

## **Clemson Athletics Gender Equity Plan**

Clemson University strives for Title IX gender equity in all aspects of its athletics department.

The Clemson University Athletics Department (“CUAD”) appreciates the incredible dedication and determination that its hundreds of student-athletes display in competition, in practice, in the classroom, and in the community. Clemson is deeply committed to creating and fostering an equitable, inclusive environment for each of its talented, accomplished male and female student-athletes.

Clemson embraces this opportunity to set forth a gender equity plan to uphold those ideals to maintain and, where necessary, improve its Title IX Athletics compliance. Clemson has conducted a comprehensive gender equity assessment and has thoroughly and holistically investigated ways in which it can improve the equitable treatment provided to its male and female student-athletes. After conducting that internal review, Clemson is proud to release this Gender Equity Plan demonstrating its commitment to its women’s and men’s teams and to providing equitable, championship-level experiences to its female and male student-athletes.

### **Background**

The Clemson University Athletics Department has been on a tremendous, upward trajectory over the last several years. Its successes are seen on the field and on the court through its conference and national championships, in its recent athletics facilities renovations and improvements, in the personal growth of its student-athletes enabled by Clemson’s dedication to developing future leaders through the Student-Athlete Development office and P.A.W. Journey, and in Clemson’s expansion of its NCAA sports offerings through the addition of women’s lacrosse and gymnastics and the restoration of men’s track and cross country.

Clemson’s athletics department currently sponsors 19 (and soon to be 21) NCAA teams, including eleven women’s teams and eight men’s teams. Clemson offers men’s and women’s basketball, golf, cross country, indoor and outdoor track & field, soccer, and tennis, as well as football and baseball for male student-athletes and softball, volleyball, and rowing for female student-athletes. In addition, Clemson has announced the exciting addition of women’s lacrosse in 2022-2023 and women’s gymnastics in 2023-2024.<sup>1</sup> To facilitate the onboarding of those premier women’s athletics teams, the Clemson University Board of Trustees Finance and Facilities Committee recently approved a \$27.5 million expansion plan for new and upgraded facilities for lacrosse, gymnastics and rowing. This women’s sports development, which will be situated on stunning Lake Hartwell, illustrates CUAD’s most recent commitment to facilitating championship-level success for its female student-athletes. Clemson’s longstanding commitment to women’s sports was also recently displayed at the newly-constructed McWhorter Stadium, where its new softball team began play in 2020 and won the ACC regular season championship in its first full season!

CUAD invests heavily into student-athletes. In just the last five years, Clemson has

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<sup>1</sup> <https://clemsontigers.com/from-the-desk-of-dan-radakovich-june-17-2021/>

completed several facilities projects benefitting nearly every team. A sampling of those projects includes, but is certainly not limited to:

- Constructing McWhorter Stadium, the home of Clemson's ACC-champion softball team, which includes a team lounge, locker room, sports medicine room, equipment room and coaches' offices in that 12,000 square foot facility;
- Replacing the playing surface in the 2,000 seat Jervey Gym for the benefit of the women's volleyball program;
- Renovating and significantly expanding Littlejohn Coliseum and constructing the Swann Pavilion and Burton Gallery for the benefit of men's and women's basketball;
- Renovating and improving the aesthetics and functionality of the rowing boathouse facility, located on Lake Hartwell;
- Constructing the shared 61,000 square foot Duckworth Family Tennis Facility (complete with six indoor and twelve outdoor courts, offices, locker rooms, student-athlete lounges, athletic training space, and a rooftop plaza) for the benefit of men's and women's tennis;
- Constructing a state-of-the-art 13,000 square foot Soccer Operations Complex, complete with locker rooms, team spaces, an athletic training room, laundry facility, and exclusive outdoor patio for the men's and women's soccer programs; and
- Renovating the Penley Clubhouse, including by adding locker rooms/lounges and a museum-style lobby to showcase both women's and men's teams' accomplishments, as well as outfitting the hitting bay facility with a club fitting room, Trackman swing analysis room, and strength & conditioning space, for the benefit of men's and women's golf.

As a result of this incredible investment, Clemson's athletics facilities are among the top in the nation. But the renovations and construction projects of recent years merely mark the current status of Clemson's commitment to continuing its legacy of competitive excellence. In fact, Clemson is now in the design stage of a beautiful, \$27.5 million expansion and construction plan for a lakefront women's sports development to house women's lacrosse, women's gymnastics, and women's rowing. The development features a new lacrosse stadium and a 9,000 square foot operations complex, including coaches' offices, locker room and team spaces, and other amenities. The gymnastics team, which will compete in Littlejohn Coliseum, will benefit from a new 21,000 square foot, full practice facility for day-to-day operations. Like lacrosse, the gymnastics complex will include a practice gym, offices, locker room and team spaces, and a training room. A new 10,000 square foot wellness and recovery facility with dedicated space for sports science, nutrition, muscle recovery, and mental health intervention, will be constructed to serve the three women's programs adjacent to their facilities.

Further, Clemson is engaging in several additional, significant facility renovations, expansions, and construction projects for the benefit of its student-athletes in future years. These potential projects may include:

- Conducting a comprehensive renovation of the Jervey Athletic Center, including

expanding athletic training and strength & conditioning areas as well as nutrition spaces, along with volleyball and track student-athlete spaces; and

- Embracing the new era of name, image, and likeness opportunities available to Clemson's female and male student-athletes by constructing a Student-Athlete Branding Institute for the benefit of all student-athletes.

Clemson's investments are certainly not limited to brick-and-mortar buildings. Clemson devotes countless resources to student-athlete development and self-improvement. Clemson's Student-Athlete Development office and P.A.W. Journey are crucial to Clemson's mission of developing future leaders. In addition, in celebration of the annual National Girls and Women in Sports Day and in recognition of the 50th anniversary of Title IX in 2022, Clemson announced the launch of [POWER](#), its Women's Leadership Academy. POWER is a one-of-a-kind program for Clemson female student-athletes with curriculum developed by Assistant AD for Student-Athlete Development Tori Niemann and Dr. Janna Magette Butler, Clemson Athletic Leadership Graduate Program Lecturer. The year-long program focuses on developing personal identity, professional presence, self-leadership, and community, and culminates in an annual experiential trip and summer leadership summit for its female student-athletes. The first POWER cohort travelled to Chicago, Illinois this summer for a chance to engage in unique leadership experiences and to network with women leaders in various industries.

In addition to the investments detailed above, Clemson has also taken significant steps to improve the student-athlete experience, particularly for members of its women's teams, including by:

- Adding three new championship-caliber women's athletics programs—softball, lacrosse, and gymnastics—over a four-year period;
- Providing high-quality, hot meals for the benefit of all student-athletes at the newly-opened West End Zone Bistro, including by hiring an Executive Chef and conducting a facility upgrade;
- Developing student-athlete recovery spaces in the Jervay Athletic Center, among other significant investments in sports science and traditional sports medicine facilities and equipment;
- Hiring a full-time Director of Sports Science for Olympic Sports, as well as a full-time Director of Physical Therapy;
- Increasing equipment and apparel budgets and other budgets; and
- Sponsoring a spring semi-formal event for all student-athletes.

Some of the material benefits provided to female student-athletes as a result of these efforts include, but are not limited to:

- The opportunity to receive hotel accommodations in conjunction with a home competitive event, when permitted by NCAA rules;
- The opportunity to attend a movie at the Starlight Cinema in conjunction with a home competitive event;
- The choice to attend two student-athlete appreciation movie nights at the Starlight Cinema;

- High quality, fitted suits for team travel provided by Cahaly's Custom Clothing to members of the women's basketball, rowing, softball, track & field, cross country, and volleyball teams (as well as women's golf upperclassmen);
- Access to additional sport-specific recovery equipment and items, including HydroMassage Tables and massage chairs, infrared sauna pods, and Normatec boots;
- Helly Hansen Puffy Parkas provided to the women's rowing student-athletes to assist with early morning practices; and
- The opportunity to select practice and/or training gear (in addition to the comprehensive apparel packages each student-athlete receives from her team) from a collection of items maintained by CUAD.

Clemson has also launched its Women in Philanthropy program, [Hear HER Roar](#), which aspires to raise \$50 million to support scholarships, state-of-the-art facilities, and elevated experiences for Clemson's female student-athletes. In furtherance of CUAD's commitment to establishing and maintaining inclusive development and fundraising practices, Hear HER Roar is aimed at engaging more women donors and ultimately raising more funds in support of Clemson's women's sports programs.

For more information related to Clemson's commitment to this holistic gender equity review and plans to continue its impressive trajectory, please see CUAD's "Gender Equity Steps" checklist, attached as Exhibit A.

Clemson celebrates each and every one of its accomplished NCAA programs. CUAD is grateful for this opportunity to highlight its proactive efforts to elevate its student-athletes' experiences and is excited to usher in the next era of Clemson Athletics equitably and inclusively.

### Gender Equity Review

Title IX is a gender equity statute that the Office for Civil Rights of the U.S. Department of Education ("OCR") enforces in regard to thirteen different athletics program areas. Those areas are:

- (1) Accommodation of Interests and Abilities,
- (2) Athletic Financial Assistance,
- (3) Equipment and Supplies,
- (4) Scheduling of Games and Practice Times,
- (5) Travel and Per Diem Allowances,
- (6) Opportunity to Receive Coaching,
- (7) Opportunity to Receive Academic Tutoring,
- (8) Locker Rooms, Practice and Competitive Facilities,
- (9) Medical and Training Facilities and Services,
- (10) Housing and Dining Facilities and Services,
- (11) Publicity,
- (12) Recruitment of Student-Athletes, and
- (13) Support Services.

In regard to the equitable treatment areas, Title IX compliance is assessed on an aggregated basis across the opportunities and benefits Clemson provides to its male and female student-athletes.

### Methodology

In order to assess Clemson's compliance with the above-referenced program areas, Clemson collected information from student-athletes, coaches, athletics administrators, and others; reviewed and analyzed budgets, schedules, and other data and information; performed facility reviews; and took several other steps to evaluate compliance. Clemson solicited and received input from student-athletes from each of its teams as well as all teams' head coaches. Further, Clemson retained the legal services of Title IX experts Daniel A. Cohen and Alexis F. Trumble and the law firm of Nelson Mullins to coordinate Clemson's assessment on a legally-privileged basis. Clemson is also honored to work with national expert Gabriel Feldman, Sher Garner Professor of Sports Law and Paul and Abram B. Barron Professor of Law at Tulane University. Student-athletes and coaches of each team were also expressly invited to provide input directly to Mr. Feldman, who, in turn, has provided input on the development of this Plan and has approved this Plan.

As a means of assessing compliance, Clemson followed the Title IX implementing regulations, the Policy Interpretation on Intercollegiate Athletics, 44 Fed. Reg. 71,413 et seq. (Dec. 11, 1979) ("1979 Policy Interpretation"), legal precedent where applicable, and OCR practices. At the conclusion of the assessment, Clemson produced this comprehensive Gender Equity Plan.

Clemson's Gender Equity Plan sets forth terms, plans, and strategies regarding the methods by which Clemson's Athletics Department intends to comply with Title IX. The University will continue to monitor and manage the plan on an ongoing basis to maintain and improve Clemson's Title IX compliance. The University retains discretion to change any details of this plan to best achieve gender equity as the complicated world of intercollegiate and NCAA athletics continues to rapidly evolve.

### **(1) Accommodation of Students' Athletic Interests and Abilities**

The Title IX regulations require schools to effectively accommodate the athletic interests and abilities of students of both genders so as to provide equal opportunity in the selection of sports and levels of competition available to them. (44 Fed. Reg. at 71,417 (citing to 45 C.F.R. § 86.41(c)(1)).) Educational institutions have three alternative ways of demonstrating compliance with the equitable participation provision, commonly referred to as the "Three-Prong Test."

#### Prong One

A school complies with Prong One if it provides athletics participation opportunities for female and male students in a ratio substantially proportionate to their full-time undergraduate enrollment ratio. With Clemson's additions of NCAA women's lacrosse and women's gymnastics in the next two years, Clemson's athletics participation gender ratio will approach Clemson's full-time undergraduate enrollment ratio. Clemson's undergraduate enrollment ratio continues to change

on an annual basis and reflects nationwide enrollment trends. Any roster management practices will reflect Clemson's history of competitive excellence and respect coaches' roster-size wishes.

While Clemson may strive to achieve Prong One compliance with the above sports sponsorship expansions and roster management practices, Clemson does not rely on Prong One compliance alone as part of its Gender Equity Plan.

### Prong Two

A school complies with Prong Two if it demonstrates a history and a continuing practice of program expansion that are demonstrably responsive to the athletic interests and abilities of its under-represented students. With Clemson's additions of several high-profile women's teams – an NCAA women's softball program in 2019-2020, a women's lacrosse team in 2022-2023, and a women's gymnastics team in 2023-2024 – Clemson demonstrates a history and continuing practice of program expansion that complies with Prong Two.

### Prong Three

Under Prong Three, a school is considered in compliance unless a sport exists for the under-represented gender in which all three of the following conditions are met: (1) unmet student interest in a particular sport; (2) sufficient ability to sustain a team in that sport; and (3) a reasonable expectation of competition for a team in that sport.

Prong Three compliance is determined on a case-by-case basis by assessing a school's factual circumstances. Clemson reserves the right to demonstrate compliance with Prong Three in the future.

### Gender Equity Plan:

With the addition of three high-profile women's teams since 2019-2020, Clemson complies with this program area.

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

“[Institutions] must 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.” This provision is “primarily” determined “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. (44 Fed. Reg. at 71,415 (citing to 45 C.F.R. § 86.37(c)).) A school may be found in compliance if it awards athletics financial assistance in a ratio substantially proportionate to – within 1% of – its athletic participation ratio, or if a resulting disparity can be explained by legitimate, non-discriminatory factors. (Id.)

Clemson appears to have achieved *exact* proportionality in 2021-2022, as 42.9% of Clemson's unduplicated student-athletes were women, and women received 42.9% of Clemson's

athletics-related student aid, for a 0.0% disparity. Further, Clemson provides equitable opportunities to receive fifth-year and summer aid to student-athletes on a gender-neutral basis.

#### Gender Equity Plan:

Clemson currently complies with the second Title IX program area. Clemson will continue to monitor its compliance with Title IX's athletics financial assistance requirements on an annual basis.

### **Equitable Treatment Analysis**

The remaining Title IX program areas are subject to an aggregated analysis across all men's teams and all women'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." (Policy Interpretation at 71,415-16.)

In regard to equitable treatment, "Title IX requires a systemic, substantial disparity that amounts to a denial of equal [athletic] opportunity before finding a violation of the statute." Parker v. Franklin County [Ind.] Community School Corp., 667 F.3d 910, 922 (7th Cir. 2012); see also id. at 919 (citing to 44 Fed. Reg. at 71,417). "Under the emphasized language's unambiguous text, in evaluating a program's distribution of treatment and benefits, a court may find a program-wide violation (global) when 'substantial and unjustified' disparities exist. The text also allows a court to find a violation where disparities in 'individual segments of the program' (i.e., a specific [equitable treatment program area]) 'are substantial enough in and of themselves' to deny 'equality of athletic opportunities.'" Portz v. St. Cloud State Univ., 16 F.4th 577, 581 (8th Cir. 2021) (citing 1979 Policy Interpretation). "Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams ... will not constitute noncompliance with this section, but [OCR] may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex." 34 C.F.R. § 106.41(c).

### **(3) Equipment and Supplies**

Compliance with this program area is assessed by examining, among other factors, the equivalence for men and women of athletic equipment and supplies in regard to their quality, amount, suitability, maintenance and replacement, and availability. (44 Fed. Reg. at 71,416 (citing to 45 C.F.R. § 86.41(c)(2)).)

Clemson has a department-wide equipment contract with Nike for all teams, and Clemson's male and female student-athletes generally received apparel of comparable quality under that

contract. Clemson is aware of isolated issues with the quality and suitability of certain Nike equipment (i.e., Nike has more products available for male golfers than for female golfers; Nike produces unisex track & field uniforms). Clemson takes active steps to mitigate those types of issues and will continue to do so. Clemson also altered and increased its apparel purchases in 2021-2022, including for the rowing team. With changes enacted in 2021-2022, there are no material Title IX differences between the equipment and supplies that Clemson provides to men's and women's teams in the aggregate in regard to their maintenance, replacement, or availability.

In regard to the amount of equipment and supplies, Clemson's obligation is to equitably meet the sport-specific needs of its men's and women's teams, which can vary substantially across sports. The vast majority of teams expressed no concerns about apparel, sport-specific equipment, or supplies. With few exceptions, which are not based on gender, Clemson's teams expressed that they received generous amounts of apparel in 2021-2022. Clemson will continue to assess team-specific gear, apparel, and equipment ordering and allocation processes to promote gender equity in the aggregate across its men's and women's teams.

In addition, in 2021-2022, Clemson provided equitable numbers of male and female student-athletes with high-quality travel uniforms and/or fitted suits on a rotational basis. Many student-athletes expressed appreciation for this newly-expanded benefit, and Clemson will continue providing such suits and travel uniforms in the future. Clemson has also discontinued the issue-and-retrieval process for the women's rowing team apparel and has provided each rower with cold-weather outerwear to assist with early-morning practices. For more information related to Clemson's efforts in this area, please see the attached "Gender Equity Steps" checklist.

#### Gender Equity Plan:

Clemson's athletics administrators will continue their oversight to monitor teams' equipment and apparel purchases to promote consistency, and Clemson will consider increasing teams' equipment budgets as needed. Clemson will continue to monitor its compliance in this area and address issues as they may arise.

#### **(4) Scheduling of Games and Practice Times**

Compliance with this program area is assessed by examining, among other factors, the equivalence for men and women of: (1) the time of day competitive events are scheduled, (2) the time of day practice opportunities are scheduled, (3) the number and length of practice opportunities, (4) the number of competitive events per sport, and (5) the opportunities to engage in available pre-season and post-season competition. (44 Fed. Reg. at 71,416 (citing to 45 C.F.R. § 86.41(c)(3)).)

In regard to competitive events, all Clemson teams schedule the maximum number of competitive events permitted under NCAA rules, or close to the maximum, except for the men's and women's track & field and cross country teams that compete together and the women's rowing team.<sup>2</sup> There are not material Title IX issues with respect to the times of competitive events or

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<sup>2</sup> When asked about the team's scheduling preferences, the rowing student-athletes expressed that they scheduled the "perfect" number of regattas, and this sentiment was echoed by the head coach.



opportunities to engage in available pre-season and post-season competition. There are also not material Title IX issues in the aggregate with respect to practice opportunities, as teams' needs are equitably met with respect to practices as well. Scheduling issues rarely arose at shared practice facilities, but when they did, coaches collaborated to ensure that practice schedules are appropriate for each team and nondiscriminatory, gender-neutral factors informed the solutions reached (e.g., priority given to the in-season team or the team with greater logistical challenges, student-athlete or head coach preference for practice time or location, or academic considerations). Clemson will continue to explore ways to maximize the efficient use of shared practice facilities through coordination and scheduling oversight.

#### Gender Equity Plan:

Clemson provided equitable treatment in the aggregate under the fourth Title IX program area. Clemson will continue to monitor and address issues under this program area as they may arise, including by maximizing the efficient use of shared practice facilities through coordination and scheduling oversight.

#### **(5) Travel and Per Diem Allowances**

Compliance with this program area is assessed by examining, among other factors, the equivalence for men and women of: (1) modes of transportation, (2) length of stay before and after competitive events, (3) housing furnished during travel, (4) per diem allowances, and (5) dining arrangements. (44 Fed. Reg. at 71,416 (citing to 45 C.F.R. § 86.41(c)(4)).)

There are not material Title IX issues in the aggregate with respect to men's and women's teams' modes of transportation, lengths of stay, housing furnished during travel, or the provision of food or per diem allowances while teams travel for competition. Although some coaches and student-athletes expressed a desire to increase the number of charter flights they take during their competitive season, there are no material inequities with charter flights in the aggregate. Further, no team reported using a mode of transportation that was inappropriate based on estimated travel time or distance to destination. The provision of food and per diem allowances is equitable in the aggregate, teams stay in high-quality hotels, and their lengths of stay reflect appropriate balances of competition time and missed class time.

Generally, travel differences between individual teams were found to be justified to meet teams' unique needs (including student-athletes' academic schedules, team meeting requirements, and preferences on meal logistics and food choices), were based on legitimate differences including accommodating different travel squad sizes and academic considerations, and/or otherwise did not create material Title IX issues in the aggregate. As an additional measure of departmental oversight, CUAD employs a travel agent that books nearly all travel logistics and works with the Business Office and sport supervisors to ensure consistency across men's and women's teams.

#### Gender Equity Plan:

Clemson provided equitable travel benefits, per diem allowances, and dining options to its male and female student-athletes in the aggregate. Clemson's athletics administrators will continue departmental oversight to monitor teams' travel practices and expenditures.

#### **(6) Opportunity to Receive Coaching**

In regard to the opportunity to receive coaching (34 C.F.R. § 106.41(c)(5)), compliance is assessed by examining, among other factors, the relative availability of full-time coaches, part-time and assistant coaches, and graduate assistants. (44 Fed. Reg. at 71,416 (citing to 45 C.F.R. § 86.41(c)(5)).) In regard to the assignment of coaches (34 C.F.R. § 106.41(c)(6)), compliance is assessed by examining, among other factors, the equivalence for men's and women's coaches of their training, experience, other professional qualifications and professional standing. (44 Fed. Reg. at 71,416 (citing to 45 C.F.R. § 86.41(c)(6)).) Further, compliance is assessed in regard to the assignment of coaches by examining the compensation of coaches. (*Id.*) In general, a violation of 34 C.F.R. § 106.41(c)(6) "will be found only where compensation or assignment policies or practices deny male and female athletes coaching of equivalent quality, nature, or availability." (*Id.*)

In regard to the opportunity to receive coaching, Clemson provides equal opportunities for its men's and women's teams to receive coaching. Every Clemson team has the maximum number of coaches permitted by NCAA rules, and all coaches are full-time employees. No student-athlete raised issues related to coaches' availability during the Title IX assessment process.

In regard to the assignment of coaches, there are not material Title IX issues. All of Clemson's coaches are extremely qualified for their positions. Many of them – for men's and women's teams – have significant accomplishments (including conference and national titles) to their credit. For example, Clemson's softball coach led the team to an ACC regular season championship in the program's first full season (after coaching two Olympic medal-winning USA Softball teams in 2004 and 2008). The women's basketball head coach has more than 20 years of coaching experience, including 16 seasons as a Division I head coach, and has led her teams to 12 postseason berths in 16 years. The women's soccer team is led by the 2016 Atlantic Coast Conference Women's Soccer Coach of the Year who boasts eight consecutive NCAA Tournament appearances including an NCAA Elite Eight run in 2021. These impressive accolades illustrate Clemson's commitment to staffing its women's teams with dedicated, qualified, high-quality coaches.

Although individual student-athletes naturally had some complaints about their coaches, they did not relate to coaches' qualifications, training, or experience. No systemic issues were raised in regard to the relative quality of the coaches Clemson assigned to its men's and women's teams in the aggregate, and Clemson provides all student-athletes the opportunity to receive Division I-caliber coaching. There is also no issue with compensation of coaches that could be said to deny male or female student-athletes access to coaching of equivalent quality, nature, or availability.

#### **Gender Equity Plan:**

Clemson did not discover any material Title IX issues under this sixth program area. Clemson will continue to actively monitor and address issues under this program area as they may arise.

#### **(7) Opportunity to Receive Academic Tutoring**

In regard to the opportunity to receive academic tutoring (34 C.F.R. § 106.41(c)(5)), compliance is assessed by examining, among other factors, the equivalence for men and women of the availability of tutoring and procedures and criteria for obtaining tutorial assistance. (44 Fed. Reg. at 71,416 (citing to 45 C.F.R. § 86.41(c)(5).) In regard to the assignment of tutors (34 C.F.R. § 106.41(c)(6)), compliance is assessed by examining, among other factors, the equivalence for men's and women's tutors of tutor qualifications, training, experience, compensation and other factors. (44 Fed. Reg. at 71,416-17 (citing to 45 C.F.R. § 86.41(c)(6).)

Clemson provides dedicated student-athlete tutoring and academic services at the Nieri Family Student-Athlete Enrichment Center. Athletic Academic Coordinators, Learning Specialists, and tutors help support Clemson's student-athletes with a wide array of academic needs, and access to these services is provided under gender-neutral criteria for all student-athletes. Tutors are assigned based on subject matters, not the gender of the requesting student-athletes; they are equitably available to male and female student-athletes pursuant to the same assignment procedures. There are not material issues related to disparate tutor qualifications or other factors; again, the same tutors are available to male and female student-athletes.

Clemson does not merely provide its student-athletes with academic services, however. All student-athletes have access to some form of personal and professional development services. The football program's branded leadership initiative, P.A.W. Journey, as well as the Student-Athlete Development office offer student-athletes assistance with career development, leadership opportunities, community service involvement, internship placement, and personal responsibility. Student-athletes, coaches, and administrators alike expressed overwhelmingly positive perceptions of both of these offices, and Clemson will continue to invest with intentionality into those offices to support its student-athletes on and off the field.

#### **Gender Equity Plan:**

Overall, there are not material disparities in the academic services Clemson offers to male and female student-athletes. Clemson will continue to monitor and address issues under this program area as they may arise.

#### **(8) Locker Rooms, Practice and Competitive Facilities**

Compliance is assessed by examining, among other factors, the equivalence for men and women of: (1) quality and availability of the facilities provided for practice and competitive events, (2) exclusivity of use of facilities provided for practice and competitive events, (3) maintenance of practice and competitive facilities, (4) preparation of facilities for practice and competitive events, (5) availability of locker rooms, and (6) quality of locker rooms. (44 Fed. Reg. at 71,417 (citing to 45 C.F.R. § 86.41(c)(7)).)

Clemson has many impressive athletics facilities, and its upcoming facility plans are exciting. CUAD has invested heavily into athletics facilities in recent years. In just the last five years, Clemson has completed several facilities projects benefitting nearly every team. As a result of this incredible investment, Clemson's athletics facilities are among the top in the nation. A sampling of those projects includes, but is certainly not limited to:

- Constructing McWhorter Stadium, the home of Clemson's ACC-champion softball team, which includes a team lounge, locker room, sports medicine room, equipment room and coaches' offices in that 12,000 square foot facility;
- Replacing the playing surface in the 2,000 seat Jervy Gym for the benefit of the women's volleyball program;
- Renovating and significantly expanding Littlejohn Coliseum and constructing the Swann Pavilion and Burton Gallery for the benefit of men's and women's basketball;
- Renovating and improving the aesthetics and functionality of the rowing boathouse facility, located on Lake Hartwell;
- Constructing the shared 61,000 square foot Duckworth Family Tennis Facility (complete with six indoor and twelve outdoor courts, offices, locker rooms, student-athlete lounges, athletic training space, and a rooftop plaza) for the benefit of men's and women's tennis;
- Constructing a state-of-the-art 13,000 square foot Soccer Operations Complex, complete with locker rooms, team spaces, an athletic training room, laundry facility, and exclusive outdoor patio for the men's and women's soccer programs;
- Repairing and updating the track program's scoreboard; and
- Renovating the Penley Clubhouse, including by adding locker rooms/lounges and a museum-style lobby to showcase both women's and men's teams' accomplishments, as well as outfitting the hitting bay facility with a club fitting room, Trackman swing analysis room, and strength & conditioning space, for the benefit of men's and women's golf.

Additionally, as previewed above, the renovations and construction projects of recent years merely mark the current status of Clemson's commitment to continuing its legacy of competitive excellence. In fact, Clemson is now in the design stage of a beautiful, \$27.5 million expansion and construction plan for a lakefront women's sports development to house women's lacrosse, women's gymnastics, and women's rowing. The development features a new lacrosse stadium and a 9,000 square foot operations complex, including coaches' offices, locker room and team spaces, and other amenities. The gymnastics team, which will compete in Littlejohn Coliseum, will benefit from a new, 21,000 square foot, full practice facility for day-to-day operations. Like lacrosse, the gymnastics complex will include a practice gym, offices, locker room and team spaces, and a training room. A new 10,000 square foot wellness and recovery facility with dedicated space for sports science, nutrition, muscle recovery, and mental health intervention, will be constructed to serve the three women's programs adjacent to their facilities. The lakefront development is scheduled for construction commencement in late 2022 or early 2023 with completion targeted for late 2023 (barring, for example, COVID-related construction delays or supply chain challenges).

Additionally, Clemson is planning major renovations for the Jervy Athletic Center which will benefit the volleyball and track programs, as well as nearly all of Clemson's Olympic sport student-athletes. These renovations may include:

- Updating the Jervy Gymnasium for volleyball practices and matches;
- Upgrading the volleyball locker room, team spaces, and coaches' offices;
- Renovating the track locker rooms, team spaces, and coaches' offices;
- Constructing locker room facilities for officials and/or visiting teams;
- Building a new Jervy entry lobby, complete with restroom facilities and concessions stands;
- Expanding the Olympic sport athletic training and strength & conditioning areas as well as nutrition spaces;
- Including sufficient office space for nutrition staff, External Relations staff, and other personnel as necessary;
- Expanding the Olympic Recovery and Rehabilitation Center; and
- Constructing a branding center and ACC Network studios for Olympic sport student-athletes.

Further, Clemson is considering engaging in several additional, significant facility renovations, expansions, and construction projects in future years. These potential projects may include:

- Littlejohn Coliseum and Swann Pavilion expansion and renovation, including constructing a permanent, home meet-day locker room for women's gymnastics;
- McWhorter Stadium expansion;
- Continued updates to the rowing facility, including lounge updates, graphics installation, and training room enhancements; and
- Continued updates to the Penley Clubhouse.

#### Gender Equity Plan:

There are no material Title IX issues with respect to the availability, exclusivity, maintenance, or preparation of practice, competitive, or locker room facilities for Clemson's men's and women's teams in the aggregate, and any issues with their relative quality will be enhanced through the above plans.

In addition to the detailed plans discussed above, Clemson will continue to monitor and address facilities issues that may arise, including assessing and as needed continuing to update locker rooms and other team spaces, as well as graphics packages. Clemson will continue to assess teams' facilities needs and strive to meet them equitably in the aggregate.

#### **(9) Medical and Training Facilities and Services**

Compliance is assessed by examining, among other factors, the equivalence for men and women of: (1) health, accident and injury insurance coverage, (2) availability of medical personnel and assistance, (3) availability and qualifications of athletic trainers, and (4) availability and

quality of weight, training and conditioning facilities. (44 Fed. Reg. at 71,417 (citing to 45 C.F.R. § 86.41(c)(8)).)

Clemson's insurance coverage is the same for all teams. There are not material Title IX issues related to the availability of medical personnel and assistance, which are equitably available on a needs-based basis. There are also not material Title IX issues in the aggregate related to the availability and qualifications of athletic trainers assigned to Clemson's men's and women's teams. Clemson is planning to add three full-time athletic trainers to service the women's lacrosse team, the women's gymnastics team, and the combined tennis teams. Clemson will continue to assess its assignments of athletic trainers based on health and safety factors, as well as equity and other factors.

Clemson has multiple athletic training rooms for teams' use, and Clemson has made significant investments in this area in recent history. The Jervy Athletic Center now features a fully-outfitted recovery room, managed by the department's Sports Science staff to provide Olympic sport athletes with massage equipment, anti-gravity chairs, recovery pods, and therapeutic technology. This \$120,000 investment in student-athlete health and wellness is appreciated by the Olympic athlete population, and Clemson will consider expanding the services and equipment associated with this space as necessary. Clemson will also consider additional improvements in this area as part of its lakefront development and Jervy Athletic Center renovations.

CUAD has also invested in providing equitable access to high-caliber rehabilitation and treatment facilities and equipment for its student-athlete population. Normatec air compression and restorative massage boots are available to an equitable number of male and female student-athletes, and all student-athletes have access to hydrotherapy and other treatment modalities located in the Reeves Operations Complex as needed under the direction of sports medicine staff. For additional information related to the provision of these benefits, please see the attached "Gender Equity Steps" checklist.

With respect to strength and conditioning staffing, most teams were very pleased with their strength coach assignments and reported that workouts were tailored specifically to their sports, that personnel were highly qualified, and that student-athletes were adequately supervised during strength training. Although individual student-athletes and coaches had isolated complaints about strength training staff, there were not material disparities that impacted male or female student-athletes differently in the aggregate. Further, Clemson is supplementing its strength staff to accommodate the increased student-athlete population and account for the addition of women's lacrosse and gymnastics.

Student-athletes currently work out in one of three weight rooms. Although the nature of a large student-athlete population sometimes created scheduling challenges, strength staff relied upon non-discriminatory factors like logistical needs and academic considerations to develop each semester's weight room schedules. Additionally, Clemson intends to increase the square footage of the Olympic sports weight room as a part of its Jervy Athletic Center renovation.

Gender Equity Plan:

Clemson's compliance with the ninth program area will be significantly augmented following the renovation of the Jerve Athletic Center sports medicine and strength training facilities. Clemson will continue to monitor and address issues that may arise under this program area, including by monitoring the assignment of certified trainers and strength and conditioning staff to sports programs based on health and safety factors, sports' seasons, and time demands, and by exploring facility improvements and upgrades as needed.

#### **(10) Housing and Dining Facilities and Services**

Compliance 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 space, maid service). (44 Fed. Reg. at 71,417 (citing to 45 C.F.R. § 86.41(c)(9)).)

Clemson complies with the housing requirements of this program area, as on-campus housing for male and female student-athletes does not differ materially.

In 2021-2022, all teams had the opportunity to book hotel accommodations prior to home competitive events. One men's team and two women's teams (basketball and rowing) chose to take advantage of that opportunity, but unfortunately a COVID-related schedule change resulted in the cancellation of the women's basketball team's scheduled stay. That opportunity will be extended to teams again next year, when permitted by NCAA rules.

Clemson recently opened the West End Zone Bistro on the fourth floor of the Nieri Center in fall 2021, and all student-athletes now have access to high-quality, hot food options multiple times each day. Although there were occasional, individual, preference-specific requests related to the West End Zone food options, Clemson's student-athlete population seems extremely appreciative of the new opportunity to dine at Nieri.

Clemson is not aware of material Title IX issues with respect to the provision of pre- or post-game meals, nor with respect to teams' exclusive or shared fueling stations. Some teams expressed that they would prefer specific snacks instead of others to be stocked at their fueling stations and that ice coolers are sometimes left unattended, but Clemson's student-athletes appear largely satisfied with the grab-and-go options available at the various fueling stations located across the athletics district.

#### **Gender Equity Plan:**

Clemson complies in the aggregate with this program area as well. Clemson will continue to monitor individual teams' nutrition needs as part of an aggregated analysis. Nutrition staff will continue to oversee teams' provision of food options based on sport-specific needs, and Clemson will consider increasing budgets and staffing levels on an as-needed basis.

#### **(11) Publicity**

Compliance is assessed by examining, among other factors, the equivalence for men and women of: (1) availability and quality of sports information personnel, (2) access to other publicity resources for men's and women's programs, and (3) quantity and quality of publications and other promotional devices featuring men's and women's programs. (44 Fed. Reg. at 71,417 (citing to 45 C.F.R. § 86.41(c)(10)).)

With respect to traditional marketing and publicity services, SID/Media Relations, Creative Solutions, and Video Production personnel support all Clemson teams and provide publicity resources, publications and other promotional devices for all men's and women's programs. Press releases are issued consistently for each team, and Clemson's SID personnel keep historical statistics and contact the media with competitive results for all teams. Setting aside market-driven forces, Clemson's efforts to promote its men's and women's teams are equitable in the aggregate. Men's and women's teams, in the aggregate, receive comparable types of publications and other promotional devices, including combinations of posters, media guides, game programs, etc.

Social media coverage and digital content creation present unique challenges for universities across the country as trends, expectations, and preferences vary across generations and between teams. Teams naturally expressed different opinions about the quantity and quality of their coverage, although female student-athletes appeared less satisfied with their social media presence and team marketing. Clemson is currently engaging in an expansion of its digital presence, including by launching its own digital streaming service, CLEMSON+. Clemson is actively assessing its External Relations departments to elevate all sports' social media platforms and to otherwise explore improvements for women's teams' publicity.

#### Gender Equity Plan:

Clemson is actively assessing its External Relations staff assignments to promote gender equity in the availability and quality of its personnel, as well as in the quality and quantity of social media posts and other creative content. Clemson will continue to monitor and address issues under this program area as they may arise.

#### **(12) Recruitment of Student-Athletes**

Compliance 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. (44 Fed. Reg. at 71,417 (citing generally to 45 C.F.R. § 86.41(c)).)

Clemson's coaches on the whole expressed satisfaction with their recruiting resources, and in the aggregate, each program has what it needs from a resource standpoint to attract high-caliber recruits to Clemson. Clemson's men's and women's teams are provided comparable opportunities to recruit, and each coaching staff is permitted to make its own choices about recruiting regions



and strategies. Certain teams choose to spend more on recruiting to meet team needs, to address different squad sizes, to account for annual fluctuations in their need for first-year students, and for other reasons. Clemson's athletics administrators will continue their oversight to monitor equity with respect to teams' recruiting, and Clemson increases budgets for recruiting purposes on an as-needed basis. In the aggregate, there are not material Title IX disparities in the benefits, opportunities, and treatment afforded to prospective student-athletes for Clemson's men's and women's teams that would create "a disproportionately limiting effect upon the recruitment of students of either sex."

#### Gender Equity Plan:

Clemson athletics administrators will continue their oversight to monitor teams' recruiting practices for equity, continue increasing budgets for recruiting purposes on an as-needed basis, and continue to monitor this program area and address issues as they may arise.

#### **(13) Support Services**

Compliance in this area is assessed by examining, among other factors, the equivalence of (1) the amount of administrative assistance provided to men's and women's programs and (2) the amount of secretarial and clerical assistance provided to men's and women's programs. (44 Fed. Reg. at 71,417.)

All teams are supported by Directors of Operations or similar staff to meet teams' respective needs, and each team has access to administrative, secretarial, and clerical support. Further, all student-athletes are well-supported in regard to personal development through Clemson's Student-Athlete Development office. For additional information about Clemson's student-athlete support resources, please refer to Section 7 of this Plan.

Clemson will staff its incoming women's lacrosse and gymnastics programs with Directors of Operations to ensure that those teams' coaches are adequately supported and will consider supplementing support staff on an as-needed basis across the department. This includes such areas as sports medicine, academic advising, game operations, sports information, and strength and conditioning. Finally, CUAD is not aware of any notable disparities regarding the provision of office equipment or computers.

#### Gender Equity Plan:

Clemson will continue to monitor this program area and address issues as they may arise and will increase support staff on an as-needed basis.

#### **Conclusion**

In the aggregate, Clemson complies with Title IX's equitable treatment provisions. Sport-specific needs are met equivalently across Clemson's men's and women's programs, taking into account legitimate and nondiscriminatory justifications.

With the additional steps outlined in this Plan, Clemson will comply with Title IX in 2022-2023 and in future years. Clemson will continue to monitor its aggregate compliance and manage this Plan on an ongoing basis while seeking to maintain and improve its male and female student-athletes' experiences and Clemson's Title IX compliance.