



PRESS RELEASE

November 6, 2009

The CSCAA learned today that the U.S. Department of Education's Office for Civil Rights (OCR) will investigate a Title IX complaint filed on September 25, 2009 by Ron Neugent, a former swimmer at the University of Kansas.

The gender discrimination complaint alleges the University of Kansas denies males equal opportunity in the University's intercollegiate athletics program. Specifically, the complaint alleges the University of Kansas discriminates against males in the accommodation of athletic interests and abilities. In a letter dated October 30, 2009, OCR stated that "it is opening the allegation for investigation."

The OCR is responsible for enforcing Title IX of the Education Amendments of 1972. Title IX was enacted by the U.S. Congress to ensure that no person is discriminated against in educational programs on the basis of gender.

The complaint centers on the University of Kansas' non-compliance with the three-part test, used as part of the determination of compliance with Title IX. The three prongs of the three-part test are: (1) substantial proportionality between the participation opportunities and the respective enrollment; (2) a continuing practice of program expansion for the under-represented gender; and (3) demonstration that the interest and abilities of the under-represented gender are being fully and effectively accommodated. The complaint alleges the University of Kansas has not met any of the prongs of the three-part test since 2005.

First, the complaint alleges that male participation in athletic programs at the University of Kansas has not been proportional to the male enrollment since 2005. Thus, the University has not met Part 1 (substantial proportionality) of the three-part test. The complaint also alleges the University of Kansas does not meet Part 2 of the three-part test, because the University has not shown a history and continuing practice



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of program expansion for the under-represented gender (males). Of the men's varsity sports, golf was the most recent sport added, and that occurred seventy-three years ago. Finally, the complaint alleges the University of Kansas is not meeting Part 3 of the three-part test, because the University is not fully and effectively accommodating the interests and abilities of the under-represented gender. In demonstrating the interest and abilities of male athletes attending the University of Kansas, the complaint cites the success of the men's club swimming team and a petition to add men's swimming & diving as a varsity sport, which contains the signatures of nearly thirty male students interested in participating on a men's varsity swimming & diving team.

The swimming community in Kansas and Division I college swimming is encouraged by the prospect of having a men's team at the University of Kansas. Currently there are no collegiate men's swimming & diving teams in the state. Participation in boy's high school swimming & diving in Kansas increased by 22.5% during the last school year, with 1,466 boys competing. In addition there are 1,617 male swimmers under the age of 18 competing with USA Swimming club teams in the Missouri Valley LSC. With Big XII Conference men's teams at the University of Missouri, the University of Texas, and Texas A&M University, the University of Kansas will find all the competition it needs.

Before it was eliminated in 2001, the men's swimming & diving team at the University of Kansas had been a very successful varsity sport. Since 1925 it produced NCAA All Americans, numerous Big 8 conference championships, and two members of the men's program qualified for the United States Olympic swimming team.

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