

## **Gender Equity Monitor Report for the University of Iowa**

Prepared by Professor Gabe Feldman<sup>1</sup>

September 29, 2023

*In August 2020, the University of Iowa (“UI”) announced the elimination of men’s and women’s swimming and diving, men’s gymnastics, and men’s tennis.<sup>2</sup> As part of a September 22, 2021 settlement agreement, UI agreed to reinstate the women’s swimming and diving team and provide it with materially the same support (benefits, scholarships and treatment) as the team had received prior to its announced elimination.*

*Pursuant to that settlement agreement, I was appointed to serve as a monitor (the “Monitor”) of UI’s compliance with Title IX of the Education Amendments of 1972 (“Title IX”) for the next three years. The settlement agreement states, in relevant part:*

*The Monitor will review UI’s Title IX compliance for all three aspects of compliance: equal participation opportunities; equal benefits/treatment; and equal scholarship opportunities. The equal benefits and treatment will include review of the ‘laundry list’ of items as contained in and defined by 34 C.F.R. § 106.41(c)(2)-(10), as well as recruiting and admissions (34 C.F.R. §§ 106.37, 106.21).*

*The Monitor will issue a public annual report on his findings with respect to each of these areas and provide input on any Title IX failings. The annual report will be provided on UI’s Athletic Department website no later than October 1 of each year. The first report shall be published no later than October 1, 2022.<sup>3</sup> At all times, UI will retain its discretion as how to achieve gender equity and Title IX compliance, by following the Monitor’s input or otherwise, as long as it resolves any lack of Title IX compliance found.*

### **Process**

I conducted a site visit at UI on August 10, 2023, where I toured UI athletics facilities and met with coaches, staff, and athletes. I reviewed relevant data regarding gender equity at UI, including squad lists and other information relevant to participation opportunities, internal handbooks, policies, and other information that I requested. I also conducted zoom interviews with athletes and coaches from May 2023-September 2023. All coaches and athletes were invited to contact me directly to discuss any issues related to gender equity and I interviewed all athletes and coaches who contacted me. I was able to meet with all coaches, athletes, and staff that I requested. During my interviews, there were a number of issues raised by coaches and athletes that did not present Title IX issues, but I shared them with the Athletics Department to ensure that the concerns of the athletes and coaches were heard by UI. Although outside the scope of this report, UI plans to assess each of these concerns.

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<sup>2</sup> This Report was corrected on October 10, 2023 to reflect that men’s tennis, rather than men’s soccer, was eliminated.

<sup>3</sup> The first Gender Equity Monitor Report was published on October 1, 2022.

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This public annual report (the “Report”) addresses the following 13 areas:

1. Accommodation of interests and abilities;
2. Athletic financial assistance;
3. Provision of equipment and supplies;
4. Scheduling of games and practice time;
5. Travel and per diem allowance;
6. Opportunity to receive academic tutoring and assignment and compensation of tutors;
7. Opportunity to receive coaching and assignment and compensation of coaches;
8. Provision of locker rooms and practice and competitive facilities;
9. Provision of medical and training facilities and services;
10. Provision of housing and dining facilities and services;
11. Publicity;
12. Recruitment of student athletes;
13. Support services.

### **Accommodation of Interests and Abilities–Opportunity to Participate in Intercollegiate Competition**

Title IX’s “Three-Part Test” for accommodation of interests and abilities requires that athletic participation opportunities be offered in a gender-equitable manner and allows educational institutions to satisfy that requirement under any of the three following prongs:<sup>4</sup>

*Prong 1:* Whether intercollegiate-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective full-time undergraduate enrollments; or

*Prong 2:* Where the members of one sex have been, and are underrepresented among intercollegiate athletes, whether the institution has a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the underrepresented sex; or

*Prong 3:* Where the members of one sex are underrepresented among intercollegiate athletes (i.e., cannot satisfy Prong 1), and the institution cannot show a continuing practice of program expansion (i.e., cannot satisfy Prong 2), whether it can be demonstrated that the interests and abilities of the members of the underrepresented sex have been fully and effectively accommodated by the current athletic program.

#### **1. Prong 1: *Participation Substantially Proportionate to Enrollment***

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<sup>4</sup> In 1996, the Department of Education issued a “Dear Colleague” letter to clarify the three-prong test for participation opportunities, confirming that institutions need only comply with any one part of the three-part test in order to provide nondiscriminatory participation opportunities. Office for Civil Rights, U.S. Dep’t of Educ., Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test (Jan. 16, 1996),

In order to comply with Prong 1, an institution must provide athletics participation opportunities on men's and women's teams in a ratio that is "substantially proportionate" to its full-time male and female undergraduate enrollment. Substantial, not exact, proportionality is

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required "because in some circumstances it may be unreasonable to expect an institution to achieve exact proportionality—for instance, because of natural fluctuations in enrollment and participation rates or because it would be unreasonable to expect an institution to add athletic opportunities in light of the small number of students that would have to be accommodated to achieve exact proportionality."<sup>4</sup> Substantial proportionality "depends on the institution's specific circumstances and the size of its athletic program" and is determined "on a case-by-case basis."<sup>5</sup>

In order to reach substantial proportionality, the U.S. Department of Education's Office for Civil Rights (OCR) guidance states that it would "consider opportunities to be substantially proportionate when the number of opportunities that would be required to achieve proportionality would not 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." The guidance also states that "OCR may consider the average size of teams offered for the underrepresented sex" as a "frame of reference" when assessing Prong 1 compliance.

In 1979, the Department of Health, Education, and Welfare issued a Policy Interpretation to "clarify the meaning of 'equal opportunity' in intercollegiate athletics."<sup>6</sup> The Policy Interpretation defines participants as those athletes:

- a. Who are receiving the institutionally-sponsored support normally provided to athletes competing at the institution involved, e.g., coaching, equipment, medical and training room services, on a regular basis during a sport's season; and
- b. Who are participating in organized practice sessions and other team meetings and activities on a regular basis during a sport's season; and
- c. Who are 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>7</sup>

In 1996, OCR issued a clarification, explaining the following, among other things:

- "OCR considers a sport's season to commence on the date of a team's first intercollegiate competitive event and to conclude on the date of the team's final intercollegiate competitive event."
- "As a general rule, all athletes who are listed on a team's squad or eligibility list and are on the team as of the team's first competitive event are counted as participants by OCR."
- "In determining participation opportunities, OCR includes, among others, those athletes who do not receive scholarships (e.g., walk-ons), those athletes who compete

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<sup>4</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/clarific.html> (“1996 Letter”).

<sup>5</sup> 1996 Letter; see, e.g., *Lazor v. Univ. of Connecticut*, \_\_\_ F. Supp. 3d \_\_\_, 2021 WL 2138832, at \*6 (D. Conn. May 26, 2021); *Equity in Athletics, Inc. v. Dep’t of Educ.*, 639 F.3d 91, 110 (4th Cir. 2011) (“DOE has not specified a magic number at which substantial proportionality is achieved.”). “[W]e do not, in any event, understand the 1996 Clarification to create a statistical safe harbor at [two percent] or any other percentage.” <sup>6</sup> 44 Fed. Reg. 71,413, 71,414 (Dec. 11, 1979) <sup>7</sup> *Id.* at 71,415.

on teams sponsored by the institution even though the team may be required to raise some or all of its operating funds, and those athletes who practice but may not compete.<sup>5</sup> OCR's investigations reveal that these athletes receive numerous benefits and services, such as training and practice time, coaching, tutoring services, locker room facilities, and equipment, as well as important non-tangible benefits derived from being a member of an intercollegiate athletic team. Because these are significant benefits, and because receipt of these benefits does not depend on their cost to the institution or whether the athlete competes, it is necessary to count all athletes who receive such benefits when determining the number of athletic opportunities provided to men and women.”<sup>6</sup>

To determine the appropriate participation counts, I analyzed squad lists, changes of status from the initial squad list (for example, athletes who quit or were cut), and other relevant data and information. I also spoke with several coaches and athletes to help determine whether the participation opportunities received by athletes were real, and not illusory.

Based on my review, the following are the appropriate participation counts:

**Men’s Teams** (2022-23 Participation Count)

Baseball (44)  
Basketball (15)  
Cross Country (19)  
Football (127)  
Golf (8)  
Track (Indoor) (58)  
Track (Outdoor) (57)  
Wrestling (38)

Men’s Teams Total Participation Count: 366

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<sup>5</sup> See also *Biediger v. Quinnipiac Univ.*, 691 F.3d 85, 93 (2d Cir. 2012) (“It is not necessary for an athlete to meet minimum criteria of playing time ... to count as a participant.”).

<sup>6</sup> Office for Civil Rights (OCR), U.S. Dep’t of Educ., *Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test* (Jan. 16, 1996)

**Women's Teams** (2022-23 Participation Count)

Basketball (15)  
Cross Country (32)  
Field Hockey (24)  
Golf (8)  
Gymnastics (20)  
Rowing (74)  
Soccer (39)

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Softball (28)  
Swim & Dive (22)  
Tennis (8)  
Track (Indoor) (68)  
Track (Outdoor) (68)  
Volleyball (19)  
Wrestling (16)

Women's Teams Total Participation Count: 441

2022-23 Total Participation Count (Men's Teams + Women's Teams= 807)

2022-23 Male Participation:  $366/807=45.4\%$

2022-23 Female Participation:  $441/807= 54.6\%$

2022-23 Full-Time Undergraduate Enrollment Total: 20,112

2022-23 Full-Time Undergraduate Male Enrollment:  $8,809/20,112= 43.8\%$

2022-23 Full-Time Undergraduate Female Enrollment:  $11,303/20,112= 56.2\%$

UI appears to be in compliance with Prong 1. As detailed above, in 2022-23, 441 out of 807, or 54.6%, of UI's athletic opportunities went to women, which is an increase from the 409 out of 780 athletic opportunities that went to women in 2021-22. The full-time undergraduate enrollment population is made up of 56.2% women. This represents a 1.6% disparity for Prong 1 in 2022-2023, as compared to a 3.1% disparity in 2021-2022. UI anticipates increasing the roster size for women's wrestling from 16 athletes to approximately 28 athletes for 2023-2024 and increasing the roster size for women's swimming and diving, which could further reduce the disparity for Prong 1.

**2. Prong Two and Prong Three:**

Given that UI appears to comply with Prong 1, it need not comply with Prong 2 or Prong 3.

## **(2) Athletic Financial Assistance**

Compliance with Athletic Financial Assistance requires institutions to “provide reasonable opportunities for [awards of athletics financial assistance] for members of each sex in proportion to the number of students of each sex participating in ... intercollegiate athletics.” Compliance is “primarily” evaluated “by means of a financial comparison to determine whether proportionately equal amounts of financial assistance (scholarship aid) are available to men’s and women’s athletic programs” in the aggregate.<sup>10</sup> A school may be found in compliance if it awards athletics financial assistance in a ratio substantially proportionate to its athletic participation ratio, or if a resulting disparity can be explained by legitimate, non-discriminatory factors.<sup>11</sup>

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<sup>10</sup>44 Fed. Reg. at 71,415 (citing to 45 C.F.R. § 86.37(c)).

<sup>11</sup> Id.

UI appears to have provided reasonable opportunities for awards of athletics financial assistance in 2022-2023, as 53.5% (341/ 637) of UI’s unduplicated student-athletes were women, and women received 55.9% (\$6,476,866/ \$11,588,715) of UI’s athletics-related student aid.

## **Equitable Treatment Analysis**

The remaining Title IX areas are subject to an aggregated analysis across all women’s and men’s teams. OCR assesses compliance with the equitable treatment program areas by comparing the availability, quality and kinds of benefits, opportunities, and treatment provided to members of both sexes. “Institutions will be in compliance if the compared program components are equivalent, that is, equal or equal in effect. Under this standard, identical benefits, opportunities, or treatment are not required, provided the overall effects of any differences [are] negligible. If comparisons of program components reveal that treatment, benefits, or opportunities are not equivalent in kind, quality or availability, a finding of compliance may still be justified if the differences are the result of nondiscriminatory factors. ... If sport-specific needs are met equivalently in both men’s and women’s programs, however, differences in particular program components will be found to be justifiable.”<sup>12</sup>

Moreover, “Title IX requires a systemic, substantial disparity that amounts to a denial of equal [athletic] opportunity before finding a violation of the statute.”<sup>13</sup> In evaluating equitable treatment, a violation may occur where “disparities of a substantial and unjustified nature in the benefits, treatment, services, or opportunities afforded male and female athletes exist in the institution's program as a whole,” or “where disparities in individual segments of the program with respect to benefits, treatment, services, or opportunities are substantial enough in and of themselves to deny equality of athletic opportunity.”<sup>14</sup>

Each treatment area will be discussed in turn below.

### **3. Equipment and Supplies**

Compliance in this area is assessed by examining, among other things, the equivalence for men and women of game uniforms and apparel, practice uniforms and apparel, sportspecific equipment, general equipment and supplies, instructional devices, and conditioning and weight training equipment.<sup>15</sup> The quality, amount, suitability and maintenance of equipment are assessed to determine compliance in this area.

UI has a department-wide equipment contract with Nike for all teams, which generally provides apparel of comparable quality for male and female student-athletes. Additionally, UI added a Director of Equipment in Fall 2022 to provide consistent management across all equipment rooms. There do not appear to be any material issues with respect to the equivalence for men and women of game uniforms and apparel, practice uniforms and apparel, sport-specific

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<sup>12</sup> Policy Interpretation at 71,415-16.

<sup>13</sup> *Parker v. Franklin County [Ind.] Community School Corp.*, 667 F.3d 910, 922 (7th Cir. 2012).

<sup>14</sup> 45 C.F.R. § 86.41(c).

<sup>15</sup> 44 Fed. Reg. at 71,416 (citing to 45 C.F.R. § 86.41(c)(2)).

equipment, general equipment and supplies, instructional devices, and conditioning and weight training equipment.

### **4. Scheduling of Games and Practice Time**

Compliance in this area is assessed by examining, among other things, equity regarding the number of competitive events per sport, the number and length of practice opportunities, the time at which competitions and practices are scheduled, and the opportunities to engage in available pre- season and post-season competition.<sup>16</sup>

UI has a “Policy Manual for Facility Use and Scheduling of Competition” (the “Policy Manual”). Pursuant to the Policy Manual, usage of shared and multi-use facilities for practices is scheduled by the Director of Athletics in consultation with the Director of Recreational Services.

The Policy Manual sets forth the following principles to guide the scheduling of practices:

- 1) Maximize the student-athlete’s ability to pursue the major of their choice.
- 2) Minimize the number of student-athletes with classes that conflict with the team’s or training group’s practice schedule.
- 3) Demonstrate respect for our student-athletes’ time by adhering to established practice schedules and strongly discouraging late-notice schedule changes.

Head coaches are asked to communicate their preferred practice time prior to early access class registration each summer. To minimize academic conflicts, UI gives athletes early access registration status.

For teams that share practice facilities with other teams, the Athletics Department performs a preliminary review of preferred practice times with each sport's Director of Operations. The Facilities Director then finalizes the practice schedule for the academic year. UI conducts a monthly review to make any necessary adjustments to meet the varying scheduling needs of each team.

For teams that share practice facilities with Campus Recreation, the Director of Recreational Services conducts an annual meeting with the Athletics Department each spring to review facility scheduling. A committee then reviews facility requests and creates a shared facility schedule. UI conducts a review each semester and makes any necessary adjustments to meet the varying scheduling needs of each team.

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<sup>16</sup> 44 Fed. Reg. at 71,416 (citing 45 C.F.R. § 86.41(c)(3)).

For competitions, the Policy Manual states that all intercollegiate competitive events will be scheduled with the approval of the Director of Athletics and then submitted to the Presidential Committee on Athletics (PCA) for approval. The Policy Manual sets forth the following principles to guide the scheduling of competitions:

- 1) Priority shall be given to the in-season team.
- 2) If multiple teams are in-season, priority shall be given to the in-season team in its home facility.
- 3) If multiple in-season teams are from the same home facility, the Director of Athletics shall approve the final schedule for double headers or multiple-event situations.
- 4) All appropriate variables shall be taken into account, including (a) equity, (b) television scheduling, (c) season ticket base, (d) overall attendance, (e) parking and security needs and (f) facility setup requirements.

During my interviews, potential gender equity issues were raised regarding access to practice facilities, but none of these issues presented Title IX concerns.

UI should continue to monitor the process used to handle scheduling conflicts to ensure equitable and efficient use of shared practice facilities and assess how to eliminate any scheduling inequities regarding practice times. Any issues will likely decrease significantly as UI completes construction on new facilities, as discussed below.



## **5. Travel and Per Diem Allowance**

Compliance in this area is assessed by examining, among other factors, equity regarding the modes of transportation, housing and dining arrangements provided during travel, the length of stay before and after competitive events, and per diem allowances.<sup>17</sup>

There do not appear to be any material issues in the aggregate regarding equitable travel benefits, per diem allowances, and dining options. Teams appear to receive access to equivalent dining options, per diem, and travel, including quality of hotels, length of stays, and modes of transportation, and UI has recently improved travel for a number of teams.

## **6. Opportunity to Receive Coaching and the Assignment and Compensation of Coaches**

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<sup>17</sup> 44 Fed. Reg. at 71,416 (citing 45 C.F.R. § 86.41(c)(4)).

Compliance in this area is assessed by examining, among other factors, the relative availability of equivalently qualified coaches. Relevant factors include the availability of full-time coaches, part-time and assistant coaches, and graduate assistants, as well as the training, experience, and other professional qualifications and professional standing of the coaches. A disparity in the average years of coaching experience and average salaries of coaches can be an indication of the disparity in quality of the coaches, but, in general, a violation “will be found only where compensation or assignment policies or practices deny male and female athletes coaching of equivalent quality, nature, or availability.”<sup>18</sup>

During my interviews, some coaches commented about their salaries, but compensation of UI coaches does not appear to have “den[ied] male and female athletes coaching of equivalent quality, nature, or availability.” All of UI’s coaches appear to be extremely qualified for their positions. Many of the coaches have significant accomplishments and experience. Nevertheless, UI should continue to assess coaching salaries to ensure that male and female athletes are not denied coaching of equivalent quality, nature, or availability.

There do not appear to be any material issues with respect to compliance regarding the opportunity to receive coaching and the assignment and compensation of coaches. UI teams used the maximum number of coaches permitted by NCAA rules, and all coaches are full-time employees.

## **7. Opportunity to Receive Academic Tutoring and the Assignment and Compensation of Tutors**

Compliance in this area is assessed by examining, among other factors, the availability, quality, and compensation provided for tutoring services.<sup>19</sup> There do not appear to be any material issues regarding the provision of academic tutoring or the assignment and compensation of tutors.

Tutoring is available to all student-athletes through their Athletics Academic Coordinator. The UI Tutor and Retention Coordinator schedules all appointments for studentathletes. The UI Student-Athlete Academic Services staff includes tutors and learning assistants who can provide specific subject matter assistance as well as general study strategies. All athletes can request a tutor through their “GradesFirst Account,” have access to regular meetings with their Academic Coordinator, weekly tutoring sessions, and meetings with a Learning Specialist or their staff to help build academic skills.

Although there were isolated comments from athletes about difficulties in accessing specific subject matter assistance in a timely manner, all of these services appear to be provided in an equitable manner in the aggregate.

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<sup>18</sup> 34 C.F.R. § 106.41(c)(5); 44 Fed. Reg. at 71,416 (citing 45 C.F.R. § 86.41(c)(5) and (c)(6)).

<sup>19</sup> 34 C.F.R. § 106.41(c)(5) and (c)(6); 44 Fed. Reg. at 71,416 (citing to 45 C.F.R. § 86.41(c)(5)).

## **8. Provision of Locker Rooms, Practice and Competitive Facilities**

Compliance in this area is assessed by examining, among other factors, the equivalence for men and women of access to quality facilities, including the quality, availability, exclusivity, maintenance and preparation of the practice and competitive facilities, and the availability and quality of the locker rooms.<sup>20</sup>

As a general matter, UI has state-of-the-art athletics facilities for men’s and women’s teams. The practice and competitive facilities and locker room locations for teams are as follows: **Competition**

### **Facilities**

#### Duane Banks Fields

1. Baseball

#### Carver Hawkeye Arena

1. Men’s Basketball
2. Women’s Basketball
3. Women’s Gymnastics

4. Men's Wrestling
5. Women's Wrestling

Ashton Cross Country Course

1. Men's Cross Country
2. Women's Cross Country

Grant Field

1. Field Hockey

Kinnick Stadium

1. Football

Finkbine Golf Course

1. Men's Golf
2. Women's Golf

Xtream Arena

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<sup>20</sup> 44 Fed. Reg. at 71,417 (citing to 45 C.F.R. § 86.41(c)(7)).

- 1.
2.  
Women's Volleyball  
Women's Gymnastics

Iowa River

1. Rowing

Soccer Complex

1. Soccer

Pearl Field

1. Softball

Campus Rec and Wellness Center

1. Women's Swimming and Diving

Hawkeye Tennis and Rec Center

1. Women's Tennis

Cretzmeyer Outdoor Track

1. Men's Track and Field
2. Women's Track and Field

Hawkeye Indoor Track Facility

1. Men's Track and Field
2. Women's Track and Field

**Practice Facilities**

Duane Banks Fields

1. Baseball

Jacobson Building

1. Baseball

- 1.
- 2.
2. Softball

Hansen Football Performance Center Baseball (indoor practice)

Football

Carver Hawkeye Practice Facility

1. Men's Basketball
2. Women's Basketball
3. Women's Volleyball

Carver Hawkeye Arena

1. Men's Basketball
2. Women's Basketball
3. Men's Wrestling
4. Women's Wrestling

Ashton Cross Country Course

1. Men's Cross Country
2. Women's Cross Country

Grant Field

1. Field Hockey

Hawkeye Tennis and Rec Center/Field Hockey Practice Turf

1. Field Hockey
2. Softball
3. Women's Tennis

Kinnick Stadium

1. Football

Kenyon Practice Facility

1. Football

- 1.
- 2.

Finkbine Golf Course

1. Men's Golf
2. Women's Golf

Hoak Golf Facility

- Men's Golf
- Women's Golf

Fieldhouse Practice Facility

1. Women's Gymnastics

Iowa River

1. Rowing

Beckwith Boathouse

1. Rowing

Soccer Complex

1. Soccer

Pearl Field

1. Softball

Campus Rec and Wellness Center

1. Women's Swimming and Diving

Cretzmeyer Outdoor Track

1. Men's Track and Field
2. Women's Track and Field

Hawkeye Indoor Track Facility

1. Men's Track and Field

- 1.
- 2.
2. Women's Track and Field

**Locker Rooms**

Duane Banks Fields

1. Baseball

Jacobson Building

1. Baseball

2. Softball
3. Men's Track and Field
4. Men's Cross Country
5. Women's Track and Field
6. Women's Cross Country

Carver Hawkeye Arena

1. Men's Basketball
2. Women's Basketball
3. Women's Gymnastics
4. Women's Volleyball
5. Men's Wrestling
6. Women's Wrestling

Hawkeye Tennis and Rec Center/Field Hockey Practice Turf

1. Field Hockey
2. Softball
3. Women's Tennis

Kinnick Stadium

1. Football

Hansen Football Performance Center

1. Football

Hoak Golf Facility

1. Men's Golf
2. Women's Golf

Fieldhouse Practice Facility

1. Women's Gymnastics

Xtream Arena

1. Women's Gymnastics
2. Women's Volleyball



### Beckwith Boathouse

#### 1. Rowing Soccer Complex

##### 1. Soccer

### Pearl Field

##### 1. Softball

### Campus Rec and Wellness Center

#### 1. Women's Swimming and Diving

UI has recently made a number of improvements and renovations to existing facilities for women's sports. Among other things, UI has added videoboards for field hockey and soccer, enhanced the Jacobson Locker Room for softball, provided new turf to replace the dirt playing surface in the infield and outfield for softball, and made temporary improvements to the women's gymnastics' locker facilities.

Additionally, as noted in the *October 1, 2022 Gender Equity Monitor Report for the University of Iowa*, UI has started several facilities projects that will primarily benefit women's teams. There has been demonstrable progress regarding these facilities in the past year, as follows:

#### • **Women's Wrestling**

- *October 1, 2022 Gender Equity Monitor Report for the University of Iowa:*  
UI is currently constructing a new wrestling training facility to house both women's and men's wrestling teams. The new facility will be close to 40,000 square feet and will provide additional workout facilities, training areas, locker rooms, office space and direct access into CarverHawkeye Arena, where intercollegiate wrestling competitions will continue to be held.
- *Current Status:* The Goschke Family Wrestling Training Center described above is under construction with an expected completion time of Spring 2024.

#### • **Women's Gymnastics**

- *October 1, 2022 Gender Equity Monitor Report for the University of Iowa:*

UI plans to construct a new Women's Gymnastics and Spirit Squad Training Center, a dedicated space designed specifically for gymnastics that will include practice space, locker rooms, a team room, an equipment room, coaching offices, and a multipurpose viewing room. The facility is estimated to be completed in time for the 2024-2025 competition season.

- *Current Status:* The building design for the new Women's Gymnastics and Spirit Squad Training Center was completed and approved by the Board of Regents on September 27, 2023. Construction is likely to begin in December 2023 or January 2024 and has been estimated to be completed in time for the 2024-2025 competition season.

• **Women's Field Hockey**

- *October 1, 2022 Gender Equity Monitor Report for the University of Iowa:* UI is planning to add a new video scoreboard to the field hockey stadium and will be adding a field hockey operations facility next to their field. UI has also recently renovated the outdoor field and is in the process of renovating the indoor turf.
- *Current Status:* UI added a videoboard to the field hockey stadium, replaced the indoor turf, and recently completed the design development process for a field hockey operations center.

These are meaningful developments and demonstrate a commitment to enhancing the quality of the practice and competitive facilities and locker rooms available to female athletes. As discussed in the *October 1, 2022 Gender Equity Monitor Report for the University of Iowa*, the women's gymnastics facility—which was shared with the men's gymnastics team until it was recently eliminated—is currently not on par with the facilities used by most of the other UI teams. The new Women's Gymnastics and Spirit Squad Training Center—scheduled to be completed prior to the 2024-2025 season—will provide a significant upgrade. UI should continue to make all efforts to ensure that this new facility is completed as scheduled.

During my interviews, I heard strong comments regarding the field hockey facility. Although the issues raised regarding the facility did not appear to create Title IX concerns, the new field hockey operations center discussed above should address these issues and will provide a significant upgrade for the field hockey team.

UI should continue to update coaches and athletes regarding the timeline for facility renovations and construction and any changes to the timeline.

## **9. Provision of Medical and Training Facilities and Services**

Compliance in this area is assessed by examining, among other factors, access to medical personnel and assistance, availability and qualification of certified athletic trainers, availability and quality of athletic training facilities, availability and quality of weight training and conditioning facilities, and health, accident and injury insurance coverage.<sup>21</sup>

UI has 20 certified athletic trainers, two graduate assistant athletic trainers, and three physical therapists on staff. All teams have access to at least one designated athletics trainer and physical therapists and medical professionals as needed. UI also provides “Sports Psychology Services” to all athletes, which includes confidential personal counseling, performance psychology services, psychological rehabilitation from injuries, and other services to help foster mental health and well-being.

All athletes have access to high quality medical training facilities and services, including the following athletic training rooms, which all have advanced medical and rehabilitation equipment:

- *Carver-Hawkeye Arena Athletic Training Room* ○ Men's and women's basketball ○ Women's volleyball ○ Women's golf ○ Women's rowing ○ Men's and Women's wrestling teams.
- *The Athletic Training Room*, located in the Jacobson Athletic Building, ○ Men's and women's track and field and cross country ○ Baseball ○ Softball ○ Women's soccer
- *The Field House* athletic training room ○ Women's gymnastics
- *Beckwith Boathouse Athletic Training Room* ○ Women's rowing
- *The Hawkeye Tennis and Recreational Center* ○ Field hockey ○ Women's tennis ○ Women's soccer
- *The Campus Recreation and Wellness Center Natatorium* athletic training room ○ Women's swimming and diving.

There do not appear to be any material issues regarding the availability and quality of weight training and conditioning facilities.

There do not appear to be any material issues regarding insurance coverage, or the availability of medical personnel and assistance, which are equitably available as needed. There

also do not appear to be any material issues in the aggregate regarding the availability and qualifications of athletic trainers assigned to men's and women's teams.

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<sup>21</sup> 44 Fed. Reg. at 71,417 (citing to 45 C.F.R. § 86.41(c)(8)).

There do not appear to be any material issues regarding strength and conditioning staffing. The staff are highly qualified and their assignments and workouts are specifically tailored to the individual sports. The staff also appropriately supervised strength training and conditioning sessions. UI also appeared to resolve scheduling issues and potential space conflicts in an equitable manner.

## **10. Provision of Housing and Dining Facilities and Services**

Compliance in this area is assessed by examining, among other factors, the equivalence for men and women of housing provided and special services as part of housing arrangements (e.g., laundry facilities, parking).<sup>22</sup>

There do not appear to be any material issues regarding the equivalence for men and women of housing provided and special services as part of housing arrangements given that the on-campus housing for male and female student-athletes does not differ materially. There do not appear to be any material issues regarding the provision of dining facilities and services.

All student-athletes appear to have access to high-quality food and appropriately stocked fueling stations. All athletes have access to a fueling station or refueling items in the CarverHawkeye Arena Strength and Conditioning Area, the Hansen Football Performance Complex Strength and Conditioning Area, or in team locker rooms. UI has added staff to make deliveries to locker rooms not housed in Carver-Hawkeye and has also hired an additional nutritionist.

## **11. Publicity**

Compliance in this area is assessed by examining, among other factors, the availability and quality of sports information personnel, quantity and quality of publications, and other publicity and promotional items.<sup>23</sup>

UI has an External Relations Strategic Plan that sets forth their approach for publicizing and promoting men's and women's teams equitably. As with all plans, the key is to ensure that they are operationalized in an equitable manner. Despite some isolated comments from athletes about publicity from the Athletics Department, there do not appear to be any material issues regarding the equivalence of publicity for men and women.

Hawkeye Sports Properties manages all aspects of venue signage, event sponsorship, corporate hospitality, social and digital engagement, sponsored content, and advertising on the UI athletics website, radio broadcasts, and coaches' shows.

Although the competitive market often dictates greater emphasis on particular sports, UI's efforts in the aggregate to promote men's and women's teams appear to be equitable. Among other things, all competitive events are broadcast or streamed for all men's and women's teams. UI provides support for name, image and likeness (NIL) through the Hawkeye FLIGHT Program,

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<sup>22</sup> 44 Fed. Reg. at 71,417 (citing to 45 C.F.R. § 86.41(c)(9)).

<sup>23</sup> 44 Fed. Reg. at 71,417 (citing to 45 C.F.R. § 86.41(c)(10)),

a cross-departmental effort that creates and oversees NIL educational programming for athletes. This programming, as well as the Hawkeye NIL Marketplace, is available to all athletes. Given the rapidly evolving landscape of NIL, UI should continue to monitor and assess any changes that need to be made to ensure continuing equity with regards to NIL.

## **12. Recruitment of Student-Athletes**

Compliance in this areas is assessed by examining (1) whether coaches or other professional athletic personnel in the programs serving male and female athletes are provided with substantially equal opportunities to recruit, (2) whether the financial and other resources made available for recruitment in male and female athletic programs are equivalently adequate to meet the needs of each program, and (3) whether the differences in benefits, opportunities, and treatment afforded prospective student athletes of each sex have a disproportionately limiting effect upon the recruitment of students of either sex.<sup>24</sup>

There do not appear to be material differences regarding the equivalence for recruiting of male and female student-athletes. There do not appear to be any material issues with respect to the recruiting resources provided to coaches and the ability of coaches to recruit athletes to UI.

## **13. Support Services**

Compliance in this area is assessed by examining, among other factors, the equivalence of the provision of clerical and administrative support for men's and women's programs and available office space, equipment, and supplies. The purpose of assessing the support services provided to coaches is to ensure that the provided services enable coaches to perform their coaching functions.<sup>25</sup>

There do not appear to be meaningful differences regarding the equivalence of the clerical and administrative support or available office space, equipment and supplies provided for men's and women's teams. UI has recently added operations support for the following sports: track and field, wrestling, swimming and diving, and rowing. All teams are supported by Directors of Operations or similar staff to meet teams' respective needs, and each team appears to have access to support services.

### **Conclusion**

As per the settlement agreement, I will continue to monitor UI's compliance with Title IX and issue an annual public report through the period required by the settlement agreement. I also understand that UI will continue to monitor its Title IX compliance and make adjustments to address any existing inequities or other issues that may arise.

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<sup>24</sup> 44 Fed. Reg. at 71,417 (citing generally to 45 C.F.R. § 86.41(c)).

<sup>25</sup> 44 Fed. Reg. at 71,417.