiring Defendants to stop discriminating in the operation of Marshall's intercollegiate athletics program and to maintain all currently offered women's sports, including women's swimming and diving.

196. As a result of Defendants' discriminatory actions, Plaintiffs have been denied and/or imminently will be denied their civil right to receive equal opportunities to participate in varsity intercollegiate athletics free of sex discrimination.

197. They have been denied the educational, economic, physical, and psychological, and social benefits of athletic participation.

198. If Defendants are not restrained from eliminating women's sports, including the women's swimming and diving team, these athletes will forever lose the opportunity to participate in intercollegiate sports at Marshall—an opportunity that lasts only four years, but that provides a lifetime of educational, economic, physical, psychological, and social benefits.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray that this Court:

A. Certify this case as a class action on behalf of all present and future female students and potential students at Marshall who participate, seek to participate, and/or are deterred from participating in intercollegiate athletics at Marshall; appoint Plaintiffs as class representatives; and appoint Plaintiffs' counsel as class counsel;

B. Enter an order declaring Defendants have engaged in a past and continuing pattern and practice of discrimination against female students on the basis of sex in the operation of Marshall's varsity intercollegiate athletics program, in violation of Title IX and the regulations promulgated thereunder;

C. Issue a temporary restraining order barring Defendants from discriminating against female students on the basis of sex in Marshall's varsity intercollegiate athletics program and prohibiting Defendants from eliminating any women's sport, including the women's swimming and diving team, unless and until Marshall is and will be in compliance with Title IX;

D. Issue preliminary and permanent injunctions barring Defendants from discriminating against female students on the basis of sex in Marshall's varsity intercollegiate athletics program and prohibiting Defendants from eliminating any women's sport, including the women's swimming and diving team, unless and until Marshall is and will be in compliance with Title IX;

E. Maintain jurisdiction over this action to monitor Defendants' compliance with this Court's orders;

F. Award Plaintiffs compensatory damages;

G. Award Plaintiffs their reasonable attorneys' fees and expenses; and

H. Order such other and further relief as the Court deems appropriate.

Dated: March 9, 2026

Respectfully submitted,

/s/Nicholas S. Johnson

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***EXHIBIT A***



# MARSHALL UNIVERSITY

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## AY 2025-26 TITLE IX SUMMARY

Submitted October 31, 2025 First Draft

**HELEN GRANT**  
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## I. INTRODUCTION

The following report was prepared by **HELEN GRANT CONSULTING (HGC)**, for **MARSHALL UNIVERSITY (MARSHALL)** in **Huntingdon, West Virginia**. The report addresses the compliance status of the athletic provisions of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. Sections 1681 et. seq., and its implementing regulation 34 C.F.R. Part 106. As a means of assessing compliance, **HGC** followed the Policy Interpretation on Intercollegiate Athletics issued by the Office for Civil Rights (OCR) on December 11, 1979, 44 Fed. Reg. 71413 et. seq. (1979), subsequent policy clarifications, legal precedent (where applicable), and OCR practices.

**MARSHALL** is a member of the **National Collegiate Athletic Association (NCAA) Division I-FBS** and the **Sun Belt Conference (SBC)**. **MARSHALL** is subject to the rules and regulations of those organizations and as a recipient of federal financial assistance, **MARSHALL** must comply with the requirements of Title IX.



## II. KEY OBJECTIVES

1. Align MARSHALL sports sponsorship and student-athlete participation with the University's enrollment and student interest in athletic participation and in compliance with Title IX requirements.
2. Confirm and Maintain MARSHALL Athletics compliance with Title IX.
  - a. Athletics Participation requirements.
  - b. Athletics Financial Assistance (Scholarships) -
  - c. Title IX Equivalency Standards "Laundry List" – Treatment and facilities for student athletes.



**MARSHALL Athletics**  
**By The Numbers**

**18 Total Sports**

**10 Women's Sports**

**8 Men's Sports**

**168 Female Student-Athletes\***

**239 Male Student-Athletes\***

**407 Total Student-Athletes\***

**\$6.5+ Athletic Scholarships\***

**7,214 FT Undergraduate Enrollment**

***\*NCAA Squad List, Fall 2025***

## III. DELIVERABLES

The findings were made for the academic years AY 2023-24, AY 2024-25 and AY 2025-26 unless otherwise indicated. Preliminary to the review, **MARSHALL** provided specific data requested by HGC **related to staffing, operating budgets, and the quality / adequacy of services provided student athletes**. Athletic facilities were reviewed and appropriate MARSHALL Athletics administrators, support staff, and head coaches, men and women student-athletes from each team were interviewed. The conclusions reached herein are based on these data alone.





## SUMMARY OF FINDINGS

### EFFECTIVE ACCOMMODATION OF STUDENT INTERESTS AND ABILITIES

**Regulatory Requirement:** The regulation requires institutions to effectively accommodate the interests and abilities of students to the extent necessary to provide equal opportunity in the selection of sports and levels of competition. [34 C.F.R. Section 106.41(1)]

**Compliance Standard (Three– Part Test):** Compliance with the effective accommodation of interests and abilities section of Title IX is assessed in any one of three ways, i.e., if any one of the following three tests is met, the University will comply with Title IX.

DEFINITIONS OF PARTICIPANTS USED TO DETERMINE COMPLIANCE Policy Interpretation of 1979 and “Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test” dated January 1996	
Participants defined as athletes who:	Specifically, participants are:
a. Receiving the institutionally sponsored support normally provided to athletes (e.g., coaching, equipment, medical/training room services, on a regular basis during a sport’s season; and b. Participating in organized practice sessions and other team meetings and activities on a regular basis during a sport’s season. c. Listed on the eligibility or squad lists maintained for each sport; or d. Who, because of injury cannot meet a., b., or c. above but continue to receive financial aid on the basis of athletic ability. <sup>1</sup> e. Non-scholarship athletes (e.g., walk-ons); athletes who compete on teams sponsored by the institution but are required to raise its operation funds, <sup>2</sup> and those athletes who practice but may not compete. <sup>3</sup>	(1) names appear on NCAA eligibility lists at the time of the first competition. (2) added to NCAA eligibility lists after first competition during season. (3) who practice and/or compete during the regular season. (4) receive an athletic scholarship-red-shirted with eligibility remaining. (5) dismissed from team for disciplinary or other reasons but continue to receive athletic scholarship and eligible to compete. (6) enroll and/or practice during nontraditional seasons if receive an athletic scholarship. <b>Participants are not:</b> (1) fifth-year students eligibility expired but received an athletic scholarship. (2) medically exempt, i.e., who receive an athletic scholarship but cannot participate because of career-ending injuries. (3) enroll and/or practice during the non-traditional season and do not receive athletic scholarship for the period. (4) try out and quit or are cut prior to the first contest of the regular season.

<sup>1</sup> This refers to medical redshirts or otherwise injured participants but not medical exemptions.

<sup>2</sup> This refers only to varsity intercollegiate sports, not club sports that are a lower level of completion.

<sup>3</sup> This does not include male practice players on women’s teams. Male practice players do not meet some of the criteria of a participant and are not eligible to compete in women’s sports.



**Test 1 – Male & Female Participation Rates Substantial Proportionality with Male & Female Full-Time Undergraduate Enrollment**

*“Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments (proportionality).”*

**Selection of Sports:** MARSHALL offers eighteen varsity intercollegiate teams, eight for men (Basketball, Baseball, Football, Golf, Soccer, Indoor and Outdoor Track) and ten for women (Basketball, Cross Country, Golf, Soccer, Softball, Swimming, Tennis, Indoor & Outdoor Track, and Volleyball).

**Table 1-comparison calculations of female full-time undergraduate enrollment rates and the female athletic participation rates. Appendix I-detailed analysis of athletics participation.**

TABLE 1		THREE-YEAR TEST 1 – PROPORTIONALITY CALCULATIONS					
FT UG Enrollment		AY 2023-24		AY 2024-25		AY 2025-26	
Men		2,718	43.0%	2,881	44.1%	3,124	43.0%
Women		3,599	57.0%	3,658	55.9%	4,137	57.0%
<b>TOTALS</b>		6,317	100%	6,539	100%	7,261	100%
Athletic Participation							
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Women		242	40.6%	225	38.9%	230	43.6%
<b>TOTALS</b>		596	100%	579	100%	527	100%
<b>% Difference (Favoring)</b>		<b>16.4%</b>	<b>(Men)</b>	<b>17.1%</b>	<b>(Men)</b>	<b>13.3%</b>	<b>(Men)</b>
<b>Participation Opportunities</b>		<b>225+</b>		<b>250+</b>		<b>160+</b>	

**Test 1 Comments/Recommendations:**

MARSHALL is **not** providing male and female athletics participation rates in substantial proportionality to the male and female undergraduate enrollment rates. **The three years reviewed, there was an average difference of 15.6% (210 participation opportunities) between the female undergraduate enrollment rates and female athletic participation rates. Increasing women’s participation (current sports and add sports) is the only way to reach substantial proportionality.**



## Test 2 – History of Continuing Practice of Program Expansion for the Underrepresented Sex (Women)

*“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;”*

Test 2 requires that an institution show an established history and continuing practice of program expansion. Collegiate institutions will show an established history of program expansion for women’s sports because, prior to Title IX, women’s sports were club or intramural sports and had to be elevated to varsity, intercollegiate sports. To show the institution is being responsive to the developing interests and abilities of female students, there must be a process of continuously monitoring sport development for women and, at some stage of the process, determine that a sport(s) should be added to the varsity, intercollegiate sport offerings. This process provides evidence of a continuing practice of monitoring and expanding participation opportunities for women. Other evidence of a continuing practice is when a sport for the underrepresented sex has been added in the last 3-5 years, or a sport has been identified and there is a plan to add a sport by a date certain. The OCR has generally given institutions that add sports 3-5 years to establish the sport (i.e., phase in operating budgets, recruiting areas, facilities, and scholarships). If there is a plan in place there must be an established timeline with dates that coaches will be hired, prospective student athletes recruited, and enrolled, initial practice dates established, and competitive schedule established with the initial date of outside competition confirmed.

### Test 2 Comments/Recommendations:

Like all university athletics programs MARSHALL has a history of expanding the women’s program by elevating women’s club sports to intercollegiate, varsity sports and adding new sports. Women’s teams started varsity competition with Women’s Basketball (1969), Volleyball (1970), Women’s Golf (1974), Women’s Track & Field (1976). Softball was added in 1994 followed by Women’s Soccer and Women’s Tennis in 1998. Women’s Swimming and Diving was added in 2002. MARSHALL eliminated Women’s Golf in 1983 (reinstated 2002) and Badminton and Field Hockey in the early 1970’s. The elimination of women’s teams, even if they are reinstated, makes it difficult to comply with Test 2 “Continuing Program Expansion because having the team initially means there was interest in the sport. Secondly, MARSHALL has not added a sport for women in the last five years (Women’s Swimming & Diving 2002) and, at the time of the review, did not have a plan with date certain to add a women’s sport. **Because MARSHALL has not added a sport in the past five years, does not have a plan with a date certain to add a women’s sport, and the elimination of women’s sports, a continuing practice of program expansion is not demonstrated.**



**Test 3 – Full and Effective Accommodation of Interest and Abilities of the Underrepresented Sex (Women Students) with the Current Sport Offerings**

*“Where the members of one sex are underrepresented among intercollegiate athletes and the institution cannot show a continuing practice of program expansion such as that cited 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.”*

**A. Unmet interest in a particular sport.**

1. Requests by students that a sport be added – There have been no formal requests.
2. Intramural and club sports offered for women: **Intramural Sports** – Most intramural sports are already offered at the varsity level (i.e., basketball, soccer, volleyball, etc.) or are recreational/fitness activities (i.e., Pickleball, Cornhole, Dodgeball, Ultimate Frisbee, Flag Football, etc.). **Club Sports** – **There were two club sports offered for women (rugby and fencing) that are NCAA intercollegiate sports.** The remaining club sports are currently intercollegiate sports (Tennis) or are considered recreational sports (eSports, Chess, Kendo, Ultimate Frisbee, Archery, Lifting, etc.).
3. Requests that an existing club sport be elevated to intercollegiate team status – **There have been no formal request** from a MARSHALL club, local sport club, or intramural team to be elevated or added as a varsity intercollegiate team.
4. Interviews with student-athletes, coaches, administrators, and others regarding interest sports – Potential varsity sports were discussed with the student-athletes, coaches, and administrators and **there were no sports mentioned.**
5. Participation in interscholastic sports by admitted students –According to the latest information from the National Federation of State High School Associations (NFHS), there are no girls’ sports offered at the interscholastic level in West Virginia that are not offered at the intercollegiate level at MARSHALL. Competitive Cheer is offered at the interscholastic level.
6. Results of questionnaires of students and admitted students regarding interest in particular sports – **has conducted interest surveys – NEED RESULTS**

**B. Sufficient ability to sustain a team in the sport.** The second factor in determining whether there is unmet interest in a sport is whether there is sufficient ability to sustain a team. Because MARSHALL recruits for student-athletes, if there is unmet interest, sufficient ability is presumed unless the normal recruitment area is insufficient to sustain a team. **The AY 2025-26 team rosters were reviewed, and MARSHALL’s normal recruitment area is West Virginia, Ohio, Virginia, and the Southeast and East Coast Regions. Coaches will recruit other regions where their sport is a popular interscholastic sport.**

West Virginia	18.5%	North Carolina	4.0%	Tennessee	3.0%	20 States 5 or <	11.0%
Ohio	16.5%	Georgia	4.0%	Maryland	2.0%		
Florida	8.0%	Pennsylvania	3.0%	Michigan	2.0%	International	17.0%
Virginia	6.0%	Kentucky	3.0%	South Carolina	2.0%		





- C. **A reasonable expectation of competition for the team.** The third factor to be considered is whether there is reasonable expectation of competition for a particular team in MARSHALL's normal competitive region or in the geographical area in which MARSHALL is located. **MARSHALL's competitive region is primarily the Southeast region and SBC footprint.** Conference schedules are provided for all conference sponsored sports. The remaining sports compete against SBC teams when possible and other teams within the southeast. **Beach Volleyball is offered by SBC schools, and it is an SBC Championship sport, but it is not offered at MARSHALL.**

TABLE 2			INTERSCHOLASTIC AND INTERCOLLEGIATE SPORTS		
UNMET INTEREST (NCAA SPORT / CLUB)	GEOGRAPHICAL COMPETITIVE REGION	GEOGRAPHICAL RECRUITING AREA			
Acrobatics & Tumbling (NCAA Emerging)	NC, SC, GA, WV, TN, TX, NJ	A&T Not HS Sport (NFHS)/Cheer			
Beach Volleyball (NCAA / SBC)	All States	AZ and CA only HS			
Bowling (NCAA)	AL, FL, OH, PA, NJ, MS, TX, LA, NC, VA	AL, FL, KY, LA, MS, TN, PA, OH, NY, NJ			
Equestrian (NCAA Emerging)	AL, VA, PA, TN, TX, SC, GA	Not a HS Sport generally – Minimal - CA			
Flag Football (NCAA Emerging)	NFL sponsored sport – Developing in Area.	Traditional Club or Intramural Sport			
Fencing (NCAA / Club)	NJ, NY, PA, MINIMAL: CA, CO, CT, TX, NC	CA, GA, NJ, NY, OH,			
Gymnastics (NCAA)	AL, GA, FL, LA, SC, KY, WV, PA, OH, MI	GA (minimal)			
Rugby (NCAA / Club)	Predominately East Coast (D-I,II,III)	CA - MINIMAL			
Rowing/Crew (NCAA)	VA, Northeast, East, and West Coast	CA, DC, DE, ME, MI, OH, VT, VA			
Triathlon (NCAA Emerging)	DI-DII-DII: TX, CO, AZ, VA, GA, NC, SC,	No HS Programs			
Water Polo (NCAA)	Predominantly CA (D-I,II,III), NY, NJ	CA, FL - MINIMAL			
Wrestling (NCAA Emerging/Club)	D I, II, III : GA, OH, TN, TX, LA, MS	All States – limited or none in Southeast			

**Comments:** Beach Volleyball is the only women's sport that meets the requirements for unmet interest. **However, MARSHALL has conducted student Interest Surveys since the last review and there has not been significant indication of any sport for women (including Beach Volleyball) at the varsity, intercollegiate level. Arguably, MARSHALL complies with Test 3.**

**Recommendation:** MARSHALL should continue to monitor sport participation for club sports (Fencing & Rugby), high school sports in the geographical recruitment area, growth of current NCAA Championship & Emerging Sports, and the addition of sports by peer institutions (SBC). After the first year of the House Settlement implementation, MARSHALL should conduct the Sport Interest Survey to determine and monitor female student interest changes, and a new sport should be considered.



**ATHLETIC FINANCIAL ASSISTANCE (SCHOLARSHIPS)**

*Institutions must provide reasonable opportunities for awards of financial assistance for members of each sex in proportion to the number of students of each sex participating in athletics. [34 C.R.F. Section 106.37(c)]. On July 23, 1998, OCR issued a letter to the General Counsel of Bowling Green University in response to a request concerning allowable differences between the rates of participation and the rates of the awards of athletic financial assistance. OCR took the position in this letter that a difference in excess of 1% must be justified by nondiscriminatory reasons or a violation of 34 C.F.R. Section 106.37(c) resulted.*

**Athletic Awards (Scholarships):** Table 3 provides comparison calculations of the male and female participation rates (unduplicated count), and the athletic aid awarded to men’s and women’s teams. The percentage of financial assistance (scholarships) provided to women student-athletes should be within 1% of the total female participation rate, using a non-duplicated count. The Office for Civil Rights (OCR) takes the position that a difference in excess of 1% must be justified by nondiscriminatory reasons. The non-duplicated count means that participants are counted one time even if they participate on more than one team (e.g., cross country and indoor track and outdoor track). Examples of legitimate nondiscriminatory reasons include the extra costs for out-of-state tuition, unexpected fluctuations in the participation rates of males and females, or the phasing-in of scholarships for a new program. Please note that **Appendix I** provides a detailed 2-year analysis of Athletics Participation and Athletics Financial Assistance.

<b>TABLE 3</b>		<b>THREE-YEAR ATHLETICS FINANCIAL ASSISTANCE CALCULATIONS</b>				
<b>Athletic Financial Aid</b>	<b>AY 2023-24</b>		<b>AY 2024-25</b>		<b>AY 2025-26</b>	
Men	\$4,407,355	58.2%	\$3,667,036	57.7%	\$3,912,815	60.0%
Women	\$3,169,385	41.8%	\$2,693,818	42.3%	\$2,603,202	40.0%
<b>TOTALS</b>	<b>\$7,576,740</b>	<b>100%</b>	<b>\$6,360,854</b>	<b>100%</b>	<b>\$6,516,017</b>	<b>100%</b>
<b>Participants</b>						
Men	287	60.9%	280	60.3%	239	58.7%
Women	184	39.1%	184	39.7%	168	41.3%
<b>TOTALS</b>	<b>596</b>	<b>100%</b>	<b>579</b>	<b>100%</b>	<b>527</b>	<b>100%</b>
<b>% Difference (Favoring)</b>	<b>2.7%</b>	<b>(Women)</b>	<b>2.7%</b>	<b>(Women)</b>	<b>1.3%</b>	<b>(Women)</b>



**Additional Athletic Financial Assistance (Summer School, Cost of Attendance, Alston Payments, NIL)** - Summer school athletic aid and other athletic financial assistance is not a part of the above comparison, but it is considered under this section. The only criterion for compliance in this area is that access to funding be equal. That does not mean the same number, or a specific proportion receive the additional athletic assistance, but it does mean that the *same opportunity to receive be granted to both sexes*.

#### **Summer School Scholarship Policy**

1. FB / MBB / WBB – Scholarship SA receive room and board and tuition & fees if require class for participation (newcomers, all VB) or eligibility or graduation (within 1 year).
2. MSOC / WSOC scholarship SA receive a tuition waiver and fees and 1 month room and board check.
3. Wild Card Scholarships: FB: 10; 2 each for MBB, WBB, VB, MSOC, WSOC receive scholarship allocations for walk-on SA.
4. Remaining Sports: SA must apply and approval by Summer School Committee: Deputy AD/CFO, Sr. Assoc AD/SA Wellbeing & Support, Assoc AD/Compliance, and the Assist AD/Academics.
  - a. Approval Criteria: eligibility, imminent graduation, pre-requisite courses, complete a course during the academic year (i.e., internships).
  - b. Allocations: tuition waiver only, tuition and fees, or additional depending on scholarship allocation during the academic year.
5. International SA: May be awarded a check for room and board without taking summer school classes due to their admittance date and the acclimation period permitted for international SA, 30 days prior to the first day of classes.
6. SA may be granted summer school aid AFTER they have completed their eligibility and their bachelor's degree to assist them in completing their master's degree. Because they have had extraordinary achievements as a Marshall SA (Swimming - 2, WXCTF - 1, MSOC – 1

#### **Cost-of-Attendance**

COA has been budgeted at \$2,200 per year per scholarship for each team. The COA allocation has been factored in as part of the denominator when allocating scholarships, and it is part of the overall cash distributed within each sport program, and not necessarily a percentage allocated based on the individual student-athletes' equivalences.

**Alston Funding** has been granted to men's soccer and women's basketball only and distributed based on the number of student athletes on each team.



TABLE 4		SUMMER SCHOOL, COST OF ATTENDANCE, ALSTON				
SPORT	SUM 2023	SUM 2024	SUM 2025	COST OF ATTENDANCE	ALSTON	
<b>MEN</b>						
Baseball	5	1	0	\$ 25,740	N/A	
Basketball	14	12	17	\$ 33,000	N/A	
Football	51	101	95	\$ 187,000	N/A	
Golf	1	0	0	\$ 9,900	N/A	
Soccer	23	24	17	\$ 75,000	\$ 167,440	
Track / CC	1	1	2	\$ 11,000	N/A	
<b>Totals</b>	<b>95</b>	<b>139</b>	<b>131</b>	<b>\$ 341,640</b>	<b>\$ 167,440</b>	
<b>WOMEN</b>						
Basketball	9	15	14	\$ 33,000	\$ 89,700	
Golf	0	0	1	\$ 13,200	N/A	
Soccer	22	16	17	\$ 26,400	N/A	
Softball	9	2	4	\$ 30,800	N/A	
Swim / Dive	4	2	3	\$ 30,800	N/A	
Tennis	1	1	0	\$ 17,500	N/A	
Track / CC	2	5	4	\$ 52,800	N/A	
Volleyball	14	12	14	\$ 26,400	N/A	
<b>Totals</b>	<b>61</b>	<b>53</b>	<b>57</b>	<b>\$ 230,900</b>	<b>\$ 89,700</b>	

**Comments/Recommendations:** The Provision of Financial Assistance (Scholarships) is equivalent.

**Comments:** MARSHALL had a three-year average difference of 2.2% between the men's and women's participation rates and the percentage of athletic aid awarded men and women participants. The difference favored women all three years. Overall, there was an avg of 1.2% above the 1% allowed by the OCR, again favoring women. **Because the difference favors women's teams, Marshall can argue compliance with the Financial Assistance Component of Title IX.** The OCR takes the position that a difference in excess of 1% must be justified by nondiscriminatory reasons. It appears that awarding athletics financial aid is based on nondiscriminatory criteria and not considered discrimination toward men.



## EQUAL OPPORTUNITY AND THE EQUIVALENCE STANDARD

### **Regulatory Requirement [34 C.F.R. Section 106.41(c)]**

*Institutions must provide equal athletic opportunities for members of both sexes. Equality of opportunity is assessed by comparing the availability, quality and kinds of benefits, opportunities, and treatment of both sexes under each factor or component. If the components are found to be equivalent, then the institution will be in compliance. Equivalence means equal or equal in effect; identical benefits, budgets, opportunities, or treatment are not required, provided the overall effect of any difference does not have a disparate impact on one sex.*

### **Policy Interpretation**

*Institutions must provide equal athletic opportunities for members of both sexes. In determining whether an institution is providing equal opportunity, several factors must be considered. "Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams ... will not constitute noncompliance..., but the Assistant Secretary (for Civil Rights of the U. S. Department of Education) may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex."<sup>4</sup>*

### **The Factors/Components (The Laundry List)**

- Equipment and Supplies
- Scheduling of Games and Practices
- Travel and Per Diem Allowances
- Opportunity to Receive Coaching and the Assignment and Compensation of Coaches
- Opportunity to Receive Tutoring and the Assignment and Compensation of Tutors
- Provision of Locker Rooms, Practice and Competitive Facilities
- Provision of Medical and Training (Sports Performance) Facilities and Services
- Provision of Housing and Dining Facilities
- Publicity (Sports Information/Communication and Marketing & Promotions)

<sup>4</sup> The Title IX regulation at 34 C.F.R. Section 106.41(c).



**Provision of Equipment and Supplies [34 C.F.R. Section 106.41(c)(2)].**

<b>TABLE 5 EQUIPMENT SERVICES / EQUIPMENT MANAGERS</b>			
<b>STAFF</b>		<b>TEAM ASSIGNMENTS</b>	
Director of Equipment Services / FT		MBB, WVB, WSWD, MWTRCC, MGO, WGO	
Director of Football Equipment / FT		MFB	
Assistant Equipment Manager / FT		MSC, WSC, WTN, Cheer & Dance	
Assistant Equipment Manager / FT		MFB, WSB	
Graduate Assistant Equipment Manager / GA		WBB	
<b>STUDENT EQUIPMENT MANAGERS</b>			
Baseball	2 VOL	Women’s Basketball	5 PAID / \$25,000 (Tuition Wvr)
Men’s Basketball	6 PAID / \$25,000 (Tuition Wvr)	Women’s Soccer	Equipment Room Staff
Football	12 PAID / \$61,000 (Tuition Wvr)	Softball	Equipment Room Staff
Men’s & Women’s Golf	Equipment Room Staff	Men’s Soccer	Equipment Room Staff
Tennis	Equipment Room Staff	Swimming & Diving	Equipment Room Staff
M/W Track & Field / CC	Equipment Room Staff	Volleyball	Equipment Room Staff
Olympic Sport Student MGR	7 PAID (Tuition Wvr) / Equipment Room Daily / Laundry Service if requested.		
<b>TOTALS</b>	<b>Men - \$86,000 / 18 PAID / 2 VOL</b>	<b>Women - \$25,000 / 5 PAID</b>	
<b>EQUIPMENT ROOMs / EQUIP STORAGE</b>	<b>TEAMS</b>	<b>LAUNDRY</b>	
Shewey Equipment Room	MFB	Equipment Room FT & Student Managers	
Dot Hicks Field	WSB	Equipment Room Staff & Olympic Sport Student Managers	
Jack Cook Field	MBA	Volunteer Managers	
Veterans Memorial Complex	MSC, WSC	Equipment Room Staff & Olympic Sport Student Managers	
Cam Henderson Arena	MGO, WGO, MBB, WBB, MWTRCC, WTN, WSWD, WVB	MBB, WBB: Paid Student Managers / WVB: Equipment Room Staff & Olympic Sport Student Managers / Remaining Teams: Equipment Room offers but SA do their own.	



### Equipment Services Ordering & Sizing Policies

- Each Sport program is assigned to a full-time Equipment Manager who provides assistance and guidance for the coaches (or team equipment liaison) in determining sport equipment, apparel, and shoe needs, developing team orders with BSN and in accordance with contract guidelines and deadlines.
- Coaches are provided a schedule of “ordering windows” when the assigned Equipment Manager meets with the head coach OR designated team equipment liaison to evaluate team needs (equipment, apparel, shoes, gender garments) and to build the order.
- The NIKE/BSN rep comes to campus 1-2 times a month. Coaches / equipment liaison are alerted and invited to meet with the Rep.
  - During the larger booking windows (Fall) the Rep brings in samples and meets with coaches individually.
- Once needed items are determined, the Equipment Managers work with coaches / equipment liaison and student athletes to gather proper sizes and adequate quantities for the team. Because of the transfer portal and Nike apparel running small, close attention to appropriate sizing for current student athletes and extra items for new student athletes is imperative.
- Equipment Managers will check if equipment ordered meets proper safety standards and proper fitting standards (i.e., football helmet).
- The order is placed with the NIKE / BSN Rep. Equipment Managers receive and inventory ordered items. Items that are received blank are sent to the sport printing services with the proper wording and logos.
- Equipment Managers assist coaches / equipment liaison with distribution of equipment, apparel, and shoes to student athletes. Proper sizes and equipment quality is reviewed at this time. Equipment Managers are responsible for retrieval of items that cannot (NCAA rules) given to student athletes each year.

### Team Equipment Contract & Budgets

- MARSHALL Athletics has a contract with a major manufacturing company (NIKE) that is negotiated by the Senior Associate AD who oversees the Equipment Operations Department. He works with the Director of Equipment Services and Director of Football Equipment to evaluate team needs and allocate money. Sport Programs are responsible for managing budgets: allotted NIKE money and money allocated to them by the Athletic Department.
- AY 2025-2026 NIKE contract amount is \$125,000 in retail dollars and includes discounts on apparel and shoes.
- Non- contract items are ordered through BSN who provides an annual bonus and initial allotment of \$62,500 in retail product.
  - BSN monies spent on SA welcome back items (backpack, t-shirt) and post season apparel and equipment needs.
- Once the money is allocated, the Equipment Manager and equipment liaison generate an order, emails the order to the head coach or equipment liaison for confirmation. After confirmation, the Equipment Manager and sport equipment liaison order items through NIKE Gameday site.
- Equipment Managers keep a line-item spreadsheet of all items ordered as well as enter information into Teamwork’s inventory program.



TABLE 6		TEAM EQUIPMENT ALLOTTMENTS / QUALITY	
SPORT	CONTRACT/OPS BUDGET	CONTRACT INCENTIVES	SA: QUALITY / NOT PROVIDED
Baseball	\$2,000 / +Operating Budget / Sufficient	SBC Championship - \$1,500; NCAA Tourn - \$2,500; NCAA Championship - \$10,000; HC of year - \$1,000 AA Reg \$5K, Super \$10K, CWS \$15K, Champ \$25K	Good / All equipment & apparel provided
Men's Basketball	\$6,000 / +Operating Budget / Sufficient	SBC Championship - \$2,500; NCAA Sweet 16 - \$2,500; Elite 8 - \$5,000; Final 4 - \$10,000; NCAA Championship - \$25,000; SBC HC of year - \$1,000	Good / All equipment & apparel provided.
Women's Basketball	\$6,000 / +Operating Budget / Sufficient	SBC Championship - \$2,500; Sweet 16 - \$2,500; Elite 8 - \$5,000; Final 4 - \$10,000; NCAA Championship - \$25,000; HC of year - \$1,000	Good / All equipment & apparel provided.
Football	\$60,000 / +Operating Budget / Sufficient	Bowl Game - \$5,000; FBS Playoffs - \$10,000; FBS Championship game - \$25,000 FBS Championship - \$50,000; HC of year - \$1,000	Good / All equipment & apparel provided
Men's Golf	\$1,000 / +Operating Budget / Sufficient	SBC Championship - \$1,500; NCAA Tourn - \$2,500; NCAA Championship - \$10,000; HC of year - \$1,000	Good / All equipment & apparel provided
Women's Golf	\$1,000 / +Operating Budget / Sufficient	SBC Championship - \$1,500; NCAA Tourn - \$2,500; NCAA Championship - \$10,000; HC of year - \$1,000	Good / All equipment & apparel provided
Women's Soccer	\$6,000 / +Operating Budget / Sufficient	SBC Championship - \$1,500; NCAA Tourn - \$2,500; NCAA Championship - \$10,000; HC of year - \$1,000	Good / All equipment & apparel provided
Softball	\$30,000 / +Operating Budget / Sufficient	NCAA Regional \$5K, Super Reg \$10K, WCWS \$15K, Champ \$25K	Good / All equipment & apparel provided
Men's Soccer	\$6,000 / +Operating Budget / Sufficient	SBC Championship - \$1,500; NCAA Tourn - \$2,500; NCAA Championship - \$10,000; HC of year - \$1,000	Good / All equipment & apparel provided
Women's Tennis	\$2,000 / +Operating Budget / Sufficient	SBC Championship - \$1,500; NCAA Tourn - \$2,500; NCAA Championship - \$10,000; HC of year - \$1,000	Good / All equipment & apparel provided
MW Track/CC	\$10,000 / +Operating Budget / Sufficient	SBC Championship - \$1,500; NCAA Tourn - \$2,500; NCAA Championship - \$10,000; HC of year - \$1,000	Good / All equipment & apparel provided
Swim & Dive	\$2,000 / +Operating Budget / Sufficient	SBC Championship - \$1,500; NCAA Tourn - \$2,500; NCAA Championship - \$10,000; HC of year - \$1,000	Good / All equipment & apparel provided
Volleyball	\$3,000 / +Operating Budget / Sufficient	SBC Championship - \$1,500; NCAA Tourn - \$2,500; NCAA Championship - \$10,000; HC of year - \$1,000	Good / All equipment & apparel provided

**Comments / Recommendations:** The provision of equipment and supplies is Equivalent.



## Scheduling of Games and Practice Times [34 C.F.R. Section 106.41(c)(3)].

**Scheduling:** The men’s and women’s teams scheduled the NCAA Division I maximum number of contests or dates of competition allowed, or 1-2 less. It is not uncommon that teams do not schedule the maximum number due to the length of playing seasons and student athlete training considerations. This appears to be the case at MARSHALL and not scheduling the maximum number of dates or competition is not due to restrictive budgets. The head coaches and student athletes interviewed stated that the amount of competition was sufficient.

**Practice Times:** Practice times are scheduled based on student-athlete class schedules and facility availability. Men’s and women’s teams that share facilities work out their practice and competition schedule. There were no complaints from student athletes or coaches regarding practice times.

**Comments/Recommendation(s):** Scheduling of games and practice times appears to be Equivalent.

## Travel and Per Diem Allowances [34.C.F.R. Section 106.41(c)(4)].

Men’s and women’s teams travel by bus (charter), vans, flights (commercial, charter), and are provided meals and hotel accommodations when traveling to away competition. Team meals or per diem are provided when traveling. It is noted that Football, when flying, must use charter flights because of the travel party (coaching staff, support staff). Van travel is used by smaller roster teams (Golf, Tennis) for trips that are closer to campus and would not necessitate air travel or air travel would not be feasible. The travel policy is that teams can fly when trips are 8 hours or more from campus.

TABLE 7 TEAM TRAVEL (MODE OF TRANSPORTATION, HOUSING, MEALS/PER DIEM)					
SPORT	BUS	VANS	FLIGHTS: COMMERCIAL / CHARTER	HOUSING	MEALS / PER DIEM
MEN	37	12 / 10 MGO -Golf Van 2 MTRCC	11 / 7 MBB, 4 MFB, 1 MSC	2 per room	Team Meals AND/OR Per Diem / SUFFICIENT
WOMEN	36	17 / 7 WGO-Golf Van, 8 WTN, 2 WTRCC	23 / 7 WBB	2 per room	Team Meals and/or Per Diem / SUFFICIENT

**Comments & Recommendations:** Overall, Travel and Per Diem Allowances is Equivalent



**Provision of Housing & Dining Facilities and Services [34 C.F.R. Section 106.41(c)(9)].**

TABLE 8		PRE AND POST HOME GAME MEALS / TRAINING TABLE	ON CAMPUS HOUSING and MEALS / PER DIEM
SPORT	PRE / POST HOME GAME MEALS	TRAINING TABLE / MEALS INCIDENTAL TO PRACTICE	HOUSING & MEALS PROVIDED DURING BREAKS, HOLIDAYS, PRE, AND POST SEASON
<b>MEN</b>			
Baseball	Yes (Dining Hall) / Yes, on own	All student athletes have access to the Athletic Training Table that provides 2 meals (breakfast, lunch) Monday – Friday.	SA required to be on campus during holiday or semester breaks OR preseason before classes start, stay in their assigned on-campus housing (Dorm) or off-campus housing (Apartment).
Basketball	Yes (Arena) / Yes, on own		
Football	Yes (hotel) / Food Provided		
Golf	During competition day		
Soccer	Yes, Varies / Yes, on own		
XC / Track	During Competition day		
<b>WOMEN</b>			
Basketball	Yes (Arena) / Yes, on own	There is a fully stocked (lite snacks, fruit, protein drinks, etc.) in the weight room for pre and post practice and workout fuel.	Team Meals and / or Per Diem provided and was <b>sufficient</b> .  Team Meals at restaurants and catered to facility, also <b>sufficient</b> .
Golf	During competition day		
Soccer	Yes, Varies / Yes, on own		
Softball	Yes, Varies / Yes, Varies		
Swim / Dive	During Competition day		
Tennis	Yes, Restaurant / Yes, Restaurant		
Track / CC	During Competition day		
Volleyball	Yes / No		

**Comments / Recommendations:** The Provision of Housing and Dining Facilities and Services on Campus is Equivalent.



### Recruitment of Student-Athletes [34 C.F.R. Section 106.41 (c)].

The opportunity to recruit depends on the availability of coaches, financial resources used in the recruitment of prospective student athletes. If there are problems with the opportunity to receive coaching (lack of), there will be a problem with the opportunity to recruit. **There were no problems with the opportunity to receive coaching.** The financial resources are analyzed but often misinterpreted because a formula for spending is sought in determining compliance and there is no such formula. The standard is whether the needs of the men’s and women’s programs overall are met on an equivalent basis annually.

TABLE 9		RECRUITING EXPENSES				
SPORT	BUDGET / SUFFICIENT	OFFICIAL VISITS			CAR	CELL PHONE
MEN		AY 23-24	AY 24-25	AY 25-26 (to date)	Stipends	Stipends
Baseball	All coaches stated that the recruitment budget was sufficient to recruit areas they needed to.	30	11	0	1	1
Basketball		10	18	28	1	1
Football		79	88	1	12	1
Golf		2	2	0	1	0
Soccer		6	3	3	1	1
<b>WOMEN</b>	<b>Men Totals</b>	<b>181*</b>	<b>153*</b>	<b>45*</b>	<b>16</b>	<b>4</b>
Basketball	MGO HC stated he did not recruit international because of budget / SA full scholarship needs. Coaches stated that they had not been given a structured budget the past 3 yrs.	12	19	6	4	1
Golf		0	0	3	1	0
Soccer		14	3	0	1	1
Softball		18	11	7	1	1
Swim / Dive		31	20	15	1	1
Tennis		1	3	0	1	1
Volleyball		8	8	0	1	1
MW XC/Track & Field		W-37/M-54*	W-67/M-31*	W-13/M-13*	1	1
<b>*Included in Men’s Total</b>	<b>Women Totals</b>	<b>121</b>	<b>131</b>	<b>44</b>	<b>11</b>	<b>7</b>

**Comments / Recommendations:** Overall, Recruitment of Student-Athletes is Equivalent



## Support Services [34 C.F.R. Section 106.41(c)]

The Support Services component reviews how the athletics department is structured (Sport Administrators), overall administration and team administrative support, to determine if the structure provides administrative support that ensures coaches of men's and women's teams spend the same or similar number of hours per week performing administrative and clerical tasks. **Access to non-coaching, administrative assistance (Director of Operations, Player / Personnel Development, Secretarial / Clerical, Administrative Assistants, etc.) is reviewed. The primary duty of coaches is teaching skills and strategy to SA. Secondary duties:** Developing competitive scheduling, ordering equipment, planning team travel, tracking SA academic eligibility and success, recruiting communication, participating in publicizing / marketing / promoting their team, and facility oversight and maintenance.

**Office Space:** Office space provided for head and assistant coaches and sport administrative assistants is reviewed. Access to private office space where coaches can conduct daily administrative duties (SA meetings, recruitment phone calls, meeting with coaches, etc.) with privacy for both the coaches and student athletes. The standard is whether the men's and women's coaches have access to private office space on an equivalent basis annually.

**Offices, Equipment, & Supplies:** Access to office equipment (computers, printers, phones, etc.) and supplies (paper, pens, etc.) was reviewed. Coaches were asked and coaches offices were reviewed to determine what is provided to conduct daily administrative duties. It must also be determined that what is provided is sufficient and convenient to coaches' offices. The standard is whether the men's and women's coaches are provided office equipment and supplies on an equivalent basis annually.





TABLE 10		SUPPORT SERVICES		
ADMINISTRATOR	SPORTS	SUPPORT STAFF	OFFICE SPACE	EQUIPMENT / SUPPLIES
<b>Director of Athletics</b> - Athletic Department Oversight and reports to University President			N/A	Coaches are provided with office equipment (computers, printers) and office supplies as needed. Coaches stated equipment and supplies provided was Sufficient.
<b>Deputy Athletic Director/COO/SWA</b> Direct Reports: External Ops, Corporate Sponsorships, Revenue Generation	MBB	DOBO/Asst Coach, Dir. Player Dev	4 PVT, 1 SH, 1 RECEP	
	WVB	DOVO	4 PVT, RECP	
	WSB	N/A	TEAM RM SH	
<b>Sr Assoc AD / General Manager</b> Direct Report: Equipment, Camps & Clinics, Roster Management, NIL, Revenue Generation	MFB	Chief of Staff, Gen Manager, Exec Asst, Sr Analyst/Dir Player Dev	17 PVT, 2 SH	
	MBA	Director Baseball Ops	5 PVT	
<b>Sr Associate AD / Capital Projects &amp; Championship Facilities</b> Direct Reports: Capital Projects, Championship Facilities, Risk Management	MSC	N/A	3 PVT, 1 SH	
	WSC	N/A	2 PVT, 1 SH	
	MGO	N/A	1 PVT	
	WGO	N/A	1 PVT	
<b>Sr Associate AD / SA Well-Being &amp; Success</b> Direct Reports: Sports Medicine, Sports Performance, Academic Services, Mental Health Services	WBB	DOBO, Asst DOBO	3 PVT, 1 SH, RECEP	
	WSWD	N/A	3 PVT, RECEP	
	WTN	N/A	2 PVT, LOUNGE	
	MWTRCC	N/A	4 PVT, 1 SH	
<b>Chief Financial Officer</b>	Direct Report: Financial Reporting and Support, Budget Management, Travel, HR			
<b>Sr Associate AD / Executive Director BGSF</b>	Direct Report: Big Green Scholarship Foundation			

**Comments/Recommendations:** Support Services is Equivalent.



### Opportunity to Receive Coaching and the Assignment and Compensation of Coaches [34 C.F.R. Section 106.41(c)(5)-(6)].

In order for there to be a violation of Title IX, there must be a difference in the availability, qualifications and delivery of coaching and the difference must be shown to have a disparate impact on women student-athletes. Coaches’ salaries, benefits, incentives, and length of contracts are competitive with NCAA FBS Division I peers. Otherwise, Coaches’ salaries fall under federal laws: Equal Pay Act, Fair Labor Standards Act and Title VII of 1964 Civil Rights Act. **There is no problem with the availability of coaches.** Men’s head coaches averaged 13 years of experience and women’s head coaches averaged 6.7 years. Coaches have HS experience and some played professionally. **There is no problem with the qualifications of coaches.** Delivery of coaching services to student athletes. **There were no complaints about the delivery of coaching services.**

TABLE 11		AY 2025-26 COACHING PERSONNEL			
SPORT	MEN	EXPERIENCE	SPORT	WOMEN	EXPERIENCE
Baseball	3 FT / 1PT / 2 VOL	71 yrs.	Basketball	4 FT, 1 GA	33 yrs.
Basketball	4 FT, 1 GA	77 yrs.	Golf	1 FT	10 yrs.
Football	11 FT / 4 PT	157 yrs.	Soccer	3 FT, 1 VOL	13 yrs.
Golf	1 FT	13 yrs	Softball	4 FT	11 yrs.
Soccer	2 FT, 1 VOL	22 yrs.	Swim / Dive	3 FT	18 yrs.
<b>Totals</b>	<b>21 FT / 5 PT / 1 GA</b>	<b>340 / 13 AVG</b>	Tennis	2 FT	38 yrs.
Combined Staff: M / W Track / CC	6 FT	53 yrs / 8.8 AVG	Volleyball	3 FT	18 yrs.
			<b>Totals</b>	<b>20 FT / 1 GA</b>	<b>141 / 6.7 AVG</b>

**Contracts:** The Head Coaches, except MGO, WGO, and WTN, are on multi-year contracts. The remaining coaches are on one-year appointments. Salaries appear to be equitable and aligned with industry standards pay rates at comparable Athletics programs.

**Comments/Recommendations:** The opportunity to receive coaching and the assignment and compensation of coaches is equivalent.



## Opportunity to Receive Tutoring and the Assignment and Compensation of Tutors [34 C.F.R. Section 106.41(c)(5)-(6)].

TABLE 12		STUDENT-ATHLETE SERVICES STAFF		
STAFF	TEAM ASSIGNED	S-A / Staff Ratio	TRAVEL	
Assistant AD for Academic Services / Director / FT / 6yrs	MFB, MBB, WVB	93:1	Infrequent	
Assistant Director of Academic Services / FT / 10+ yrs	MFB, WBB, MGO, WGO	90:1	Infrequent	
Academic Advisor / FT / 2 yrs	WSC, WSB, MWTRCC, WTN	153:1	Infrequent	
Academic Advisor / FT / 1 yr	MSC, MBA, WSWD, Spirit	120:1	infrequent	
Graduate Assistant 1 / GA / 1 yr / Tutoring	All teams	N/A	No	
Graduate Assistant 2 / GA / 1 yr (vacant)	All Teams	N/A	No	
Graduate Assistant 3 / GA / 1 yr / Tutoring	All Teams	N/A	No	
Graduate Assistant 4 / GA / 1yr	All Teams	N/A	No	
<p><b>Tutoring:</b> There is a budget to pay tutors and tutors are hired and trained by the Learning Specialist and Tutorial Coordinator. Tutors are paid based on experience and not what sport they are tutoring. The recruitment, hiring, training, and payment of tutors is equitable. . Undergraduate student tutors are paid an hourly rate of \$12; \$15 for graduate students. Tutor training is conducted multiple times throughout the semester in partnership with Compliance and Academic Advisors.</p>				
<p><b>Student Athletes and Coaches rated the quality of services Good to Excellent.</b></p>				
<p><b>Facility:</b> Buck Harless Student Athlete Program – Cline Indoor Athletic Complex – Excellent facility with tutor rooms for individual and group tutoring, computer lab area, Advisor’s offices, and</p>				

**Comments/Recommendations:** The Opportunity to Receive Tutoring and the Assignment and Compensation of Tutors is Equivalent.

**Recommendation:** Head coaches and student athletes rated the services provided, availability of advisors, and access to tutoring excellent; however, they stated that turnover of staff was high and felt it may be because of the number of teams / student athletes assigned to each advisor. The average ratio of student athletes to advisors is 114:1 (recommended 50:1). SBC peer institutions average 7 advisors with an average 60:1 ratio. **MARSHALL should review comparable SBC programs and consider the addition of at least 2 academic advisor positions. This is not a Title IX problem but could become one if the lack of services impacts more women’s teams**



**Provision of Medical and Training Facilities and Services [34 C.F.R. Section 106.41(c)(8)].**

<b>TABLE 13</b>		<b>SPORTS MEDICINE STAFF AND FACILITIES</b>			
<b>ATHLETIC TRAINING STAFF</b>	<b>Certification(s)</b>	<b>TEAMS ASSIGNED</b>	<b>RATIO</b>	<b>TRAVEL</b>	
Assistant AD/Head ATC / FT / 26 yrs	NATA BOC	MBB	15:1	MBB	
Head ATC / FT /	NATA BOC	MFB	35: 1	MFB	
Associate ATC / FT / 13 yrs	NATA BOC	WBB, MGO, WGO	30:1	WBB	
Assistant ATC / FT / 25 yrs	NATA BOC	MSC	28:1	MSC	
Assistant ATC / FT / 6 yrs	NATA BOC	WSC	28:1	WSC	
Assistant ATC / FT / 6 yrs	NATA BOC	MWTRCC	90:1	MWTRCC	
Assistant ATC / FT / 6 yrs	NATA BOC	WVB	18:1	WVB	
Assistant ATC / FT / 7 yrs	NATA BOC	WSB	25:1	WSB	
Assistant ATC / FT / 16 yrs	NATA BOC	MBA	34:1	MBA	
Assistant ATC / FT / 7 yrs	NATA BOC	WSWD	30:1	WSWD	
Assistant ATC / FT / 4 yrs	NATA BOC	MFB, MTN	45:1	MFB, WTN (Champ Only)	
Assistant ATC / FT / 3 yrs	NATA BOC	MFB	35:1	MFB	
PRN	NATA BOC	Spirit	30:1	No	
Insurance Coordinator	N/A	All	N/A	No	
<b>TRAINING ROOMS / TEAMS ASSIGNED</b>		<b>ADDITIONAL MEDICAL SERVICES</b>			
Gillette ATR / MWTRCC, WSB		<p><b>Team Physicians:</b> Marshall Orthopedics and Marshall Sports Medicine Institute provide access to Orthopedist / Surgeons. There are agreements and access to Neurosurgery, Oral &amp; Maxillofacial Surgeons, Multiple Dentist, Cabell Huntington Hospital (PCPs), Chiropractic, General Surgery, Eye Care (Optometrist), Family Medicine Clinic, Cardiology,</p> <p><b>Mental Health:</b> B HERD Mental Wellness and Performance. MUCC Director (MA, LPC, LPCC, ALP); Coordinator (M Ed, LPC, LPCC); Mental Health Specialist (MA, Provisionally Licensed Counselor); and Case Manager (MS).</p>			
Shewey ATR / MFB					
Jack Cook Field ATR / MBA					
Henderson Center ATR / MBB, WBB, WVB, WSWD, WTN, MGO, WGO					
Veterans Memorial Soccer Complex MSC, WSC					
<p><b>Health, Accident, and Injury Insurance Coverage</b> - Primary coverage for student-athletes is through their parents' or student health insurance. If primary coverage is exhausted and/or not applicable, the Athletic Department's secondary coverage begins. SA provide proof of insurance and of a physical exam.</p>					



**Provision of Medical and Training Facilities and Services [34 C.F.R. Section 106.41(c)(8)]. CONTINUED**

<b>TABLE 14</b>		<b>SPORTS PERFORMANCE STAFF AND FACILITIES</b>			
<b>STAFF / Employment Status/Yrs. Exp.</b>	<b>Certifications</b>	<b>TEAM ASSIGNMENTS</b>	<b>SA / Staff Ratio</b>	<b>TRAVEL</b>	
Head Strength Coach / FT / 15 yrs	SCCC	MFB	40:1	MFB	
Assistant Strength Coach / FT / 10 yrs	CSCS	MFB	40:1	MFB	
Assistant Strength Coach / FT /	CSCS	MWTRCC, MFB	65:1	MFB	
Assistant Strength Coach / FT /	CSCS	MBA, WSB	59:1	No	
Fellow / VOL INTERN	None	MFB, MWTRCC	65:1	MFB	
Intern / VOL INTERN	None	MFB	N/A	No	
Intern / VOL INTERN	None	MFB	N/A	No	
Director of Oly Sports Perf / FT / 10+ yrs	CSCS	MBB, WVVB	33:1	MBB	
Assistant S & C Coach / FT / 13 yrs	CSCS	WBB, WTN	25:1	WBB	
Assistant S & C Coach / FT / 7 yrs	CSCS	MGO, WGO, WSWD, Spirit	78:1	WSWD (training trip)	
Assistant S & C Coach / FT / 1 yr	CSCS	MSC, WSC	56:1	MSC, WSC	
<b>WEIGHT ROOM</b>		<b>TEAMS ASSIGNED</b>			
<b>Pruett Weight Room / 13,000 sq. ft.</b>		MFB, MBA, WSB, MWTRCC			
<b>Gullickson Weight Room</b>		MBB, WBB, MSC, WSC, MGO, WGO, WSWD, WTN WVVB, SPIRIT			
<b>SPORTS NUTRITION</b>					
<p><b>Nutrition: Director of Performance Nutrition / FT.</b> Herd Fuel Program that provides nutritional consultation for coaches for meals when traveling and supplying team locker rooms; provides student athletes with individual and team education; and ensures sufficient healthy nutrition for the WR fuel stations and Athletic dining room.</p> <p><b>Fueling Station</b> – There was a fully stocked Herd Fuel Station in the Pruetts WR and the Gullickson WR. All students athletes stated they had access to the fuel station nutritional snacks, gran-n-go items, Protein shakes, and other recovery drinks / items in their assigned WR.</p> <p><b>Training Table:</b> Herd Fuel at the John Marshall Dining Room – Fuel health bodies and minds for all student athletes. Breakfast and Lunch four days a week.</p>					



## Provision of Medical and Training Facilities and Services [34 C.F.R. Section 106.41(c)(8)]. CONTINUED

**Comments/Recommendations:** The Provision of Medical and Training Facilities and Services is Equivalent.

**Athletic Training and Medical Services:** The Sports Medicine area has significantly improved since the last Title IX review. Sports Medicine is fully staffed, which ensures access (practice and competition) to Athletic Trainers for all teams and allows for more with teams (WSWD, MWTRCC) that normally did not have an ATC travel with them. Access to Team Physicians (Orthopedist, Primary Care, all Specialist) is excellent and all student see Physicians (in training room and / or Physician office) in a timely manner. **The head coaches and student athletes rated services provided and access to Sports Medicine staff and physicians, and facilities excellent.**

**Mental Health: MISSION STATEMENT excerpt:** *“The mission of the Be HERD Mental Wellness and Performance is to reduce stigma related to athletes and mental health, to raise awareness, and to promote help seeking. We aim to help student-athletes overcome their challenges and succeed in all areas of their lives and work towards finding balance in their mental and physical health. Student athletes will learn how to work through mental performance concerns to help them perform at their optimum level.”* **Student athletes and coaches rated the services and availability of staff excellent.**

**Strength & Conditioning: Second area that has significantly improved since the last Title review.** Strength & Conditioning is fully staffed, and the staff works with each head coach in developing work out programs and weight room schedules for their teams. Strength staff works with the Athletic Trainers in injury prevention and rehabilitation. The head coaches and student athletes rated the services, availability of staff, and facilities excellent.

**Nutrition:** The Nutritionist provides team education sessions at the beginning of each season and is available for individual consultation. She works with strength coaches to stock Herd Fueling Stations and University Food Service in developing sport performance nutritional meals at the Athletic Dining Room. **The head coaches and student athletes rated Nutrition Services (Nutritionist, Dining Room, Fuel Stations) excellent.**

**Recommendation:** The Nutritionist is doing a tremendous job fulfilling her responsibilities with teams, dining services, and fueling stations and limited education / counseling services. However, her attention to education / counseling for team and individual student athletes is limited and could be enhanced with permanent graduate assistant and / or intern positions. Some student athletes stated they had not been able to schedule a time to talk with her because of her time restraints.





## Publicity [34 C.F.R. Section 106.41(c)(10)].

**Strategic Communications: The staff manages the Athletics website and media outlets.** The website meets industry standards with team information, pre-game promotions, post-game recaps, and releases, and updated on a regular basis. The staff coordinates statisticians, bookkeepers, PA announcers, and other related game staff for home competitions. Media Days are provided for all teams that produces photos and videos that are used for intro videos, social media and website posting. The Strategic Communications, Digital Strategy and Brand Management, Marketing & Promotions, and Broadcast & Technology staffs form a team that work together in generating social media content and broadcasting games.

**Social media** for reporting, promoting, and recruiting for all teams is a collaborative effort between The Strategic Communications (pre- & post-game information, SA information, team information), Digital Strategy and Brand Management (social media platforms, graphics), Marketing & Promotions (game promotions, sponsors), and Coaching (game information, interviews) staffs. Each team has team social media accounts and there is an Athletics X (Twitter) account that covers all sports. The Digital Strategy and Brand Management staff is responsible for managing all social media accounts, developing graphics for post, and overall management of content.

**Marketing and Promotions:** Marketing and / or promotions plans are provided for all teams. Game day / in-game promotions (theme games, giveaways) are provided for teams that have home competition, remaining teams are provided with social media promotions (pre-game, post-game, and days leading up to competition day).





TABLE 15	PUBLICITY	
STRATEGIC COMMUNICATIONS STAFF	SPORT ASSIGNMENTS	TRAVEL
Associate AD for Strategic Communications / FT / 2 yrs	MFB, MGO, WGO	MFB
Associate Director for Communications / FT / 10 yrs	WVB, MSC, MBB, MBA, WTN, WSWD	For all Championships
Associate Director of Communications / FT / 4 yrs	WSC, WBB, MWTRCC, WSB	For all Championships
HERD VISION/ DIGITAL STREAMING	SPORT ASSIGNMENT	TRAVEL
Dir. Of University Broadcast & Technology / FT	All Sports	No
Assoc.AD/Digital Strategy & Brand Management / FT	All Sports	MFB
Director of Graphic Design / FT	All Sports	NO
Director of Creative Video / FT	All Sports	MFB
Broadcast Production Manager / FT	All Sports	NO
Broadcast Production Manager FT	All Sports	NO
Broadcast Production Manager FT	All Sports	NO
MARKETING & FAN ENGAGEMENT	SPORTS ASSIGNED	MARKETING / PROMO PLANS
Associate AD / FT	MFB	MFB
Director / FT	MBA, MBB, WSWD, WTN	MBA, MBB
Assistant Director / FT	MSC, WSC, WSB	MSC, WSC, WSB
Graduate Assistant / PT	WVB	WVB
Marketing Assistant / PT	WBB	WBB
Marketing Assistant / PT	N/A	WSWD, MWTRCC, WTN: PROMO PLANS
DIGITAL STRATEGY AND BRAND MANAGEMENT	CORPORATE SPONSORSHIPS TEAM	
Associate AD-Digital Strategy and Brand Management	General Manager	
Director, Creative Video	Manager of Business Development	
Director, Graphic Design	Manager of Business Development	
TICKET SALES	Coordinator of Partner Services	
Director, Ticket Sales		
Assistant Director		
Graduate Assistant, Ticketing		



TABLE 16		BROADCAST, SOCIAL MEDIA, PUBLICATIONS				
SPORT	RADIO	STREAM	TV	GAME RELEASES	SOCIAL MEDIA	
Baseball	12	21	0	Live Stats; Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
M Basketball	31	17	2	Live Stats, Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
Football	12	6	2	Live Stats, Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
M Soccer	11	9	2	Live Stats; Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
W Basketball	16	16	0	Live Stats; Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
MW XC/Track	0	0	0	Live Stats (occ); Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
MW Golf	0	0	0	Live Stats; Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
W Soccer	7	7	0	Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
Softball	16	16	0	Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
W Swim/Dive	0	1	0	Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
W Tennis	0	0	0	Live Stats; Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
Volleyball	0	7	0	Live Stats; Website	X; Instagram; Facebook	Pre/Post GM, Photo, Video, Graphics
SPORT	MEDIA DAY		PUBLICATIONS / SIGNS / GAME PROMOTIONS			
Baseball	Photo/Promo Videos		Schedule poster, Roster card			
M Basketball	Photo/Promo Videos		Schedule poster, Game Program, Print Ads, In-Game Promo, Tickets, Campus Signs, E-mail Blast			
Football	Photo/Promo Videos		Schedule poster, Game Program, Print Ads, In-Game Promo, Tickets, Campus Signs, E-mail Blast			
M Soccer	Photo/Promo Videos		Schedule poster, Roster card, Game Promos, In-Game Promo, Tickets, E-mail Blast			
W Basketball	Photo/Promo Videos		Schedule poster, Game Program, Print Ads, Game Promos, In-Game Promo, Tickets, E-mail Blast			
MW XC/Track	Photo/Promo Videos		Schedule poster			
MW Golf	Photo/Promo Videos		Schedule poster			
W Soccer	Photo/Promo Videos		Schedule poster, Roster Card, Game Promos, In-Game Promo, Campus Signs, Tickets, E-mail Blast			
Softball	Photo/Promo Videos		Schedule poster, Game Promos, In-Game Promos, E-mail Blast			
W Swim/Dive	Photo/Promo Videos		Schedule poster, Game Promos, In-Game Promo, E-mail Blast			
W Tennis	Photo/Promo Videos		Schedule poster, E-mail Blast			
Volleyball	Photo/Promo Videos		Schedule poster, Game Promos, In-Game Promo, Campus Signs, Tickets, E-mail Blast			



**Comments/Recommendation:** Overall, Publicity is equivalent.

**Website Ratings / Concerns:** The head coaches and student athletes for all teams except Women's Golf and Women's Swimming and Diving rated Strategic Communications services good to excellent. As stated by coaches and student athletes, HGC found that the primary concern is that the website player (profiles, pictures, stats, records) and team (stats, records) information is not being updated in a timely manner or not at all. Student athletes that have left the program are still on the website (WGO) and player profiles are not updated and some information on the profile is incorrect (WSWD). Other comments by head coaches is that this area is understaffed and that coverage is great during the season but drops off significantly out of season (when recruiting).

**Recommendation:** *The website concerns stated by the head coaches and student athletes were addressed with the Associate AD for Communications. He will discuss the concerns with the head coaches and Communications staff and ensure service will improve.*

**Social Media Ratings / Concerns:** Overall, the head coaches and student athletes stated that social media coverage was sufficient, especially during the sport season. The following coaches had concerns about their team coverage: Head Women's Soccer, Men's Soccer, Softball, Men's and Women's Cross Country / Track, Women's Golf, and Women's Swimming & Diving Coaches stated that postings were limited and very simple; out of season attention is limited (MSO, WSO – no post about game with WVU); staff is limited and no time to engage with team especially in out of season (WSB); coaches provide pictures and content, need media to travel occasionally (MWTRCC); media staff needs to be more active, more coverage, Media Day late, no get to know team, no birthday post, no recruiting signee post (WGO); coaches do most of post, media team provides graphics (WSWD); have to constantly ask or stay on the SID to get it done (WVB).

**Recommendation:** *The stated concerns by the coaches and student athletes are due to limited staff. Staffing should be compared to other SBC Communications staffs and determine if additional staff is needed. Time Management skills and importance of equivalent coverage for all teams should be discussed with the Media Team.*

**Marketing And Promotions / Concerns:** Head coaches rated marketing and promotions sufficient / good, except Women's Swimming & Diving and Softball. All teams are provided marketing and / or promotions plans. Game promotions and theme game promotions are provided for all teams with home competition. The teams without or limited home competition are provided social media game promotions and coverage. Marketing plans include ticket sales and game sponsorships for teams that sell admission (MFB, MBB, WBB, MBA, WSC, MSC). Women's Swimming & Diving Softball coaches and student athletes stated that game promotions and theme game promotions were provided but not for all home competition.



## Provision of Locker Rooms, Practice and Competitive Facilities [34 C.F.R. Section 106.41(c)(7)].

<b>TABLE 17</b>	<b>LOCKER ROOM FACILITIES HEAD COACH (HC) &amp; STUDENT-ATHLETE (SA) RATINGS / ISSUES) (Men's teams not interviewed)</b>
<b>SPORT</b>	<b>RATINGS / ISSUES</b>
<b>MEN</b>	
Baseball	<b>Alex Lawrence Clubhouse</b> / HC – Excellent SA – Excellent; New facility.
Basketball	<b>Cam Henderson Center</b> / HC – Excellent SA – Excellent
Football	<b>The Shewey</b> / HC – Excellent SA – Excellent
Golf	<b>Building at Guyan GCC</b> / No dedicated locker room at GCC or on campus / planned practice facility / locker room facility at Guyan.
Soccer	<b>Veterans Memorial Soccer Complex</b> / HC – Good SA – Good; showers broken
Track and Field / CC	<b>No Locker Room</b>
<b>WOMEN</b>	
Basketball	<b>Cam Henderson Center</b> / HC – Excellent SA – Excellent
Golf	<b>Cam Henderson Center/Building at Guyan GCC</b> / HC – Average SA – Average; former WTN, Tennis on door and no key get in. / planned practice facility / use locker room facility at Guyan.
Soccer	<b>Veterans Memorial Soccer Complex</b> / HC – Very Good SA – Very Good; 1 shower no hot water, 1 drain clogged.
Softball	<b>Dot Hicks Field Clubhouse</b> / HC – Excellent SA – Excellent
Swim / Dive	<b>Fitch Natatorium</b> / HC & SA – Average; good space, outdated, Hot, wood lockers rotting, showers do not work, dirty, real old.
Tennis	<b>Cam Henderson</b> / HC – Good SA – Good; new, too warm.
Track and Field / CC	<b>Cam Henderson Center</b> / HC – Good SA – Good: not at track, do not use a lot.
Volleyball	<b>Practice Gullickson Hall &amp; Game Day Cam Henderson Center</b> / HC – Poor SA – Good; SA share lockers, no improvements.



<b>TABLE 18 PRACTICE AND COMPETITIVE FACILITIES</b>			
<b>HEAD COACH (HC) &amp; STUDENT-ATHLETE (SA) RATINGS / ISSUES) (Men's teams not interviewed)</b>			
<b>SPORT</b>	<b>FACILITY/QUALITY (Ratings)</b>	<b>EXCLUSIVE USE</b>	<b>MAINTENANCE &amp; PREP</b>
<b>MEN</b>			
Baseball	<b>Jack Cook Field</b> HC – Excellent / SA – Excellent	Exclusive	Athletic Facilities/Turf & Game Ops
Football	<b>John C. Edwards Stadium</b> HC – Excellent / SA – Excellent	Exclusive	Athletic Facilities/Turf & Game Ops
<b>WOMEN</b>			
Softball	<b>Dot Hicks Field / V. Farley Softball Facility</b> HC – Good / SA – Good; need team room, more stands and fencing to allow for charging admission.	Classes, Club & HS Teams	Univ Physical Plant & Game Ops
Tennis	<b>Brian David Fox Tennis Center (Outdoor)</b> HC-Good / SA-Good; courts need complete overhaul.	Exclusive	Game Ops and Coaching Staffs
Swimming / Diving	<b>Fitch Natatorium</b> HC – Good / SA – Good, Old difficult to update, chemicals out of balance, ventilation poor	UREC, Community	UREC & Athletics Facilities / Good – Old facility difficult to maintain
<b>SHARED</b>			
M/W Basketball	<b>Cam Henderson Center</b> HCs – Good / SAs – Good, New Floor <b>Scruggs Practice Facility</b> HCs – Average / SAs – Good, No HVAC, very Hot, slippery	WVB	Athletic Facilities & Game Ops
Volleyball	<b>Cam Henderson Center</b> HC – Excellent / SA – Excellent <b>Scruggs Practice Facility</b> HC – Dangerous / SAs – Good, No HVAC, Hot, slippery	MBB, WBB	Athletic Facilities & Game Ops
M/W Track	<b>Cline IAF</b> HC – Good / SA – Good, not good practice specific events (Jumps, Throws), track small, need outdoor track	MFB, MSOC, WSOC, MBA, WSB	Athletic Facilities & Game Ops
M/W Cross Country	<b>Kennedy Center</b> HC – Good / SA – Good	YMCA	YMCA Staff & Coaches
M/W Soccer	<b>Hoops Family Field</b> MSC HC-Inadequate for ranked team, need more stands, new turf, enhanced tailgate area / MSC SA-Good // WSC HC – Good / WSC SA - Good	Exclusive	Athletic Facilities & Game Ops
M/W Golf	<b>Guyan GCC</b> HCs - Excellent / SAs – Excellent, planned practice facility at Guyan.	Private Club	Professional Groundskeepers & Head Coaches
<b>Indoor Facility</b>	<b>Cline IAF- All outdoor sports use during inclement weather.</b>		



**Comments/Recommendation(s):** Overall, The Provision of Practice and Competitive Facilities is equivalent.

**Facility Concerns:** MARSHALL has several facility concerns because of old facilities which are difficult to maintain and update. In summary, facility needs impact eight women's teams and three men's teams. Listed below are the current facility needs and the potential impact of those needs on Title IX when they are compared to other sport facilities and locker rooms at MARSHALL.

**Title IX Implications & Recommended Priority:**

1. **Priority 1 Softball – Current needs for Softball are additional:**
  - a. **Priority - Increased seating (grandstand, outfield) and fencing to enclose the park to allow hosting SBC and NCAA postseason and to enhance revenue generation (charge admission / ticketed sport).**
  - b. **Team Room -** New indoor facility has a team room w/kitchen. The HC chose to move the coaches offices from the clubhouse to this area, which creates a secondary problem, Softball coaches do not have private offices like the Baseball coaches and other sport coaches. **Recommendation: Coaches need to work out team area with facilities staff in the coaches' offices in the clubhouse.**
2. **Priority 1 A Volleyball Locker Room –** The LR is in need of updates and additional lockers (share lockers).
3. **Priority 1 B Swimming & Diving – Locker Room –** LR is need of updating / repair (HOT, wood lockers rotting, showers do not work). Obviously a ventilation problem due to old facility which will be difficult to remedy and responsibility of Univ.
4. **Priority 2 Women's Tennis courts –** The courts infrastructure is in need of a complete overhaul (not resurfacing).

**Men's and Women's Team Impact Equally:**

5. **Men's and Women's Track Locker Rooms –** Primary concern is that LR is not at the IAC.
6. **Men's Golf – no locker room / Women's Golf – MGO** No dedicated LR at GCC or on campus. **WGO** LR provided - former WTN LR, Tennis on door and no key get in, do not use. There is a planned practice facility with LRs at Guyan CC.
7. **Gullickson Practice Facility (MBB, WBB, WVB) – WVB** Good space, has 3 courts for VB practice but No HVAC. Extremely hot (water breaks numerous) and gets slippery and dangerous during summer and fall practices. So unsafe WVB has paid to practice at the Rec Gym and MBB has rented AC units. Old facility and too costly to put in HVAC. Does impact two women's teams and one men's. **Recommendation: If AC units can be rented during summer and early fall workouts, it should be done for all three teams or the facility and used by any team when using the facility.**



## Appendices

**Appendix 1 Three-Year Athletic Participation and Financial Assistance (Scholarships) Calculations**

**Appendix 2 Test 1 – Substantial Proportionality Options**

**Appendix 3 MARSHALL Participation and Financial Assistance Plan**





## Appendix 1 Three-Year Athletic Participation and Financial Assistance (Scholarships) Calculations

AY 2023-24							AY 2024-25						
SPORT	PARTICIPATION		ATHLETICS AID				SPORT	PARTICIPATION		ATHLETICS AID			
	# Participants		Unduplicated Head Count		Athletics Aid Awarded			# Participants		Unduplicated Head Count		Athletics Aid Awarded	
	Men	Women	Men	Women	Men	Women		Men	Women	Men	Women	Men	Women
Baseball	42	N/A	42	N/A	\$393,047	N/A	Baseball	42	N/A	42	N/A	\$398,941	N/A
Basketball	16	16	16	16	\$453,730	\$432,926	Basketball	15	17	15	17	\$311,654	\$348,225
Football	134	N/A	134	N/A	\$2,866,483	N/A	Football	124	N/A	124	N/A	\$2,076,657	N/A
Golf	11	10	11	10	\$121,070	\$198,603	Golf	12	8	12	8	\$113,974	\$149,971
Soccer	34	30	34	30	\$440,673	\$438,724	Soccer	33	30	33	30	\$405,206	\$487,798
Softball	N/A	23	N/A	23	N/A	\$383,046	Softball	N/A	24	N/A	24	N/A	\$365,844
Swimming	N/A	30	N/A	30	N/A	\$491,792	Swimming	N/A	26	N/A	26	N/A	\$474,874
Tennis	N/A	11	N/A	11	N/A	\$287,058	Tennis	N/A	10	N/A	10	N/A	\$155,037
Track-CC	22	17	N/A	N/A	N/A	N/A	Track-CC	17	11	N/A	11	N/A	N/A
Track-I	45	41	N/A	N/A	N/A	N/A	Track-I	57	41	N/A	N/A	N/A	N/A
Track-O	50	41	50	41	\$132,352	\$519,291	Track-O	54	37	54	37	\$360,604	\$446,048
Volleyball	N/A	23	N/A	23	N/A	\$417,945	Volleyball	N/A	21	N/A	21	N/A	\$266,021
<b>TOTALS</b>	<b>354</b>	<b>242</b>	<b>287</b>	<b>184</b>	<b>\$4,407,355</b>	<b>\$3,169,385</b>	<b>TOTALS</b>	<b>354</b>	<b>225</b>	<b>280</b>	<b>184</b>	<b>\$3,667,036</b>	<b>\$2,693,818</b>
<b>Participation</b>	<b>59.4%</b>	<b>40.6%</b>	<b>60.9%</b>	<b>39.1%</b>	<b>58.2%</b>	<b>41.8%</b>	<b>Participation</b>	<b>61.1%</b>	<b>38.9%</b>	<b>60.3%</b>	<b>39.7%</b>	<b>57.7%</b>	<b>42.3%</b>
<b>Enrollment</b>	<b>43.0%</b>	<b>57.0%</b>					<b>Enrollment</b>	<b>44.1%</b>	<b>55.9%</b>				
<b>+ / -</b>	<b>16.4%</b>	<b>-16.4%</b>	<b>2.8%</b>	<b>Favoring Women</b>			<b>+ / -</b>	<b>17.1%</b>	<b>-17.1%</b>	<b>2.7%</b>	<b>Favoring Women</b>		

FALL23 FT UG Enrollment		
Male	2718	43.0%
Female	3599	57.0%
<b>Total</b>	<b>6317</b>	

FALL 24 FT UG Enrollment		
Male	2881	44.1%
Female	3658	55.9%
<b>Total</b>	<b>6539</b>	



**Appendix 1 CONTINUED**

AY 2025-26						
SPORT	PARTICIPATION		ATHLETICS AID			
	# Participants		Unduplicated Head Count		Athletics Aid Awarded	
	Men	Women	Men	Women	Men	Women
Baseball	37	N/A	37	N/A	\$419,008	N/A
Basketball	15	14	15	14	\$406,406	\$378,936
Football	106	N/A	105	N/A	\$2,236,034	N/A
Golf	9	6	9	6	\$21,316	\$93,360
Soccer	28	27	28	27	\$539,731	\$377,455
Softball	N/A	21	N/A	21	N/A	\$285,351
Swimming	N/A	28	N/A	28	N/A	\$461,987
Tennis	N/A	8	N/A	8	N/A	\$185,718
Track-CC	13	14	N/A	N/A	N/A	N/A
Track-I	44	47	N/A	N/A	N/A	N/A
Track-O	45	47	45	47	\$290,320	\$489,099
Volleyball	N/A	18	N/A	17	N/A	\$331,296
<b>TOTALS</b>	<b>297</b>	<b>230</b>	<b>239</b>	<b>168</b>	<b>\$3,912,815</b>	<b>\$2,603,202</b>
<b>Participation</b>	<b>56.4%</b>	<b>43.6%</b>	<b>58.7%</b>	<b>41.3%</b>	<b>60.0%</b>	<b>40.0%</b>
<b>Enrollment</b>	<b>43.0%</b>	<b>57.0%</b>				
<b>+ / -</b>	<b>13.3%</b>	<b>-13.3%</b>				
			<b>1.3%</b>		<b>Favoring Women</b>	

FALL 25 FT UG Enrollment		
Male	3124	43.0%
Female	4137	57.0%
<b>Total</b>	<b>7261</b>	



## Appendix 2 Test 1 – SUBSTANTIAL PROPORTIONALITY OPTIONS

Test 1 – SUBSTANTIAL PROPORTIONALITY OPTIONS						
Roster Management Plan w/ ROSTER CAPS						
SPORT	AY 2025-26		RECOMMENDED		SPORT ADJUSTMENT	
	Men	Women	Men	Women	Men	Women
Baseball	37	N/A	34	N/A	34	N/A
Basketball	15	14	15	15	15	15
Football	106	N/A	105	N/A	105	N/A
Golf	9	6	7	9	7	9
Soccer	28	27	25	28	25	28
Softball	N/A	21	N/A	25	N/A	25
Swimming	N/A	28	N/A	30	N/A	30
Tennis	N/A	8	N/A	10	N/A	10
Track-CC	13	14	10	17	17	17
Track-I	44	47	20	45	0	45
Track-O	45	47	20	45	35	45
Volleyball	N/A	18	N/A	18	N/A	18
<b>Add Wos Sport</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>50</b>
<b>Total</b>	<b>297</b>	<b>230</b>	<b>236</b>	<b>242</b>	<b>238</b>	<b>292</b>
<b>Participation</b>	<b>56.4%</b>	<b>43.6%</b>	<b>49.4%</b>	<b>50.6%</b>	<b>44.9%</b>	<b>55.1%</b>
<b>Enrollment</b>	<b>43.0%</b>	<b>57.0%</b>	<b>43.0%</b>	<b>57.0%</b>	<b>43.0%</b>	<b>57.0%</b>
<b>Difference</b>	<b>160+ Participation Opportunities</b>	<b>-13.3%</b>	<b>80+ Participation Opportunities</b>	<b>-6.4%</b>	<b>20 Participation Opportunities Argue Compliance</b>	<b>-1.9%</b>

**NOTES:**

1. **Based on FALL 25 FT Undergraduate Enrollment**  
 Male 43% Female 57%
  - a. **Monitor:** Women’s enrollment rates continue to grow. Men’s rates have grown also but this is not the national trend.
2. **Sport Adjustment: Test 1 – Substantial Proportionality compliance only possible by not sponsoring men’s sport (indoor track) and addition of participation opportunities for women (40-50).**
  - a. **Difference approx. of 2.0%** between participation and enrollment rates, **Test 1- Substantial Proportionality compliance could be argued.**
  - b. Men’s Track could focus on distance running and outdoor track field events.
3. **Recommended and Sport Adjustment Roster Targets:** Monitor rosters each semester to ensure roster targets for men’s and women’s teams are strictly enforced.
4. **Elimination of Sports** is not advised at this time due to pending legal actions. Suspending men’s indoor track for a limited time would not be considered elimination of the sport completely.
5. **It is noted that Marshall works to continue to comply with Test 3 Accommodation of Interest & Abilities with the current sport offerings.**



### Appendix 3 MARSHALL Participation and Financial Assistance Plan

MARSHALL Participation and Financial Assistance Plan						
Participation & Scholarships / Tuition Waivers (SCH / TW)						
SPORT	Projected PARTICIPATION		SCH / TW	Projected TOTAL SCH/TW		SCH / TW
	Men	Women	Men	Men	Women	Women
Baseball	34	N/A	11.7 full +22.3 TW	\$470,900	N/A	N/A
Basketball	15	15	13+2 TW	\$341,000	\$465,000	15 full +\$90K Alston
Football	105	N/A	85 full + 20 TW	\$2,285,000	N/A	N/A
Golf	9	9	9 TW	\$72,000	\$72,000	9 TW
Soccer	28	28	12 full + 18 TW	\$451,700	\$428,000	12 full + 16 TW
Softball	N/A	25	N/A	N/A	\$404,000	12 Full + 13 TW
Swimming	N/A	30	N/A	N/A	\$240,000	30 TW
Tennis	N/A	10	N/A	N/A	\$80,000	10 TW
Track-CC	N/A	N/A	N/A	N/A	N/A	N/A
Track-I	N/A	N/A	N/A	N/A	N/A	N/A
Track-O	45	45	45 TW	\$360,000	\$360,000	45 TW
Volleyball	N/A	18	N/A	N/A	\$348,000	12 full + 6 TW
<b>TOTAL</b>	<b>236</b>	<b>180</b>		<b>\$3,980,600</b>	<b>\$2,397,000</b>	
<b>Participation</b>	<b>56.7%</b>	<b>43.3%</b>	<b>Scholarships</b>	<b>62.4%</b>	<b>37.6%</b>	
<b>Difference</b>	<b>-5.7%, FAVORING MEN (4.7% &gt; 1% allowed by OCR, favoring men. Approx. \$650,000)</b>					

**NOTES:**

1. Full scholarship + Tuition Waivers appears to be an effective method for distribution of athletic financial benefits. It saves real cash for Athletics but **Yields 5.7% difference (4.7% above 1% allowed by OCR).**
2. It could be argued that a 2% difference (1% > 1% allowed by OCR) indicates compliance based on the premise that the 1% excess is based on nondiscriminatory reasons.

**3. Current Totals**

Men: Full 121.7 TW 96.3  
 Women: Full 51 TW 129

**Recommended**

Men: Full 121.7 TW 76.3  
 Women: Full 62 TW 116

**Adjusted Totals**

Men: \$3,652,900 59.6%  
 Women: \$2,478,000 40.4%

**Difference: 2.9% favoring men**

**Roster Target and # TW Adjustments:**

**MTR 25 RT and 25 TW**

**WSO 15 F / 13 TW WTN 2 F / 6 TW**

**WSB 14 F / 11 TW WGO 2 F / 7 TW**