



TITLE IX ASSESSMENT AND SUMMARY

UNMLobos

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INTRODUCTION

The following report was prepared by **HELEN GRANT CONSULTING, LLC**, for **UNIVERSITY OF NEW MEXICO (UNM)** in Albuquerque, New Mexico. The report addresses the compliance status of **UNM** with 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 at 34 C.F.R. Part 106. As a means of assessing compliance, **HELEN GRANT CONSULTING, LLC** 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. The findings were made for the 2016-2017 academic year, unless otherwise indicated. Preliminary to the review, **UNM** provided specific data requested by **HELEN GRANT CONSULTING, LLC**. During the onsite portion of the review (February 19-21, 2018), all head coaches, appropriate **UNM** administrators, support staff, and men and women student-athletes from each team were interviewed. Facilities were reviewed also. The conclusions reached herein are based on these data alone.

UNM is a member of the National Collegiate Athletic Association (NCAA) Division I (FBS), the Mountain West Conference (MWC) and Conference USA (CUSA) and is subject to the rules and regulations of those organizations. As a recipient of federal financial assistance, **UNM** must comply with the requirements of Title IX.

I. EFFECTIVE ACCOMMODATION OF STUDENT INTERESTS AND ABILITIES

A. Regulatory Requirement

The regulation requires institutions to accommodate effectively 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(c)(1)]

B. Selection of Sports

UNM offers twenty-two (22) varsity intercollegiate teams, ten (10) for men and twelve (12) for women. These teams and the number of participants on each team during the 2016-2017 year are indicated in the chart below. Please note that the participant count below is based on the definition of a participant by OCR in the interpretation of Title IX policies. Fifth-year/exhausted eligibility and participants meeting NCAA medically disqualified requirements are not counted. Also, participants on the men’s and women’s cross country, indoor track and outdoor track teams are counted as three participation opportunities.

SPORTS	2016-2017 MEN	2016-2017 WOMEN
Baseball	36	NA
Basketball	15	17
Beach	NA	16
Football	110	NA
Golf	12	9
Skiing	13	11
Soccer	25	36
Softball	NA	22
Swimming/Diving	NA	22
Tennis	9	8
Track: XC	17	19
Indoor	41	35
Outdoor	39	35
Volleyball	NA	17
TOTAL	317	247

C. Compliance Standard (Three - Part Test)

Test 1 "Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments."

AY 2016-2017 Undergraduate Enrollment & Participation Rate Analysis

Full-time Undergraduate Male Students:	8,765 (44.6%)
Full-time Undergraduate Female Students:	<u>10,883</u> (55.4%)
	19,648
Male Participants	317 (56.2%)
Female Participants	<u>247</u> (43.8%)
	564

There is a **minus 11.6%, favoring the men**, difference between the male and female participation rates and the male and female full-time, undergraduate enrollment rates, approximately 145 participation opportunities which is significant. UNM does not offer participation opportunities in substantial proportionality to the undergraduate enrollment rate and does not comply with Test 1 - Proportionality.

Test 2 "Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex;"

SPORT	FIRST YEAR
Swimming/Diving	1972
Basketball	1974; eliminated 1987, reinstated 1991
Golf	1974
Gymnastics	1974; eliminated 1992
Skiing	1974
Volleyball	1975
Cross Country	1976
Indoor & Outdoor Track	1976
Softball	1977
Tennis	1982
Soccer	1993
Beach Volleyball	2015

Women's sports began in 1972 with swimming/diving and from 1972 to 1977 eight women's sports (basketball, golf, gymnastics, softball, skiing, cross country, track and volleyball) began

intercollegiate competition. Tennis began competition in 1982 and soccer in 1993. The last sport added was beach volleyball in 2015.

UNM has demonstrated a history of program expansion (adding women's sports); however, the criterion is that there also be a continuing practice of program expansion in addition to the established history. Evidence of a continuing practice is when a sport for the underrepresented sex has been added in the last 3-5 years or there is a plan to add a sport by a date certain. **UNM added beach volleyball for women in 2015 (3 years), which means that UNM, at the time of the review, complies with Test 2.**

Test 3 “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.”

In making the determination of compliance with Test 3, three factors are considered. If all three factors are met, a team must be added or noncompliance results. The following analysis of those three factors includes information gathered by the consultant and information provided by UNM.

1. Unmet interest in a particular sport. There are several indicators of interest:¹
 - a. Requests by students that a sport be added – there have been no formal proposals by students at UNM to elevate a club sport or add a new sport for women to varsity status in recent years. However, members of the men's and women's rugby club teams met with the Deputy AD for Internal Operations to discuss elevating the club teams to varsity status. However, due to the University's financial situation, Athletics felt it would not be feasible to accommodate their request. The club team representatives asked that, if varsity status was not possible, would they be allowed to use athletic facilities for practice and competition and have access to support services (i.e., athletic trainers, etc.).
 - b. Requests that an existing club sport be elevated to intercollegiate team status – as stated above, there have been no formal request.
 - c. All intramural sports offered for women at UNM were already offered at the varsity level (i.e., basketball, soccer, and volleyball) or were recreational activities (i.e., flag football, badminton, dodgeball, corn toss, etc.).

There were four sports (bowling, fencing, rugby and water polo) for women offered at the club level but not offered by UNM Athletics. These four sports are NCAA Championship sports. The remaining sports were recreational activities (i.e., Ultimate Frisbee, Fusion Dancing, Cricket, Jujutsu, etc.).

¹ Source: Office for Civil Rights (OCR) Policy Clarification of 1996

- d. Interviews with student-athletes, coaches, administrators, and others regarding interest in particular sports – During the review, I discussed potential varsity sports with the student-athletes, coaches of women’s sports and administrators interviewed. Student-athletes interviewed mentioned rugby (6), ice hockey (4) and water polo (2). The student-athletes that mentioned these sports were uncertain if there were both men’s and women’s club teams and if they would want to be an intercollegiate, varsity sport. They knew that these teams existed. Two of the sports are UNM club sports (water polo and rugby). This indicates minimal interest in a women’s club sport becoming a varsity level sport for women.
 - e. Participation interscholastic sports by admitted students – The only sports offered at the interscholastic level in New Mexico but not at the intercollegiate level at UNM are bowling, competitive cheer and wrestling. Bowling is an NCAA championship sport and wrestling is not. Acrobatics & Tumbling has been developed as a sport for women that participated in competitive cheer in high school. A & T has been proposed to the NCAA to become an NCAA Emerging Sport for Women. Confirmation is pending.
 - f. Results of questionnaires of students and admitted students regarding interest in particular sports – Surveys have not been conducted.
2. 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. Most sports for women originated from club sports, and participants at this level usually have greater ability than those at the intramural level; however, UNM recruits for student-athletes, male and female. Because of recruitment, when there is unmet interest, sufficient ability can be presumed unless the normal recruitment area is insufficient to sustain a team. Head coaches stated that they recruited regionally, nationally and internationally. This means that UNM’s recruitment area overall is broad for existing sports.

UNM’s recruitment area for existing sports is predominately regional (New Mexico, California, Texas, Arizona) and International. However, the head coaches stated that they attempt to recruit nationally. Rosters for each team were reviewed and indicated that 254 (55.9%) of approximately 454 participants were from six states [New Mexico (112), California (66), Texas (41), Arizona (21), Washington (14) and Virginia (7)] and 66 (14.5%) were international. The remaining participants were from twenty-three different states. In the states where UNM recruits the majority of its student-athletes, there is limited competition at the interscholastic level in bowling, field hockey, gymnastics, and ice hockey. There was a more significant number of state high school athletic associations that sponsored wrestling and there was a high number of high schools in California that sponsor lacrosse.

3. A reasonable expectation of competition for the team. The third factor to be considered

in determining unmet interest is whether there is reasonable expectation of competition for a particular team in UNM's normal competitive region or in the geographical area in which UNM is located. UNM's competitive region is primarily the Mountain West Conference and West Region (Arizona, Texas, Utah, Idaho, California, Colorado, and Nevada). The men's soccer team travels East or Southeast for competition. **There is limited available competition in UNM's normal competitive region for any women's sport other than the current sports offered at UNM. In those states that make up UNM's normal competitive region there are 4 bowling, 4 field hockey, 10 lacrosse, 16 water polo, and 11 gymnastics teams. There were no ice hockey or rugby teams.**

D. Recommendations/Comments

1. **Test 1 Analysis/Findings** - UNM does not provide intercollegiate level participation opportunities for male and female student-athletes in numbers substantially proportionate to the enrollment of male and female students. There is a **11.6% difference between the participation rates of male and female student-athletes and the enrollment rates of male and female students** which is significant and represents **approximately 145 participation opportunities**.

Recommendation: Implementation of a Roster Management Plan (RMP) and the addition or elimination of sports is the only way UNM could reach Test 1 compliance. Test 1 compliance is the most recognized way by the OCR to comply with the Accommodation of Interest and Abilities component. Due to the extensive financial cuts to colleges and universities across the country, and, in particular, the publicized cuts to UNM and UNM Athletics, the addition of sports at this time is not advisable. Restructuring of sport offerings means the elimination of sports to meet Athletics' budget mandates.

- a. **Restructure Sport Offerings** – It appears that the only course of action is to eliminate sports with large squad sizes (i.e., football, baseball, soccer and men's track), minimal regional/NCAA competitive opportunities (i.e., men's and women's skiing and men's soccer) and those without adequate playing and practice facilities (beach volleyball). These sports have financial needs (travel budgets, facility construction) that UNM Athletics cannot meet because of the budgetary cuts mandated by UNM Administration. Additionally, UNM's goal is to provide a safe and quality, competitive experience for its student athletes which is difficult to fulfill due financial restraints and having twenty-two Division I sports. The National Average for Division I is sixteen.
- b. **RMP** - The plan will include roster sizes that are based on NCAA Division I National Averages and what is needed to provide optimal participation opportunities for women. Basically, the RMP will designate maximum roster sizes for men's teams and minimum roster sizes for women's teams. The RMP will not eliminate the difference, but it would significantly reduce it and make compliance with Test 1 achievable.

Recommended RMP:

SPORT	MEN RECOMMENDED	WOMEN RECOMMENDED
Baseball	35	NA
Basketball	15	15
Beach	NA	16
Football	110	NA
Golf	9	10
Skiing	10	15
Soccer	26	32
Softball	NA	22
Swim/diving	NA	35
Tennis	10	10
Track: XC	10	15
Indoor	35	45
Outdoor	35	45
Volleyball	NA	18
TOTAL	295	278

Fall 2016: Full-time Undergraduate Male Students: 8,765 (44.6%)
 Fall 2016: Full-time Undergraduate Female Students: 10,883 (55.4%)
 19,648

Recommended Male Participants 295 (51.5%)
 Recommended Female Participants 278 (48.5%)
 573

The difference would decrease to 6.9%, approximately 90 participation opportunities.

NOTE: The difference of 90 participation opportunities means that UNM would have to add 90 participation opportunities for women to comply with Test 1. This translates to the addition of sports like equestrian (60 participants) and/or rowing (75 participants) and one or two small roster teams. However, the elimination of sports, especially men's teams, would reduce that disparity. The overall elimination of men's and women's sports would reduce the Test 1 disparity and help UNM Athletics to meet new budget limitations.

2. **Test 2 Analysis/Findings** – AY 2017-2018, UNM meets the second test (history and continued practice of program expansion) because beach volleyball was added three years ago (2015).

NOTE: The OCR gives institutions, once a sport is added, a 4-year timeframe to develop the sport (establish recruiting area, competitive schedule, establish operation budgets and provide facilities). If the institution does not comply with Test 1 or Test 3, another sport for women should be added. Beach volleyball is in its fourth season of competition. Because UNM is not meeting Test 1-Proportionality (see No. 1 above) and cannot rely on Test 3 compliance (see No. 3 below), at the end of the AY 2017-2018 UNM will no longer comply with Test 2.

Other factors Not Met: With the current status of Beach volleyball (year four), UNM does not meet all of the remaining components of the Equal Opportunity and Equivalency Standard: The Remaining Components of Title IX (The Laundry List). This is why the OCR gives an institution a 4-year timeframe to establish all aspects of the sport to ensure compliance with all components of Title IX.

- Facility - The OCR requires that all sports are provided equal, and in most cases, on campus facilities. Currently an off-campus facility (Bowling Alley/Bar/Grill) is being used for a playing and practice venue for beach volleyball. The participants had several complaints about the quality and cleanliness (litter box, needles, beer caps) of the courts and their safety (public drinking beer and smoking watching) in the area surrounding the courts. There is no financial means to build the facility needed on campus. A beach volleyball facility should include at least 6 collegiate quality sand courts, a clubhouse (including, at the very least, a team locker room, visiting locker room, player area and a satellite training room), spectator restrooms, concessions and spectator seating. A facility of Division I beach volleyball quality (\$1 million plus) should be constructed to comply with this component.
 - Coaching Staff – Currently the head indoor volleyball coach serves as the head beach coach and one of the indoor assistants, and a volunteer is helping him. Most Division I beach volleyball programs have evolved to the point of having two head coaches and sharing one assistant. A head coach for beach should be added to comply with this component.
 - Operating Budgets – When beach volleyball was added, an additional \$20,000 was given to the Head Volleyball Coach to be used for the beach team budget. Fundraising is used to supplement both volleyball budgets. The two budgets should be considered separate budgets and the beach volleyball budget increased to support team travel and per diem costs and the costs for recruitment of student athletes.
3. **Test 3 Analysis/Findings** – If UNM chose to argue (to the OCR) that it meets the requirements for Test 3 compliance, they could do so. However, Test 3 compliance is difficult considering the NCAA Emerging Sports for Women and the growth of NCAA Championship sports for women. The NCAA Emerging Sports for Women that UNM should monitor their growth and popularity are equestrian, acrobatics and tumbling

(added in Fall 2018) and triathlon. Lacrosse is an established NCAA sport and can be found in UNM’s competitive playing area and recruiting region.

The requirements for Test 3 compliance, as stated above, are: Unmet interest in a particular sport (request, club, intramural, interest survey, etc.); Sufficient ability to sustain a team in the sport (high schools, clubs, recruiting area); and, A reasonable expectation of competition for the team. All three factors must be met. If all three factors are met, a team must be added or noncompliance results. *As indicated in the following table the expectation of competition and/or the recruitment of student athletes for several sports existed but was limited:*

UNMET INTEREST IN SPORT (NCAA Status/UNM Club)	EXPECTATION OF COMPETITION Geographical Competitive Region	SUFFICIENT/SUSTAIN RECRUITING Geographical Recruiting Area
Bowling (NCAA Sport/UNM club)	4 teams in Texas	Limited in New Mexico, Nevada, California (low) and Washington (low)
Competitive Cheer/ Acrobatics-Tumbling (proposed NCAA Emerging Sport/no club)	None	Competitive Cheer is a HS Sport (NFHS)-New Mexico, Texas (high) and Arizona
Field Hockey (NCAA Sport/no club)	4 teams in California	California only
Gymnastics (NCAA Sport/no club)	Arizona (2), California (6), Colorado (2) and Utah (1)	California only
Ice Hockey (NCAA Sport/UNM club)	None	California only (low)
Lacrosse (NCAA Sport/no club)	Arizona (1), California (6) and Colorado (3)	California only
Rugby (NCAA Sport/UNM Club)	None	None
Water Polo (NCAA Sport/UNM club)	None	None
Wrestling (NCAA Men’s Sport/no women’s club)	None	New Mexico, Arizona, California, Texas and Wyoming

Summary Opinion

UNM is mandated to and wants to comply with all Components of Title IX and University Policies and Procedures. It is this consultant’s opinion that to comply, UNM must consider the restructuring of its sport offerings (elimination of sports) and implementing a Roster Management Plan to maximize participation opportunities for women in the current sports. The restructuring/downsizing of NCAA Division I Athletics is the trend. There is data available

through the NCAA Resource Center and numerous media outlets that reports the institutions that have eliminated numerous sports throughout the NCAA membership in recent years.

II. ATHLETIC FINANCIAL ASSISTANCE (SCHOLARSHIPS)

A. Regulatory Requirement

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)]

B. Policy Interpretation

The Policy Interpretation of 1979 clarifies that compliance will be determined by means of a financial comparison which considers whether proportionately equal amounts of financial assistance (scholarship aid) are available to the men's and women's program. Totaling the amounts awarded to each sex and comparing the ratio of men and women participating in the intercollegiate athletics program does this. Participants are counted only one time although some may compete in two and three sports; hence, the participation rate will differ for some sports from the participation opportunities rate found in the previous section. 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.

C. Assistance Awarded to Each Team and Modified Participant Count

SPORT	MEN PARTICIPANTS	GRANT AMOUNTS	WOMEN PARTICIPANTS	GRANT AMOUNTS
Baseball	36	\$ 326,498.12	NA	NA
Basketball	15	456,885.82	17	\$ 445,118.92
Beach Volleyball	NA	NA	16	21,257.46
Football	110	2,931,081.80	NA	NA
Golf	12	146,152.18	9	177,291.40
Skiing	13	196,105.60	11	215,590.46
Soccer	25	245,132.29	36	340,639.19
Softball	NA	NA	22	320,121.25
Swimming & Diving	NA	NA	22	286,427.92
Tennis	9	123,671.70	8	261,107.94
Track/XC	43	311,756.04	36	466,821.02
Volleyball	NA	NA	17	299,146.42
Totals	263	\$4,737,283.55	194	\$2,833,521.98

E. Differences Between Participation and Award Ratios

Men - Amount of awards	\$ 4,737,283.55	(62.6%)
Women - Amount of awards	<u>\$ 2,833,521.98</u>	(37.4%)
	\$ 7,570,805.53	
Male participants receiving aid	263	(57.5%)
Female participants receiving aid	<u>194</u>	(42.5%)
	457	

There is a 5.1% difference, which is 4.1% above the 1% difference allowed by OCR policy. The difference is allowed to exceed the 1% if the reasons for the difference over the 1% are nondiscriminatory. Reasons that are considered to be nondiscriminatory would be issuing more out-of-state financial aid to one gender in a given year and awarding aid to participants who choose not to attend school.

AY 2016-2017 UNM provided approximately 111 out-of-state grants for female participants and 153 for male participants. Secondly, men’s teams were awarded 143 of the 147.5 (-4.31 difference) and women’s 93.08 of the 114 (-20.92 difference) maximum number of scholarships allowed by NCAA Financial Aid rules. It appears that the reasons for the 4.1% difference is not awarding all scholarships available to women’s teams and more male participants than female participants received full or at least 50% of a full out-of-state scholarship. The awarding of more out-of-state scholarship to men’s teams can be considered a nondiscriminatory reason because the recruitment of prospective, nonresident student-athletes is not restricted for women’s teams. However, women’s teams not awarding all grants available in not a nondiscriminatory reason and makes it difficult to argue that UNM complies with the financial aid component of Title IX.

Summer School Financial Assistance

Summer school athletic aid is not part of the above comparison of awarding athletic aid during the academic year but is considered under this section. The only requirement is that access to summer school should be equal. That does not mean the same number, or a specific proportion is to attend for each gender, but it does mean that the same opportunity to attend be granted both genders.

UNM summer school policy includes the following:

1. Men’s and women’s basketball, football, and volleyball participants receive summer school funding every summer, with no limitations on the number of hours, number of participants or amount.
2. Initial Full-time enrollees can attend and receive athletic aid.
3. Two-year college Transfers can attend and receive athletic aid.
4. Four-year college transfers can attend and receive athletic aid
5. Student-athletes needing to attend summer school to regain eligibility can attend and receive athletic aid.

6. Student-athletics wanting to ensure graduation in four years can elect to forgo fifth year aid and attend and receive athletic aid for two summer school sessions.

Summer 2016 the following student-athletes attend summer school and received athletic financial assistance:

SPORTS	MEN'S PARTICIPANTS	WOMEN'S PARTICIPANTS
Baseball	3	NA
Basketball	10	14
Beach Volleyball	NA	1
Football	82	NA
Golf	0	2
Skiing	1	1
Soccer	3	6
Softball	NA	2
Swim/Diving	NA	3
Tennis	2	1
Track/XC	0	3
Volleyball	NA	13
TOTAL	101	46

F. Conclusion

1. There is a 5.1% difference between the male and female participation rates and the awarding of athletic financial. This difference 4.1% above the 1% difference (favoring men) allowed by OCR policy. OCR considers this discrimination against women unless it can be proven the difference above 1% is based on nondiscriminatory factors.
2. It appears that the reasons for the 4.1% difference is not awarding all scholarships available to women's teams (-4.31) and more male participants (walk-ons) than female participants. **While the awarding of Athletic Financial Assistance does not appear to be based on discriminatory factors it would be difficult to argue that UNM complies with the financial aid component of Title IX.**
3. Even though more male participants attended summer school and received athletic financial assistance, most men's and women's teams had participants that attended and received summer school aid. In addition, two men's teams (basketball and football) and two women's teams (basketball and volleyball) have full access to summer school aid without limitations. It appears that access to summer school and Bridge Program (**summer prior to first year**) aid is equivalent and based on nondiscriminatory criteria.

III. EQUAL OPPORTUNITY AND THE EQUIVALENCE STANDARD: THE REMAINING COMPONENTS OF TITLE IX

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

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.

B. Policy Interpretation

Compliance with each factor or component is assessed by comparing the availability, quality and kinds of benefits, opportunities and treatment of both sexes. If the components are found to be equivalent, then the institution will be in compliance. Equivalence means equal or equal in effect. Under the equivalence standard, 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.

C. The Factors/Components

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

Quality and Suitability

All equipment and apparel were suitable for the various sports offered and rated as excellent quality by coaches and participants interviewed.

Amount and Availability

Overall, the men's and women's teams except men's and women's skiing, receive the necessary items (apparel, footwear, outer gear and support gear) for practice, competition and weight room workouts. The men's and women's skiing participants stated that they did not receive the Nike standard issue items (shorts, t-shirts, running shoes and sweats) for weight room workouts and they provided their own skis, which is not uncommon.

The student athletes interviewed stated the following:

Men's and women's track - More running shoes to replace worn out shoes. Socks and tights had not been received at the time of the review.

Women's soccer, swimming/diving, women's golf and women's track – sports bras had not been provided for the participants on these teams at the time of the review. Women's golf participants stated that they are provided a sports bra their freshman year, but that was not sufficient.

Men’s golf and track – Men’s golf participants are not provided compressions shorts to wear during strength and conditioning workouts. Men’s track participants had not received tights (compression short) for training at the time of the review.

Maintenance and Replacement

The Head Equipment Manager oversees the program and he is assisted by four full-time equipment managers. The staff with employment status, certification and assigned sports are as follows:

STAFF	ASSIGNED SPORTS
Head Equipment Manager (Full-Time)	Works with all sports, oversees equipment and apparel ordering and laundry services
Assistant Equipment Manager (Full-Time)	Works with all sports
Assistant Equipment Manager (Full-Time)	Works with all sports
Head Football Equipment Manager (Full-Time)	Oversees Football equipment program and laundry service

Student equipment managers are hired by the coaches and receive a stipend.

MEN’S SPORT	TOTAL NUMBER	SCHOLARSHIP /VOLUNTEER
Baseball	2	2 vol.
Basketball	5	5 stipends
Football	6	6 stipends
TOTALS	13	11 stipend/2 vol.
WOMEN’S SPORT	TOTAL NUMBER	SCHOLARSHIP /VOLUNTEER
Basketball	2	2 stipends
Soccer	2	2 vol.
TOTALS	4	2 stipend/2 vol.

AY 2016-2017, men’s basketball (5) and football (6) had student equipment managers and they were paid a stipend ranging from \$1,400 to \$3,600. Baseball had two volunteer student equipment managers. No women’s team, in particular women’s basketball, had

student equipment managers (paid or volunteer). The Head Women's Basketball coach stated that there were no student managers because there was no money available to pay them.

Equipment and apparel is maintained by the equipment staff. The student-athletes interviewed stated that if equipment, apparel or shoes are worn out or damaged, the item is replaced immediately. The men's and women's track participants stated that there was a limit on the replacement of running shoes and that it was not sufficient for the wear on running shoes.

The main equipment room is located in the Maloof Administration Building and the football equipment room is located in Dreamstyle Stadium. Equipment and apparel is stored in the equipment rooms and in closets or designated areas at practice and competition facilities for some teams. There were no issues found with storage of equipment and apparel.

Laundry is available for practice and game apparel for all teams. Football laundry is done in the football equipment room. Volleyball laundry is done in the volleyball locker room. The laundry for all other teams that use the service is done in the General Equipment Room in the Maloof Building. The laundry of practice and game gear is done by the equipment staff and student managers. Some teams (men's and women's golf, men's and women's tennis, women's swimming/diving and men's and women's cross country/track) are offered laundry service but choose not to use it.

The Head Equipment Manager orders equipment for all sports. The Head Football Equipment Manager works with the Head Equipment Manager with the order for football. UNM has a contract with a major equipment manufacturer (Nike) that provides each men's and women's team with a financial allotment. The Head Baseball (Demirini/Wilson) and Softball (Easton) Coaches have individual arrangements with other manufacturers that result in equipment and apparel provided to these teams at no cost or discounted. The men's golf team excluded from the Nike contract because the team is a member of the Ping College Program.

Recommendations/Comments

1. Overall, the Equipment and Supply area is equivalent.
2. There are areas that need to be addressed to ensure continued compliance in this area:
 - a. The Nike contract provides a dollar amount to each team and use of those funds are at the discretion of the head coaches. UNM should review the distribution of funds to ensure equal access for the basic items (shorts, t-shirts, sweats, socks, running/training shoe, and support items) necessary for practice and

competition for all men’s and women’s teams.

Recommendation: The Head Equipment Manager should develop a standard player pack containing those items and monitor distribution to men’s and women’s teams at the start of each season.

- b. Student Equipment Managers – Two men’s teams (football and basketball) and no women’s teams were provided funding to pay student equipment managers. UNM should ensure that funding for stipends awarded to student equipment managers is available to men’s and women’s teams on an as needed and equitable basis.

Recommendation: Two women’s teams should receive funding for student equipment managers. Women’s basketball should be one of the two teams.

UPDATE: UNM Administration confirmed that women’s basketball has money in the budget to pay managers and the Head Women’s Basketball Coach chose to use the money in other areas. While he should use the money for student managers, like men’s basketball, it is his prerogative to use the money to better serve the team. However, for purposes of this review, UNM provides funding for student managers for two men’s teams and one women’s team. Consideration should be given to providing funding for one more women’s team. (4/26/18)

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

The Number of Regular Season Competitive Events per Sport in 2016-2017:

SPORT	MEN	NCAA MAX.	WOMEN	NCAA MAX.
Baseball	55	56	NA	NA
Basketball	32	27 ² or 29	32	27 ³ or 29
Beach Volleyball	NA	NA	15	15
Golf	27 ⁴	24	23	24
Skiing	9	16	9	16
Soccer	20	20	20	20
Softball	NA	NA	50	56
SPORT	MEN	NCAA MAX.	WOMEN	NCAA MAX.

² Men’s basketball is allowed 27 dates with a qualifying event/tournament that exceeds 27.

³ Women’s basketball is allowed 27 dates with a qualifying event/tournament that exceeds 27.

⁴ Men’s golf played in an exempt event.

Swimming/Diving	NA	NA	8	20
Tennis	25	25	25	25
Track: XC	6	7	6	7
In & Outdoor	14	18	14	18
Volleyball	NA	NA	28	28

AY 2015-2016, all men’s and women’s teams, except softball, women’s swimming/diving, men’s and women’s skiing and men’s and women’s indoor and outdoor track scheduled and competed, in the maximum, or one less, number of regular season competitive events allowed by the NCAA for Division I standards. It is not unusual for swimming and track teams to compete in less than the maximum number of events allowed because they emphasize training and less competition. The Head Swimming/Diving and Track Coaches and participants in those sports stated that the amount of competition was sufficient. The participants stated that there was limited NCAA competition for men’s and women’s skiing and they felt they were competing as much as they could. The Head Softball Coach was new, and she stated that the previous coach did not schedule the Full 56 games, but she would for the 2019 and subsequent seasons.

The Number and Length of Practice Opportunities and the Time of Day Practice Opportunities Are Scheduled

The number of practice opportunities and the length (# of hours per week) are governed by NCAA rules. Teams are provided practice facilities (men’s and women’s basketball, football and soccer) and some sports practice at their competitive facilities (baseball, softball, women’s swimming/diving, men’s and women’s tennis, volleyball and men’s and women’s cross country/track). Practice is scheduled based on participant’s class times. For the teams that share facilities (men’s and women’s basketball, men’s and women’s golf and men’s and women’s tennis, and men’s and women’s track), practice is scheduled based on facility availability as determined by the head coaches of those sports, also. There were no complaints about these arrangements.

The Time of Day Competitive Opportunities Are Scheduled

Competition is scheduled seven days a week at various times of the day or evening depending on the sport. Days and times are controlled by Conference scheduling for most sports. Neither coaches nor participants had any complaints about the days of the week or the time of day competition times are scheduled.

The Opportunities to Engage in Pre-Season and Post-Season Competition

The following teams had the opportunity to compete in pre-season, “other” season, or nontraditional season competition:

SPORT	MEN # EVENTS	# ALLOWED BY NCAA	WOMEN # EVENTS	# ALLOWED BY NCAA
Baseball	0	No Limit	NA	NA
Basketball	2	2	2	2
Soccer	5	5	4	5
Softball	NA	NA	8	8
Volleyball	NA	NA	4	4

Men’s and women’s basketball are allowed to participate in a maximum of two scrimmages or exhibition games in the fall and both competed in the maximum number. The baseball team is allowed scrimmages/games in the fall but each game counts toward the maximum number of competitive events during the regular season (56). The Head Baseball Coach chose not to compete in the fall. The softball team is allowed a maximum number of eight games in the fall and those games do not count in the maximum number of competitive events during the regular season (56). The Head Softball Coach chose to compete in all eight games allowed. Men’s soccer (5), women’s soccer (4) and volleyball (4) had the maximum number, or one less, of nontraditional/spring games scheduled.

UNM has several teams that, on an annual basis, qualify for post-season play. All men’s and women’s teams compete in the MWC championships (or CUSA-men’s soccer), except volleyball and softball, and some will qualify for NCAA championship play. All men’s or women’s teams or individuals that qualify for post-season (MWC, CUSA and NCAA championship) are allowed to compete. The head coaches and participants stated there was no limitation on traveling to and competing in NCAA championship play. The volleyball and softball teams do not have conference championships.

Recommendations/Comments

The Scheduling of Games and Practice Times is equivalent.

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

Modes of Transportation

Because of UNM’s geographical location, most men’s and women’s teams at UNM travel to away competition by air (commercial and charter) and vans for smaller roster teams (cross country, golf and tennis). Charter buses are rented for travel to places where air travel is difficult or within 6 hours from campus.

Below is the total number of trips by mode of transportation in 2016-2017 for all men’s and women’s teams during the regular and nontraditional seasons except men’s and women’s cross country/track and men’s and women’s skiing. These teams are not included in this comparison because they are under the supervision of one coaching staff each and travel together to away

competition. The men’s and women’s skiing teams travelled together by van on four occasions and flew three times. The men’s and women’s cross-country teams travelled together by flight four times. The men’s and women’s indoor and outdoor track teams travelled together by bus once and flew ten times. The sources of the information are the travel data provided by UNM and interviews with coaches and participants.

MODE	MEN # OF TRIPS	WOMEN # OF TRIPS
Air	46	50.5
Bus	8	3
Van/Suburban’s	5	21.5

AY 2016-2017 football was the only team that travelled by charter flight to away competition. There were no complaints about the modes of travel by the coaches and participants interviewed.

Housing Furnished During Travel

When overnight travel is required, each team stays in good to excellent lodging establishments selected by a member of the coaching staff or Anthony Travel. Participants share rooms. Participants on most men’s and women’s teams were assigned two to a room, one per bed for overnight travel. Two men’s teams (soccer and skiing) and two women’s teams (skiing and swimming) assign 3 to a room on occasion. The beach volleyball participants stated that 3-4 participants were assigned per room. The participants had no complaints about these arrangements.

Length of Stay Before and After Competitive Events

Teams arrive either the day before or in sufficient time to warm up prior to a competitive event and leave immediately after the event in order to return to campus, except when commercial air travel is involved. In that case, participants may sometimes have to stay overnight and fly back the next day.

Dining Arrangements and Per Diem Allowances (Meal Costs) for Each Team

Teams eat as a group with one of the coaches or an administrator paying the full bill, or participants are given money for the meal. Baseball, men’s and women’s cross country/ track participants were provided per diem and all other teams received team meals or a combination of team and per diem. All men’s and women’s participants stated that meals or per diem provided was sufficient and rated quality of the food good to excellent except men’s and women’s track and beach volleyball. The male and female track participants interviewed stated that the per diem for California was \$20 plus one meal which was “a stretch” because of food cost in California.

Recommendations/Comments

1. Overall, the Provision of Travel and Per Diem Allowances is equivalent.

2. UNM should review housing and dining arrangements when teams are traveling.
 - a. Travel budgets should be reviewed and adjusted to ensure that the policy of two per room, one per bed can be adhered to for all teams.
 - b. The sport administrator for track should review, with student-athletes and coaches, the per diem and meal allowances for travel to high cost cities/areas and make adjustments to ensure participants receive sufficient per diem or meals.

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

Availability of Coaching Personnel in 2016-2017

Below is a chart comparing the current full-time, part-time and graduate assistant coaches for men’s and women’s teams. The men’s and women’s skiing and men’s and women’s cross country/track teams are not compared. These teams are combined under one coaching staff for men and women. There are 2 full-time, one GA and one volunteer student coach for the skiing teams. There are five full-time (one less than NCAA maximum) and three volunteer coaches for men’s and women’s cross country/track. Some teams, both men’s and women’s, have volunteer coaches. While they are noted, they are not a part of the comparison below.

SPORT	MEN	WOMEN
Baseball	3 FT, 1 VOL.	NA
Basketball	4 FT	4 FT
Beach Volleyball	NA	1 FT
Football	10 FT, 4 GAs	NA
Golf	2 FT, 1 VOL	2 FT, 1 VOL
Soccer	3 FT, 1 VOL	3 FT, 1 VOL
Softball	NA	3 FT
Swimming/Diving	NA	3 FT
Tennis	2 FT	2 FT, 1 VOL
Volleyball	NA	2 FT

There are twenty-three full-time coaches and four (4) GAs for six men’s teams. The GAs are in football and cannot be full-time under NCAA rules. There are twenty full-time coaches for eight women’s teams. The Head Volleyball Coach currently serves as the Head Beach Volleyball Coach

⁵ While Opportunity to Receive Coaching and Academic Tutoring [34 C.F.R. Section 106.41(c)(5)] and the Assignment and Compensation of Coaches and Tutors [34 C.F.R. Section 106.41(c)(6)] are separate in both the Title IX regulation and the Policy Interpretation, the above combination significantly simplifies the review of each

and one assistant works with both teams. This means that for beach volleyball there are two 0.5 FTE coaches and indoor volleyball there are two 0.5 FTE and a 1 FTE coaches.

All men’s and women’s teams, except beach volleyball and volleyball, have the maximum number of coaches allowed under NCAA rules and fill those positions with full-time staff.

Assignment (Qualifications) and Compensation of Coaches

The men's and women's swimming/diving and men’s and women’s cross country/track teams are also excluded from this analysis. All coaches are qualified, most having participated at both the high school or club and college levels in the sport they coach. Some have competed on national teams and played and coached professionally. While some coaches also have coaching experience at the high school, club and professional level, **the average number of years of experience at the college level for coaches of men's sports is 17.48 years and the average for women's sports is 12.15 years. The difference is not significant.**

In order for there to be a violation of Title IX with respect to coaching salaries, there must be a difference in the availability of coaches or the qualifications of coaches, and the differences must be shown to have a disparate impact on women student-athletes. **There is not a problem in the availability or qualifications of coaches. If there is some problem with respect to the delivery of coaching services to the student-athletes, Title IX jurisdiction can be asserted in this area but there was no problem with the delivery of coaching services.** Otherwise, coaching salaries would fall under other federal laws: Equal Pay Act, the Fair Labor Standards Act and Title VII of the 1964 Civil Rights Act. **After reviewing base salaries provided by UNM and receiving no complaints or questions regarding head or assistant coaches, it appears coaching salaries are competitive with their peer coaches in their respective sports and not a Title IX problem.**

Recommendations/Comments

The Opportunity to Receive Coaching and the Assignment and Compensation of Coaches is equivalent.

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

Academic support staff and assigned teams:

STAFF	ASSIGNED TEAMS	TRAVEL
Associate AD	Oversees the Lobo Center for Student-Athlete Success and Staff	None
Assistant Director/Learning	All teams	

Specialist		None
Senior Student Success Manager	Football (defense)	Football (not in 2017)
Senior Student Success Manager	Men's basketball, and softball	Men's basketball and occasional with softball
Senior Student Success Manager	Women's basketball, men's and women's cross country/track and volleyball (beach & indoor)	None
Student Success Manager	Swimming & diving, women's soccer and men's golf	None
Student Success Manager	Baseball, men's and women's skiing, men's and women's tennis, women's golf and men's soccer	None
Student Success Manager	Football	Football (not in 2017)

The staff is housed in the state-of-the-art the Lobo Center for Student-Athlete Success. The Center provides individual and small group tutor rooms, computer labs, offices and many more technologically advanced services for student-athletes. There is a lobby/lounge area for student-athletes to study or relax. Nutritional snacks and recovery drinks are provided in this area also.

Tutoring Program/Center: UNM has an extensive Tutoring Program in the Lobo Center. The primary goal of the tutorial program is to provide student-athletes with supplemental instruction. The Lobo Center staff has a budget to pay tutors (\$60,000). Most tutors are undergraduate students and are paid \$9.00 to \$15.00/hour. All male and female student-athletes may request a tutor for any subject with their assigned Student Success Manager. Tutor appointments may be scheduled during Lobo Center hours. UNM also pays (\$3,000/class) for student-athletes to enroll in the University 101 class which helps to acclimate students to college life (academics and social). **No teams receive priority in scheduling tutors and tutors were rated as good to excellent by all student-athletes interviewed.**

All student athletes indicated they were knowledgeable about the academic services available to them, including how to obtain tutors. All academic staff were rated as good to excellent by all coaches and participants interviewed with respect to their availability and the assistance they provide their assigned teams.

Recommendations/Comments

The Opportunity to Receive Tutoring and the Assignment and Compensation of Tutors is equivalent.

6. Provision of Locker Rooms, Practice and Competitive Facilities [34 C.F.R. Section

106.41(c)(7)

LOCKER ROOMS

SPORT	LOCATION	RATING
Baseball	RD & Joan Dale Hubbard Clubhouse	Excellent-New construction
Basketball Men and Women	Dreamstyle Arena/The Pit NBA locker room and players' lounge.	Student-Athletes: Excellent MBKB Head Coach-needs updating (been 10 yrs.), leaks and AC goes out.
Beach Volleyball	Johnson Center	Share with indoor volleyball
Football	Dreamstyle Stadium	Good-work in progress/restroom & shower area poor and not maintained
Golf Men and Women	Patty Howard Golf Complex/Excellent	Excellent-both student-athletes MGO Head Coach-Excellent WGO Head Coach-Good, needs some updates and a TV.
Men's Soccer	UNM Soccer Complex	Good – "beautiful"
Women's soccer	UNM Soccer Complex	Good
Softball	Lobo Softball Fieldhouse	Needs updating – too small (freshman share lockers), no team lounge, training room, no mud room, no Lobo logo and no TV. "not comparable to baseball"
Swimming/diving	Seidler Natatorium	Fair - Inside general locker room. Had break-ins. Missing name plates on lockers.
Tennis Men and Women	Linda Estes Tennis Complex	Excellent by both.
Cross Country/Track Men and Women	No locker room	NA
Volleyball & Beach Volleyball	Johnson Center	Needs renovation (been 12 yrs.) Not cleaned, roaches, rats, mold, showers do not work (no hot water) and drainage poor. No training room, no Lobo's logos and no TV.

UNM provides locker rooms that were rated as good to excellent for all men's and women's teams except beach/indoor volleyball, football, softball and swimming/diving.

Beach volleyball, because all but one participant is on both rosters, shares a locker room with the indoor team. Sharing a locker room at this time with indoor volleyball is not a Title IX problem. The football, swimming/diving and volleyball locker rooms are in need of updating, cleaning and

maintenance attention. There are significant differences (no players’ lounge, mud room, training room and a larger locker area) in the Hubbard Clubhouse for baseball and the softball clubhouse which has caused an inequity. Please note that in reviewing facilities with Title IX policy interpretations, like sports are not compared; however, in practice baseball and softball facilities are compared and have been the number one Title IX complaint to the OCR.

PRACTICE AND COMPETITIVE FACILITIES

SPORT	FACILITY/ QUALITY	AVAILABILITY/ EXCLUSIVE USE	MAINTENANCE & PREPARATION
Baseball	Santa Ana Star Field	Exclusive use of practice field.	Maintenance and Preparation by grounds crew/Good
Basketball Men & Women	Dreamstyle Arena/The Pit MBK-needs updating and new sound system (in-progress). WBK – Good Davalos Basketball Center	Used by men’s and women’s basketball and University.	Maintenance by contractor/Good Preparation by Game Operations/Good
Beach Volleyball	Beach Practice & Play-Lucky 66 Bowl/Good practice courts. Bowling alley and Bar/Grill. Indoor-Johnson Center/old building but make it work.	Off-campus facility used by the public but UNM gets priority in scheduling practice times and matches	Maintenance and Preparation by Beach: Lucky 66 staff/Good Indoor: Rec Sports and Event Staff/Good
Football	Dreamstyle Stadium-Turf Field/Good 2 Practice fields-natural/Good Indoor Turf/Good	Exclusive use of practice fields and stadium. Indoor shared with other teams.	Maintenance and Preparation by grounds crew Stadium staff/Good
Golf Men & Women	UNM South Championship Golf Course/Good Lobo Golf Practice Facility/Excellent	Share course with members of golf clubs.	Professional groundskeepers at all facilities/Fair
SPORT	FACILITY/ QUALITY	AVAILABILITY/ EXCLUSIVE USE	MAINTENANCE & PREPARATION
Skiing	Skiing Training Facilities-six ski areas /Excellent-“best in the world”.	Share with the public.	Maintenance and Preparation by ski area staff/Excellent.
Soccer Men & Women	UNM Soccer Complex/Good. 2 Practice Fields/Good.	Game field inside track. Practice fields-	Maintenance by Grounds crew/Good Preparation by Game

		Exclusive use of both for men and women.	Operations/Good
Softball	Lobo Softball Field/Good. Practice-indoor hitting facility/Good.	Exclusive use.	Maintenance and Preparation by grounds crew/Excellent
Swimming/ Diving	UNM Natatorium/Good for training but not competition.	Share with campus community but have priority	Maintenance -/Good as can be for older facility. Preparation- coaches /Good
Tennis Men & Women	Linda Estes tennis Complex/Excellent. McKinnon Family Tennis Stadium/Excellent.	Share with members but have priority.	Maintenance by UNM facility staff/Good Preparation by coaches and officials/Good
Track/XC Men & Women	GFO UNM Track Stadium/Good-need resurfacing soon. Albuquerque Convention Center/Good. Cross Country-UNM North Golf Course/Good.	Outdoor- Exclusive use. Indoor-community. Cross country-public	Maintenance of indoor and outdoor track facilities by facility staff/Good Maintenance of cross country by park staff/Good Preparation by Game Ops/Coaches
Volleyball	Johnson Center/Good-older building that has some issues (Asbestos) but make it work.	Share with Rec Sports but have priority	Maintenance by Univ. Facilities staff/Good Preparation by Game Operations/Good

Recommendations/Comments:

1. Overall, locker rooms are equivalent except for softball compared to baseball.
 - a. Softball Clubhouse – The differences in the newly constructed baseball clubhouse and the softball clubhouse need to be addressed as soon as possible.
 - b. Beach volleyball sharing a locker room with indoor volleyball does not appear to be a Title IX problem at this time because there is just one beach only player. All remaining participants play both.
 - c. Cleaning and Maintenance – The cleaning and maintenance of locker rooms affects one men’s team (football) and two women’s teams (swimming/diving and volleyball).

2. Overall, Practice and Competition facilities are equivalent with the exception of beach volleyball.
 - a. Beach volleyball is provided an off-campus facility for practice and competition. The addition of beach volleyball allows UNM to comply with Test 2 requirements. However, the OCR usually gives an institution 4-5 years to establish the sport which means, if an off-campus facility is being used, to provide a playing and practice facility equal to other athletic facilities on campus.
 - b. Softball Clubhouse – If UNM uses the current indoor hitting facility to expand the softball clubhouse, another indoor hitting should be provided, he same as baseball.

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

Health, Accident and Injury Insurance Coverage

Primary coverage on all student-athletes is through their parents' or student health insurance. At whatever point the primary coverage stops, the Athletic Department's secondary coverage begins. Walk-ons must provide proof of insurance and proof of a physical. If a participant has no coverage, the Athletic Department pays the entire cost through its own insurance.

Weight Room Facility - There are three weight room facilities: Tow Diehm-Football Weight Room, Olympic Weight Room (Tent) and The Pit. The football and The Pit weight room facilities were rated as good to excellent by the head coaches and student-athletes that use those facilities. The Olympic Weight Room/Tent was rated as fair to good, but coaches and student-athletes know that it is a temporary space.

Strength and Conditioning Staff: The services provided by the strength and conditioning staff was rated as good to excellent by all head coaches and student-athletes interviewed.

STAFF	EMPLOY STATUS/CERT.	SPORT ASSIGNMENTS
Director of Athletic Performance	FT/NASE, CSCS	Football and supervise all
STAFF	EMPLOY STATUS/CERT.	SPORT ASSIGNMENTS
Assistant Performance Coach	FT/CSCS, CSCCA	Football and baseball
Associate Athletic Performance Coach	FT/CSCS, USAW	Volleyball, ski, alpine and men's golf
Assistant Performance Coach	FT/CSCS	Track, men's and women's tennis and women's soccer

Assistant Performance Coach	FT/CSCS	Men's basketball (travels) and women's golf
Assistant Performance Coach	FT/CSCS	Women's basketball and softball
GA Performance Coach	GA/CSCS	Track and men's soccer

Nutrition: The primary fueling station is in the Lobo Center for Student Athlete Success. This area provides nutritional snacks (bagels, peanut butter, granola bars and etc.) and protein shakes. The three weight rooms have chocolate milk delivered (paid by weight room budget) that is provided to all male and female student athletes for recovery drinks after workouts. If recovery drinks and nutritional snacks are in locker rooms, it is paid for out of the sport's budget. UNM does not employ full-time Nutritionist but had hired a local dietician that will work with student-athletes identified as at-risk for nutritional and dietary issues.

Sports Medicine Training Room(s): The main training room is the Tow Diem Athletic Training Room and is used by football, men's golf, men's and women's track and men's and women's skiing. It was rated as excellent by all head coaches and student-athletes interviewed. There is a training room at The Pit and it is used by men's and women's basketball and women's golf. A third training room is at the Maloof Building-Complex and it is used by baseball, softball, men's and women's soccer and men's and women's tennis. The fourth training room is at the Johnson Center and it is used by volleyball, beach volleyball and swimming/diving. **All training rooms were rated as good to excellent by coaches and student-athletes interviewed. The main training room has an X-Ray machine on site. The training room at the Johnson Center was old and needed updates (new modalities) and not the cleanest.**

Medical Staff (Physicians): UNM Athletics has an agreement with a local hospital that provides the services of primary care physicians, orthopedist/orthopedic surgeons, primary care and ortho fellows and access to other specialist (dental, vision, gynecology, etc.). UNM also has access to and hires Chiropractors and Massage Therapist when needed. Doctors on the staff perform all pre-participation physicals for student-athletes. UNM has a full- and part-time nurse on staff and located in the Tow Diem training room. One of the Nurses is a licensed pharmacist and there is a Pharmacy in the training room also.

A primary care physician and orthopedist travels with football. A primary care physician or an orthopedist travels with men's or women's basketball to Conference and NCAA postseason competition. In addition, physicians are present at home football, men's and women's basketball and volleyball games. If UNM hosts any conference tournaments, they will cover them as well. Physicians are on call for all other home events. In the fall a primary care physician and orthopedist come to the training room to perform a clinic two times each week. A non-operative Orthopedist comes to the training room once a week to treat Triad issues and bone stress management. **The services and access to physicians was rated good to excellent by coaches and student-athletes interviewed.**

Mental Health: Currently UNM is using the Student Health and Counseling Center staff physicians for dealing with mental health issues.

Sports Medicine Staff (Athletic Trainers), Sport Assignments and Travel:

STAFF/EMPLOY STATUS/CERT.	SPORT ASSIGNMENTS	TRAVEL
Head Athletic Trainer/FT/LAT, ATC, NASM-CEs	Football and men's golf	Football
Assistant Athletic Trainer/FT/ATC, LAT	Football and men's and women's skiing	Football
Assistant Athletic Trainer/FT/ATC, LAT	Women's basketball and women's golf	Women's basketball
Assistant Athletic Trainer/FT/ATC, LAT, CSCS, NASM-CES	Men's basketball	Yes
Assistant Athletic Trainer/FT/ATC, LAT	Baseball	Yes
Assistant Athletic Trainer/FT/ATC, LAT	Volleyball and beach volleyball	Yes both
Graduate Assistant/ATC, LAT	Football and spirit.	Yes both
Graduate Assistant/ATC, LAT	Men's and women's track and football	Football and occasional with track
Graduate Assistant/ATC, LAT	Football, men's and women's track	Football
Graduate Assistant/ATC, LAT	Softball	Yes
Graduate Assistant/ATC, LAT	Men's and women's tennis	Both occasionally
Graduate Assistant/ATC, LAT	Swimming & Diving	Yes

The services provided by the athletic training staff was rated good to excellent by the coaches and student-athletes interviewed.

Recommendations/Comments

1. The Strength and Conditioning area is equivalent as it relates to quality of strength coaches, facility, and the scheduling of workout times for men's and women's teams. The volleyball and softball participants stated that the Olympic Sport Tent was crowded. After talking with the strength coach that oversees the Tent scheduling, it does not appear to be a significant problem and will be remedied when a new Olympic sport weight room is built.
2. The Sports Medicine/Athletic Training area is equivalent as it relates to quality of services provided by athletic trainers and medical staff and facilities (athletic training rooms)

provided for men's and women's teams.

UPDATE: UNM added two Assistant Athletic Trainers to the staff with start dates for those positions being 7/1/2018. These two positions will align UNM Sports Medicine staff with other comparable NCAA Division I FBS athletic programs in this area. (4/27/18)

3. Providing nutritional snacks and recovery drinks appears to be equivalent. As the area grows and coaches want to provide more nutritional items, UNM must monitor what is actually provided to the men's and women's teams.

Recommendation: UNM should consider allowing the Head Strength Coach coordinate purchasing and distribution of all snacks and drinks to the teams. The budget to purchase these items should be in the strength and conditioning program budget and under his control. Putting additional funds in each sport budget can cause inequities in the use of the funds between men's and women's teams.

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

During periods of time when school is not in session (Fall Preseason, Winter Break, Spring Break, Summer Break) but teams are required to be on campus to practice and /or compete, the following is provided for housing and dining:

Housing During Break

Students-athletes live in dormitories or apartments on and off campus. The same housing is available for teams who must be on campus to practice and/or compete during vacation periods during the term or vacation periods outside the term (Christmas break, after spring term) when classes are not in session. The men's and women's soccer participants stated that they may have to stay with teammates who live in houses for a couple of days during preseasons. The baseball participants stated that if they participate in post season after school is out, the freshman (live on campus) stay in a hotel paid for by coaches. The men's and women's skiing and men's and women's cross country/track participants stated that they did not come early, or this situation had not occurred. The head coaches and participants interviewed had no complaints about these arrangements.

Dining During Breaks

During vacation periods and semester breaks participants are provided per diem or team meals or a combination of both. Again, men's and women's skiing, men's and women's tennis and men's and women's track participants stated that they did not come in early or this situation had not occurred. The head coaches and participants interviewed had no complaints about these arrangements.

Pre- and Post-Game Meals for Home Competition

Pre-Game Meals are provided or offered for men’s and women’s teams, except softball, men’s and women’s tennis and swimming and diving. men’s and women’s skiing did not have a home event.

Post-Game Meals/Snack/Money are provided or offered for men’s and women’s teams, except baseball, volleyball, men’s tennis, men’s and women’s track, swimming and diving.

Recommendations/Comments

1. Housing and Dining during Breaks is equivalent.
2. Comment: It appears that with the new Head Softball Coach a lot of things will change and improve from the 2016-2017 season. The CFO will review the budget with the coach to ensure sufficient funding to provide pre- and/or post game meals.

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

Sports Information Department (SID)/Athletic Communications

The SID staff provides quality web sites with online media guides for all men’s and women’s teams. Social Media is used extensively to advertise games, promotions, updates on current stats and events and press releases for each team. Game programs or roster cards are provided for home competition for all teams. The SI staff also provides stat and game operations crews for home competition for all teams.

Sports Information/ Media Relations Staff and Assigned Teams

STAFF/EMPLOYMENT	SPORT ASSIGNMENTS	TRAVEL
Assistant AD-Communications/FT	Football, men’s and women’s skiing and women’s tennis	Football
STAFF/EMPLOYMENT	SPORT ASSIGNMENTS	TRAVEL
Associate Director Communications/FT	Men’s basketball and softball	Men’s basketball and softball (limited)
Assistant Director Communications /FT	Women’s basketball and men’s soccer	Women’s basketball
Assistant Director Communications /FT	Women’s soccer and baseball	Baseball (limited)
Assistant Director Communications /FT	Volleyball/Beach and men’s and women’s cross country/track/Social Media	Volleyball

	Graphic Design	
Student Workers	Men's and women's golf and swimming and diving	No travel

At the time of the review, there were two open positions on the SID staff. One open position had been recently vacated and the second position had been vacant for a while but not filled. The SID stated that the two open positions would be filled which would give the SID staff six full-time positions. Six full-time SID means three to four teams assigned to each staff which appears to be sufficient to maintain quality services to all men's and women's teams.

Overall, the services provided by the SID staff were rated as good to excellent by coaches and student-athletes interviewed. The Head Baseball Coach rated the SID assigned to the team as good but stated there is a lot of turnover. He also stated that he shares an SID with women's basketball and does not see him until basketball is over. The Head Men's Basketball Coach stated that he shares an SID with softball and feels that this area is understaffed. The Head Men's Golf Coach stated that the student intern assigned to the team in 2017-2018 was a freshman and not as good as past interns.

Marketing and Promotions

Football, men's and women's basketball, men's and women's soccer, volleyball, baseball and softball teams are the primary focus of all marketing and promotions efforts. However, all twenty-two athletic teams receive some form of promotions (schedule posters, digital media and Lobo radio show).

Marketing and Promotions Staff and Assigned Teams:

The Associate AD for Marketing (open position) oversees the Marketing and Revenue Generation area. The Associate AD position is assisted by the Director of Sales, Senior Marketing Manager and a Marketing Assistant. The staff works with all men's and women's teams and with the Athletic Communications staff in marketing and promoting teams. UNM also has a contract with an outside sports marketing firm, Learfield. Learfield manages Lobo Sports Properties that sells sponsorships and ticket packages.

Publications

Schedule Poster - All men's and women's teams receive a schedule poster. Men's and women's golf, softball, men's and women's track and men's and women's tennis had not received their poster at the time of the review. The Head Men's Soccer Coach stated that his poster was late, but he wants the poster published in June.

Schedule cards - Provided for football, men's and women's basketball, men's and women's soccer, baseball, softball and volleyball (4 men's and 4 women's teams).

Newspaper ads - Published for football and men’s and women’s basketball separately. Olympic sport (fall and spring season) newspaper ads are published for the group of sports competing in each season.

Game Programs/Roster Cards - All men’s and women’s teams that have home competition receive a game program or roster card. Football and men’s and women’s basketball receive souvenir yearbooks for fans to purchase. Men’s and women’s basketball receive full-color mini posters/roster card for purchase by fans also. The remaining sports receive a roster card that is produced by the Communications staff.

Digital Media - Social Media & Lobo TV (streaming)

Digital media content (graphics, blogs, video recaps TV show, etc.) is provided for game announcements and game promotions for all men’s and women’s sports via Social Media (Twitter, Instagram, Facebook, etc.) and Lobo TV.

Media Sponsorships for Radio and TV marketing are provided for football and men’s and women’s basketball home games. The same is provided occasionally for baseball, men’s and women’s soccer, softball and volleyball.

Game Promotions are also provided in various ways:

Cross promotions (i.e., volleyball at football game) and Social Media promotions are provided for all men’s and women’s teams. Lobo Sports Properties sells game-day promotions [in-game (i.e.t-shirt throws) and theme game (pink out, military night)], signage and PA announcements for football, men’s and women’s basketball, men’s and women’s soccer, baseball, softball and volleyball (4 men’s teams and 3 women’s teams). In-game promotions and theme game promotions (camp night, pink-out, etc.) were provided, to some extent, for all men’s and women’s teams.

The head coaches and/or participants of four men’s teams (golf, soccer, tennis and track) and six women’s teams (golf, tennis, soccer, swimming, track and volleyball) stated that they do their own game promotions or have no promotions at home events due to lack of staff and resources. Women’s basketball participants stated that the pink jerseys did not come in for their Breast Cancer Awareness games. The Assistant Football Coach and Head Softball Coach stated that this area is understaffed and deficient in providing services.

On campus promotions include signage and Social Media mostly.

2016-17 and 2017-18 Team Broadcast – Number of Games Streamed to Date

SPORT	MEN	WOMEN
Baseball	50 games/7 Facebook	NA

Basketball	2 Games/9 Coach's Show	28 games/9 Coach's Shows
Beach	NA	0
Football	0 games/2 NLI Signing Day/24 Coach's Shows/1 Spring Showcase/6 The Rush is On	NA
Golf	0	0
Skiing	0	0
Soccer	23 games/6 Fish Off the Pitch	16 games
Softball	NA	36 games/3 Facebook
Swimming/Diving	NA	0
Tennis	0	0
Volleyball	NA	30 games
TOTALS	75 games/55 Coach's Shows & Special Broadcast	110 games/12 Coach's Shows & Special Broadcast

Recommendations/Comments

1. The Sports Information (Media Relations) area appears to be equivalent. Once the vacant positions have been filled, services provided to all teams should be more consistent and improve.

UPDATE: in the near future, UNM will add/fill these positions: Associate Director of Communications, Assistant Director of Communications and Lobo TV Productions Director to the Athletic Communications.

2. Overall, the marketing and promotions of men's and women's teams appear to be limited, but equivalent. There are two issues that should be addressed by the Athletic Communication and Marketing & Promotions staffs:

UPDATE: At the time of the review the Director of Marketing position was vacant and remains vacant. When UNM fills that position it should provide the staff with guidance and better organization to ensure each head coach receives the attention necessary when marketing and promoting their teams.

- a. There were four men's teams (golf, soccer, tennis and track) and six women's teams (golf, tennis, soccer, swimming, track and volleyball) that had limited or no game promotions due to lack of staff and resources.

Recommendation: UNM Marketing & Promotions staff should meet with head coaches and discuss game-day promotions for each team. Lobo Sports Properties

should be involved to determine if corporate sponsorships could provide resources used for game-day and in-game promotions. A schedule or promotions plan should be developed and implemented for each team's scheduled home competition.

- b. Three men's teams (golf, tennis and track) and four women's teams (golf, softball, track and tennis) had not received their poster at the time of the review. Posters should be produced and distributed to teams in a timely manner.

Recommendation: The UNM Communications and Marketing & Promotions Staffs should include production timelines for publication of schedule posters in the marketing and promotions plans mentioned above. The production timelines (taking pictures, review of schedule, review of graphic design) should include deadlines for coaches to have each step of the process completed.

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

The Opportunity to Recruit

The opportunity to recruit is virtually synonymous with the opportunity to receive coaching (i.e., availability of coaches). If there are problems in the opportunity to receive coaching due to a lack of coaches, either full and/or part-time, there will usually be a problem in the opportunity to recruit. **The availability of coaches is equivalent at UNM. The maximum number of coaches allowed by NCAA rules were provided for the men's and women's teams. The opportunity to recruit is also equivalent.**

Financial and Other Resources

This is a very difficult area of Title IX, one that is often misinterpreted because some formula for spending is sought in determining compliance. 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. Exacerbating the difficulty is the fact that needs fluctuate annually, and each team has different needs.

After determining which items of a team's budget constituted recruitment expenditures, each head coach was asked to address the sufficiency of recruitment funds. The Men's and Women's Basketball Coaches stated that because of UNM's location, they had to fly everywhere to recruit but the recruiting budgets were low but sufficient to recruit where they need to. The Head Football Coach stated that the recruiting budget was adequate. **The head coaches stated that budgets were not sufficient to meet the needs of their recruiting efforts, but they supplement the recruiting budget with fundraised money when needed.**

"Other resources" for recruitment include such items as courtesy cars/car allowances and cell phones which fall under the jurisdiction of Title IX because these are used in recruitment.

Otherwise, both are a fringe benefit of employment, more appropriately addressed under Title VII.

Courtesy Cars/car Allowances: All head and assistant coaches for men’s and women’s basketball and football are provided courtesy cars to use in recruiting. Volleyball is provided a courtesy car for the head and one assistant coach. The head coaches of the remaining teams are provided courtesy cars for use in recruiting. This means that there were fourteen (14) cars provided for men’s teams and eleven (11) provided for women’s teams. Several head coaches stated that they would rather receive a car allowance/stipend and handle the purchase and maintenance of the car.

Cell Phones: UNM does not provide cell phones or cell phone stipends to any head or assistant coach. This is unusual for a Division I Athletic program. There are internet-based recruiting programs for recruiting services and NCAA recruitment monitoring that are used extensively by Division I coaches. The Head Volleyball Coach stated that UNM Compliance had asked the coaches to use the NCAA program Jump Forward on their personal phones, but they may not have data plans to support the program. It is noted that most athletic programs (I work with) provide cell phone stipends instead of providing cell phones and data plans.

UPDATE: UNM is looking into providing cell phones for coaches to use in recruiting.

Benefits, Opportunities and Treatment of Prospective Student-Athletes

The following number of prospects made official visits:

SPORT	2016-2017 MEN	2016-2017 WOMEN	2017-2018 MEN	2017-2018 WOMEN
Baseball	18	NA	18	NA
Basketball	12	11	9	7
Beach	NA	0	NA	0
Football	49	NA	37	NA
Golf	4	2	5	2
Skiing	0	0	0	0
Soccer	16	13	8	7
Softball	NA	8	NA	8
Swimming/Diving	NA	20	NA	29
Tennis	2	5	1	2
Track/Cross Country	11	25	8	14
Volleyball	NA	7	NA	2
TOTALS	112	91	84	71

Official Visits: Prospective student-athletes are both flown in and driven by automobile. They are lodged on campus (with student-athletes) or in local hotels and provided meals and entertainment on and off campus within NCAA rules. Men's soccer and men's and women's cross country/track do not provide/reimburse mileage and men's soccer did not provide host money. The Head Women's Soccer Coach stated that prospective student-athletes are asked to pay for their official visit expenses and the Head Men's Tennis Coach stated that he rarely does paid official visits due to budget restraints. **The funding for recruiting is limited which means that funding for paid official visits is limited also but appears to be equally limited for men's and women's teams.**

Recommendations/Comments

Recruitment of Student Athletes is equivalent.

Recommendation: Because recruitment of prospective student-athletes is so competitive at the Division I level UNM should consider reviewing the tools provided to coaches for recruiting. As stated above, cell phones/stipends and courtesy car stipends are an integral part of recruiting at most all Division I schools. Because it has become increasingly more difficult to get, maintain and expensive to pay taxes on courtesy cars, car allowances or monthly stipends are provided to head and assistant coaches (especially for sports other than football and basketball).

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

Coaches' primary duty is to teach skills and strategy to student-athletes. Teaching skills and strategy relates to the planning and conduct of practice sessions and competition.

Coaches' secondary (administrative) duties relate to the administration of the overall sport program and include developing competitive schedules, ordering and equipment, planning for away competition (travel, meal and lodging accommodations), planning and conducting recruiting, completing required documents related to sport and governing body policies and procedures, marketing and promotions for the sport program and monitoring student-athlete academic success/eligibility.

The administrative and clerical support provided to an athletic program can affect the overall provision of opportunity to male and female athletes, particularly to the extent that the provided services enable coaches to perform better their coaching functions.

In the provisions of support services, compliance will be assessed by examining, among other factors, the equivalence of:

1. The amount of administrative assistance provided to men's and women's programs;
2. The amount of secretarial and clerical assistance provided to men's and women's

- programs”; and
3. Office space, equipment and supplies. (OCR’s 1990 Title IX Athletics Investigator’s Manual clarifies that this is the third factor that is also part of the support series review.)

Administrative Assistance

Administrative support is difficult to quantify, but difference between the men’s and women’s programs are likely to be revealed in coaches’ availability to athletes; in effect, the number of hours’ coaches must spend on secondary duties. In this area it is important to note that the athletic department is organized in such a way that the number of hours performing secondary duties (administrative/clerical) does not limit availability of the coaches to perform primary duties (teach skills and strategy to student-athletes).

The Director of Athletics (AD) oversees the entire intercollegiate athletics program for men and women and reports to the President of UNM.

Reporting to the AD:

- The Deputy AD for Internal Operations/SWA – Oversees athletic performance areas, training room, equipment room, compliance, facilities and sport oversight for men’s and women’s basketball and women’s golf.
- The Deputy AD FOR External Operations – Oversees marketing, communications, ticket office, LoboTV, Learfield Sports, concessions, UNM's trademarks and licensing program, and UNM's Nike contract and sport oversight for baseball, cross country, football, men's golf and track and field.
- Senior Associate AD – Chief Financial Officer - Oversees all fiscal operations and budget management for UNM Athletics, including the development and administration of capital and operating budgets, strategic financial planning and the establishment and management of financial control systems.
- Senior Associate AD – Facilities - Oversees all athletic facilities, facilities master plan, project management, construction, Lobo Energy, UNM's security plan and the Alumni Letterman's Association.
- Senior Associate AD – Administration - Oversees human resources, equity and diversity, Title IX, Cleary Act and staff development and training and sport oversight for men’s and women’s skiing and swimming/diving.
- Associate AD – Sports Administration – Oversees Lobo Courtesy Car Program and sport oversight for men's and women's tennis, men's and women's soccer, softball, volleyball and beach volleyball.

Directors of Operations – Two men’s teams (basketball and football) and three women’s teams (basketball, soccer, and volleyball) stated that they have a Director of Operations to assist the coaching staffs. The women’s soccer DOPs is a volunteer and the volleyball DOPs is paid out of the volleyball fundraising account. Since secretarial/clerical assistance

is not provided (see next section), the head coaches several head coaches stated that having a Director of Operations (shared DOPs for like sports) would be beneficial.

Secretarial and Clerical Assistance

Clerical staff can be categorized as administrative assistants, secretaries or clericals. Clericals are professional staff or undergraduate students or even team managers. It is not required that there be the same number of equally qualified staff for men's and women's teams, even in like sports (men's and women's basketball). Compliance with this component means that men's and women's coaches spend similar amounts of time (hours/week) performing tasks that could be defined as clerical tasks.

Secretarial/Clerical assistance is provided for the men's basketball and women's basketball staffs. The football staff has two student workers that serve in this capacity. The coaches of the remaining sports handle all secretarial/clerical work. There were no complaints about the lack of secretarial/clerical assistance.

Office Equipment and Supplies

Office space, equipment and supplies are evaluated to ensure that there are no negative or limiting effect on the coaches' ability to efficiently perform their primary duties.

Office equipment and supplies are equivalent – computers, printers, phones, faxes and other office equipment are available for all men's and women's coaching staffs and located in or close to their offices. Office supplies are also provided as needed.

Office Space is equivalent - All men's and women's coaching staffs are provided private offices except men's and women's tennis. The head tennis head coaches have a private office but the assistant coaches for each share one office.

Recommendations/Comments

Support Services is equivalent.