

TITLE IX ALERT

Former UND Women’s Soccer Coach Files Title IX Lawsuit Alleging Retaliation

By Ellen J. Staurowsky, Ed.D., Senior Writer and Professor, Sports Media, Ithaca College staurows@ithaca.edu

Former University of North Dakota (UND) head women’s soccer coach, Chris Logan, has alleged that he was wrongfully terminated and subjected to retaliation for attempting to address gender equity issues adversely affecting women on his team with UND administrators.

Background

Coach Logan is an experienced soccer coach, having worked his way up through the ranks of coaching, starting out as a goalkeeper coach, moving on to assistant

and associate roles at four institutions, and eventually receiving an appointment as the head coach of women’s soccer at the University of North Dakota. He served UND in that role from January, 2016 through December, 2024, when the university opted not to renew his contract.

Logan claims that the non-renewal of his contract followed his admonitions to the UND administration to treat athletes on the women’s soccer team equally to UND men athletes. According to the complaint and news reports, the women’s soccer venue known as Bronson Field posed a safety hazard because it was

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No Easy Way Out – the Impact of House of Title IX

By Todd S. Shumaker, of CCHA

House, SCORE, an executive order Saving College Sports: the post-House world of college athletics seems to have invited as much chaos as pre-House. But at least schools get to pay their athletes directly now, so that part should be good, right?

“Not so fast my friend,” to quote the sage wisdom of a man who has seen a LOT of change across college sports. Within days of the House settlement being approved, the first appeal based on Title IX was filed, followed closely by additional Title IX challenges to the settlement. Not that no one saw this coming. These parties initially filed objections to the House decision that Judge Claudia Wilken even

addressed in her opinion, namely that they did not provide sufficient grounds to support the conclusion that the types of damages being awarded as part of the settlement were subject to Title IX. Furthermore, there was nothing in the settlement that would prohibit schools from awarding benefits and compensation under the settlement consistent with Title IX obligations.

While the application of Title IX to the House settlement works its way through the judicial process and the SCORE Act is debated within the halls of the legislature and myriad executive branch agencies go about the work of executing how to save college sports, higher education institu-

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Ellen Staurowsky Recognized with Alumni Award for Lifetime Achievement at Ursinus College

Ellen J. Staurowsky. A sports law professor in the Roy H. Park School of Communications at Ithaca College, has been recognized with the Alumni Lifetime Achievement Award from Ursinus College, where she received her undergraduate degree.

“The award honors alumni who have achieved exceptional success in their profession and/or have contributed significantly to the advancement and leadership of noteworthy civic, philanthropic, or service organizations for many years. Their lifelong achievements have brought them significant professional and volunteer recognition and has set a standard of excellence to which others may aspire.”



Ellen J. Staurowsky

Staurowsky, who is also the long-time Editor in Chief of Title IX Alert, noted that the evening was “inspiring”, noting that it “was made more special by the fact that I shared this award with my family. My parents were both Ursinus graduates who met there. All six of my brothers, their spouses, three of my nephews (one who is currently attending Ursinus) and one of my nieces who is an Ursinus graduate, were there along with my mother’s sister and her husband.

“Long-time mentor and colleague, Temple University professor emeritus Michael Sachs was there. And my Ithaca College and Ursinus College worlds converged to have Candis Parry and Nina Geier there as well. My cup runneth over with gratitude.”

“My parents were both Ursinus graduates who met there. All six of my brothers, their spouses, three of my nephews (one who is currently attending Ursinus) and one of my nieces who is an Ursinus graduate, were there along with my mother’s sister and her husband. ... My cup runneth over with gratitude.”

Crossed Lines—Pennsylvania Federal Court Tosses HS Runner's Lawsuit Against PIAA

By Oliver Canning

The U.S. District Court in the Eastern District of Pennsylvania recently dismissed a lawsuit filed by Aislin Magalengo, a Quakertown Community High School cross-country runner. Magalengo complained her civil rights had been violated following a competition against a transgender athlete in multiple meets during the 2024–25 season. Magalengo argued in her lawsuit that the Colonial School District and the Pennsylvania Interscholastic Athletic Association (PIAA) policies were discriminating against her based on sex, an action that she said was a violation of Title IX and the Equal Protection Clause of the Fourteenth Amendment.

The outrage was in large part due to one meet, where Magalengo (a senior at Quakertown High School at the time) ran in a meet against Plymouth Whitmarsh High School and she finished second in a race to a transgender girl who was competing for the other school. After the race, Magalengo allegedly told the other runner, “You are not a girl. You should not be racing against girls.” Following the incident, outraged Plymouth Whitmarsh coaches reached out to the Quakertown High Athletic Director to address Magalengo’s comments. At the same time, Magalengo’s parents also petitioned the school to prevent further transgender athlete participation—but they were ultimately informed that PIAA rules vest the decision in the principals of individual schools, meaning they could not restrict other runners. Notably, this meet happened before the Trump executive order aimed to prevent transgender athletes from participating in women’s sports, but after the PIAA changed the word “gender” to “sex” after the order, the runners were allowed to continue to

race one another.

Unsatisfied, Magalengo filed a January 2025 lawsuit that named the Colonial School District, Quakertown High School, the PIAA, and several school officials as the defendants. The runner’s complaint included the aforementioned Title IX and Equal Protection Clause arguments among her five total claims, arguing that the PIAA’s decision to fail to bar transgender athlete participation effectively allowed transgender girls to compete in girls’ sports, unfairly disadvantaging cisgender female athletes like Magalengo.

The defendants filed a motion to dismiss, as they contended that Magalengo’s complaint did not allege any actionable discrimination. The defendants further argued that several of Magalengo’s claims were pursuing remedies that were unavailable under Title IX. The court largely agreed with these points, ultimately dismissing most of the runner’s claims with prejudice while leaving a select few claims subject to future refileing.

The court rejected the Title IX claims against both the Colonial School District and Quakertown, ultimately holding that Magalengo failed to demonstrate that either body had “substantial control” over the alleged discrimination or its context. The original race occurred at Quakertown, but school officials did not have control over whether the transgender athlete from Plymouth Whitmarsh could race, so neither district could be said to be directly responsible for the decision.

The court further dismissed claims against individual officials who were in both districts, holding that the case-by-case basis Plymouth Whitmarsh used to determine transgender athlete participation did not amount to an “official

proclamation, policy, or edict” and was not otherwise a discriminatory directive from the defendant administrators.

Lastly, the court addressed the claims that Magalengo made under the Fourteenth Amendment Equal Protection Clause. The runner argued that by allowing transgender girls to take part in girls’ races, the PIAA was treating her differently from other athletes based on her sex. However, the court felt differently, stating that Magalengo was “treated the same as a student assigned male at birth . . . in that they were both allowed to compete in girls’ sports.” The court also said that equal protection does not look at whether equal treatment has disparate impact between groups, but rather if similarly situated individuals were treated differently by the state. In general, the court determined, Magalengo did not demonstrate the defendants’ intent to discriminate against her, so her Fourteenth Amendment claim was not feasible.

In addition, some of the claims, such as complaints Magalengo made against Colonial authorities accusing them of being responsible for discriminating against her, were dismissed without prejudice—a decision that preserves the right to bring suit again in the future. For the time being, at least, the case is a decisive victory for member schools and the PIAA. The ruling underscores the hurdles facing athletes pursuing Title IX and Equal Protection claims against transgender inclusion in high school sports, especially where individual determinations and local discretion are the final authority on eligibility.

Plaintiffs Notch Victory in Title IX Case Against Stephen F. Austin University

A federal judge sided with several female student athletes in their Title IX lawsuit against Stephen F. Austin University (SFA) over the summer, ordering the school to reinstate the women's programs.

A month later, however, the U.S. Court of Appeals for the Fifth Circuit provided partial relief to SFA, allowing it to postpone reinstating its women's bowling program.

By way of background, several female student-athletes sued SFA in June 2025 after the university announced it was cutting women's beach volleyball, women's bowling, and both men's and women's golf teams. The cuts were announced as a response to the financial demands associated with the NCAA's new revenue-sharing model. The plaintiffs argued that the elimination of these teams unlawfully discriminated against women and violated Title IX.

On August 1, 2025, a federal judge issued an order forcing SFA to immediately reinstate the women's beach volleyball, bowling, and golf teams, while the litigation continued.

Plaintiffs' expert, Dr. Donna Lopiano determined that women currently make up 63% of SFA's undergraduate population and receive only 45.6% of the athletic opportunities. According to Dr. Lopiano's calculations, SFA needs to add 223 varsity intercollegiate athletic opportunities for women to achieve proportionality. Furthermore, "if the beach volleyball, bowling, and men's and women's golf teams are eliminated and the other facts stay the same, the female athlete participation gap will increase to 245." In fact, SFA's own 2024 Title IX Summary report prepared by Helen Grant in January 2025 stated: "SFA is not providing male and female



athletics participation rates in substantial proportionality to the male and female undergraduate enrollment rates."

Grant's January 2025 report recommended SFA preserve all women's teams and add two more to comply with Title IX. SFA cut three women's teams instead, offering its financial condition as a defense. The district judge rejected that justification, stating, "the court finds that the financial burden self-imposed by SFA does not outweigh the harm suffered by plaintiffs. Therefore, the court finds that plaintiffs satisfied their burden for issuance of a preliminary injunction."

The district judge also rejected SFA's request that, instead of reinstating the women's teams, the court should allow it to develop a plan to comply with Title IX. The order says:

"SFA asks the court that, in the event it finds injunctive relief is warranted, it

should afford SFA an opportunity to create a plan to demonstrate compliance. The court declines to provide SFA with this opportunity, especially considering it had the chance to become compliant with Title IX in January when it received the report indicating it was not in compliance with the statute. Instead of seeking compliance, it cut three women's programs. This does not demonstrate any desire to be compliant. Therefore, injunctive relief is proper."

The decision was described as "a huge victory for the women athletes at SFA, female athletes nationwide, and everyone who cares about gender equity and the rule of law," according to Arthur Bryant of Arthur Bryant Law, P.C., in Oakland, CA, lead counsel for the women. "SFA made an intentional, considered business decision to eliminate women's teams when its own Title IX consultant had already told SFA it was violating the law and needed to add women's teams. That's sex discrimination, plain and simple."

John Clune and Ashlyn Hare of Hutchinson Black and Cook in Boulder, CO, and James L. Sowder and Ellen Platt of Thompson, Coe, Cousins & Irons, LLP, in Dallas, TX, are co-counsel for the women athletes.

SFA then appealed the ruling to the Fifth Circuit, arguing that the judge should not have relied on the three-part test for Title IX compliance. The Fifth Circuit issued a partial stay, allowing SFA to postpone reinstating the women's bowling team for the moment, while it considers SFA's appeal.

Female Athletes File Sex Discrimination Class Against Concordia University Irvine over Decision to Eliminate Women's Teams

Nine female athletes at Concordia University Irvine (CUI) have filed a sex discrimination class action against the school for discriminating against its female student-athletes and potential student-athletes in violation of Title IX of the Education Amendments of 1972. The lawsuit, filed in the U.S. District Court for the Central District of California, charges CUI with violating Title IX by depriving women of equal opportunities to participate in intercollegiate athletics. The school just announced it was planning to eliminate the women's swimming & diving and tennis teams, along with the men's teams, when it is already providing women with far fewer opportunities than the law requires.

CUI female athletes Mikayla Barre, Jessica Bear, Kiera Gutierrez, Bryn Johnson, Alexandra Leland, Ruby McCullough, Aliyah Treadwell, and Carissa Ward are also plaintiffs in the case.

"CUI's decision to eliminate the women's swimming & diving and tennis teams is a flagrant violation of Title IX," said Arthur Bryant of Arthur Bryant Law, P.C., in Oakland, CA, lead counsel for the women. "According to the most recent publicly available information, women were 59% of CUI's undergraduates in 2024-25, but they were given only 51.2% of the opportunities to participate in varsity sports. CUI needs to add about 100 opportunities for women to reach gender equity. It should not be eliminating any women's teams."

John Clune and Ashlyn Hare of Hutchinson, Black, and Cook in Boulder, CO; Eric Grover and Robert Spencer of Keller Grover in San Francisco, CA; and Anne Andrews and Robert Siko of Andrews & Thornton in Newport Beach, CA, are co-counsel

for the women athletes.

On May 20, 2025, CUI announced it had decided to eliminate its women's and men's swimming & diving and tennis teams for financial reasons. A few days later, it emailed all of the athletes on the other teams to "reassure" them their "program remains secure" because CUI is "currently in the midst of a major \$17.5 million construction project that includes a new 19,000-square-foot facility featuring a state-of-the-art weight room, locker rooms, and modern training room space... In addition, the University has invested over \$7 million in upgrades to our baseball, softball, and soccer/track/lacrosse facilities—including the installation of lights on each of our outdoor fields."

Bryant noted that CUI did not send this email to the athletes on the women's (or men's) swimming & diving or tennis teams. But other athletes did.

On June 16, 2025, Bryant emailed a letter to CUI President Michael A. Thomas, PhD, explaining that the elimination of the women's teams violated Title IX and requesting a meeting to discuss preserving the teams and ensuring CUI's Title IX compliance.

As the letter noted, Title IX prohibits educational institutions receiving federal funds from eliminating women's teams for which interest, ability, and competition are available unless "intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments." CUI fails that test, according to Bryant.

According to the most recent Equity in Athletics Disclosure Act (EADA) data that CUI submitted and verified to the U.S. Department of Education as accurate, CUI had a total undergradu-

ate population of 1,413 in 2023-24, including 833 women and 580 men. So, undergraduate enrollment was 58.95% women. (The 2024-25 EADA data is not yet publicly available.) The school's intercollegiate athletic teams had 625 athletes: 328 women and 297 men. They were only 52.48% women—creating a gap of 6.47% between the women's undergraduate enrollment rate and their intercollegiate athletic participation rate. CUI needed to add women's opportunities to comply with Title IX.

But CUI just announced that it is going to eliminate two women's teams that included 38 women (along with two men's teams that include 33 men) in 2023-24. As a result, the school's athletic participation rate for women will decrease when it needs to increase.

Based on the most recent publicly available numbers, if the women's teams are cut, CUI will need to add 112 participation opportunities for women to achieve gender equity. This is, of course, far more opportunities to participate in varsity athletics than the women's swimming & diving and tennis teams provide.

After CUI received Bryant's June 16 letter, the lawyers for the school and the women met numerous times over a month. But, on July 17, the school refused to agree to continue the women's teams and come into compliance with Title IX. So, the women filed suit.

Along with the class action, the women filed an application for a temporary restraining order preserving the women's teams while the case proceeds. A date for a hearing on the motion has not yet been set.

U.S. Department of Education Announces Wagner College Has Entered into a Resolution Agreement to Resolve its Title IX Issue

The U.S. Department of Education (the Department) has announced Wagner College (Wagner) has entered into a Resolution Agreement to comply with Title IX of the Education Amendments of 1972 (Title IX). Wagner has voluntarily agreed to “resolve concerns identified by the Department’s Office for Civil Rights (OCR) directed investigation into the college for allegedly allowing males to compete in women’s sports.

“OCR alongside the Title IX Special Investigations Team, run jointly by the Department and the U.S. Department of Justice, initiated the investigation after Stephanie Turner, a female athlete, forfeited a USA Fencing match by taking a knee because her opponent was a biological male competing in the female-only category,” according to a DOE press release.

“On the heels of our agreement with the University of Pennsylvania, the Trump Administration secured another historic Title IX agreement with Wagner College. After Stephanie Turner, a female athlete, bravely took a knee and forfeited a fencing match against a male competing in a female category, our Office for Civil Rights launched its investigation into

Wagner College and the University of Maryland, where the event was hosted. Wagner has agreed to apologize for putting a male on their female fencing team and will revise its policies to comply with Title IX,” said U.S. Secretary of Education Linda McMahon. “Because of President Trump’s leadership, the tide is turning on our nation’s campuses. We commend Wagner College for working with the Department to repair its harm to female athletes and ensuring future generations of women and girls have equal opportunities.”

Wagner has signed OCR’s Resolution Agreement to resolve its Title IX violations, agreeing to the following:

Wagner will amend its athletic policy to adopt biology-based definitions for the words “male” and “female” pursuant to Title IX;

Wagner will issue a public statement to the college community stating that it will comply with Title IX, specifying that Title IX forbids Wagner from allowing male students to compete in female athletic programs and from occupying female intimate facilities;

The statement will specify that Title IX applies irrespective of any current or

future policies that may conflict with the statement, and that Wagner will not delegate its obligation to comply with Title IX to an external association that discriminates on the basis of sex;

Wagner will post the statement in a prominent location on its main website and on each of its websites for women’s athletics;

Wagner will rescind any guidance that authorized males to compete in women’s athletics, remove or revise any internal and public-facing statements or documents that are inconsistent with Title IX, and notify all staff and women’s athletics teams of all such rescissions; and

Wagner will issue a personalized letter of apology to any Wagner College female fencer and issue a public statement of apology to all female athletes who were required to compete against a male in a Wagner athletics program designated for women.

According to the agreement, Wagner has reviewed whether “any male student athlete competing in women’s athletics for Wagner College received any individual athletic records or recognitions by Wagner for athletic competitions and determined that no such recognitions were received.”

In New York State, Alleged Sexual Harassment by Coach Reviewed Under Title IX and DASA

By Ellen J. Staurowsky, Ed.D., Senior Writer and Professor, Sports Media, Ithaca College, staurows@ithaca.edu

On May 8, 2025, administrators with the Minisink Valley Central School District (NY) announced that the head coach of the girls’ softball team had been relieved of his duties pending an investigation prompted by allegations regarding his conduct. Although the details of this case are sparse, the case itself offers food for thought

in terms of potential avenues parents, athletes, and others who believe sex- and gender-based harassment, bullying, and/or intimidation has occurred may pursue under not just Title IX of the Education Amendments of 1972 but, in New York State, the Dignity for All Students Act (DASA). And unexpected issues that may arise when a complaint is filed.

Based on news reports, the incident that led to the accusation occurred just after the

final pitch in a game Minisink Valley won on May 7, 2025. As the players came off the field, the coach high-fived one of the players and is alleged in the follow-through of that motion to have touched the player inappropriately. When school administrators learned of allegations of the coach’s behavior, the coach was suspended from attending practices and games as the school conducted its investigation (Monahan et al., 2025; Rodriguez, 2025).

Just over six weeks after the coach was suspended, on June 12, 2025, Minisink Valley communications director Nancy Kirz commented to the press that the allegations regarding the coach's conduct did not rise to the level of a federal Title IX complaint. The coach remained suspended, however, pending a DASA investigation (Crnic, 2025).

In 2020, the definition of sexual harassment under Title IX was narrowed and requires that behavior be "severe, pervasive, and objectively offensive". While the Biden Administration expanded that definition briefly, it reverted back to the Trump Administration definition in 2025. The alleged conduct would need to meet all three of those factors in terms of severity, pervasiveness, and being objectively offensive. An online video of the incident led the coach's supporters to conclude that whatever contact occurred it was incidental and accidental although the video offers a limited view of what happened (Rodriguez, 2025). Meeting the standard can be difficult, thus offering some insight as to why the school district ended the Title IX investigation (Bedera, 2020).

Minisink Valley Central School District's website offers a description of the New York State Dignity for All Students Act, otherwise referred to as The Dignity Act. As per the description, The Dignity Act "seeks to provide the State's public elementary and secondary school students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on

school property, a school bus and/or at a school function". Those who wish to file a complaint are directed to a form online and provided with information regarding the administrator within the district's various schools who is designated as the DASA coordinator (Minisink Valley Central School District Website-DASA, 2025).

The form notes that the confidentiality of information in the complaint will be maintained under the parameters of the Family Educational Rights and Privacy Act (FERPA). And there is a caveat that incidences as reported will be investigated, but an investigation may not lead to discipline (Minisink Valley Central School District Bullying, Harassment, or Intimidating Reporting Form, 2025). Under The Dignity Act, school employees are mandatory reporters. Thus, according to a statement made by the parents of the affected athlete, they did not request that the DASA investigation be done. In a statement to a local news station they wrote, "This incident was initially classified and investigated as a Title IX violation by the district in accordance with their policies and procedures and after interviewing multiple witnesses and a thorough review by the school district's legal team. It was determined sometime later by the district that this investigation better met the criteria and scope covered under the NYS DASA Act. This process is mandated by federal and state laws, not at our request or urging" (Gomez, 2025).

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Court Limits Title IX Damages to Educational Opportunities in *Roe v. Cypress-Fairbanks ISD*

By Dr. Rachel S. Silverman

In 2014, when Jane Roe was a freshman at Cypress Creek High School, she was sexually assaulted by another student. She reported the assault and ongoing harassment to Cypress-Fairbanks ISD (CFISD). She claims CFISD responded with deliberate indifference, failed to

investigate or offer academic or emotional support, and recommended she drop out of school, which she did in 2016. She later went on to earn her GED.

Roe filed a lawsuit under Title IX and initially also under 42 U.S.C. § 1983, stating the school district's lack of response showed "deliberate indifference," because

they knew about the problem and ignored it. The trial court dismissed Roe's claims, but she appealed. The 5th Circuit allowed her post-assault Title IX claim to proceed, stating a reasonable jury could find that CFISD's inaction contributed to her loss of educational access.

Around the same time, the Supreme

Court decided in *Cummings v. Premier Rehab Keller* (2022) emotional distress damages are not allowed under laws like Title IX. This impacted the type of damages Roe could receive in her case, so Roe amended her original complaint.

Roe's damage claims included the loss of educational opportunities like missing out on sports, counseling, and academic programs as well as the loss of potential earnings and scholarships and the cost of college she must now pay herself. She hired three experts to support the claims: Dr. Vannest, Reg Gibbs, and Thomas Roney. Dr. Vannest stated the school ignored warning signs and failed to follow policies, which ultimately led to Roe leaving school. Reg Gibbs estimated Roe's earning potential if she had stayed in school, possibly earning a scholarship, and graduated from college. Thomas Roney calculated how much money Roe might lose over her lifetime without a college degree. The court allowed the expert testimony from Dr. Vannest, but rejected testimony from Reg Gibbs and

Thomas Roney, because their opinions on earnings and scholarships were based on guesses about what Roe might have done in the future. CFISD's expert testimony from Flores and Martin was also rejected because their opinions didn't help clarify damages or improperly commented on the school's legal responsibility.

The court denied CFISD's motion for summary judgment on Roe's claim for loss of educational opportunities and benefits available to CFISD high school students. Roe's case will proceed to trial, but only on the issue of whether CFISD response to her assault deprived her of educational opportunities in high school. She may receive compensation for missing out on those opportunities, but not for future earnings, scholarships, or tuition. Expert testimony will be limited to what is directly relevant to those educational losses. However, the court granted summary judgment in favor of CFISD on Roe's claims for loss of past and future earnings, diminished earning capacity, and costs associated with higher

education. The decision in this case reinforces *Cummings v. Premier Rehab Keller* (2022) limitations on Title IX damages, while affirming plaintiffs may still pursue recovery for loss of access to educational opportunities. This case delineates the boundaries between athletic participation as an educational benefit and the speculative economic value of future sports-related scholarships.

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Dr. Rachel S. Silverman is an Assistant Professor and Program Coordinator for the Sport and Recreation Management Program at the University of Nebraska at Kearney. She is on the SRLA and COSMA Board of Directors. Her research agenda focuses on women in sports, including legal, sociological, and ethical aspects of sports management.

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smaller than the recommended NCAA dimensions. The field was also not level, with the field sloping in a significant way on the perimeter; a "deep embankment near the goal", and a decline in one corner of the field that prevented players from executing corner kicks properly. Unlike all other men's athletic venues at UND, the women's soccer field did not have proper enclosures causing security issues, with unauthorized students using the field and people walking their dogs on it. While men's fields and playing areas had permanent bleachers, spectator seating at Bronson was comprised of two small portable bleachers that were not sufficient to accommodate people attending games. While UND men's athletic venues had permanent press

boxes, the "press box" for women's soccer was makeshift, located in a shared storage shed.

Women athletes were also afforded less access to indoor playing and practice facilities with three women's teams (soccer, softball, and cheer) sharing half an indoor field while men's football was given priority and permitted to use the entire field. Access to the facility varied for men and women athletes, with women limited to the hours of 8:00am to 8pm and men given 24-hour access.

Coach Logan's Claims of Retaliation Under Title IX and the North Dakota Whistleblower Act

Coach Logan alleges that there is a causal

relationship between his engagement in protected activities under Title IX and the non-renewal of his contract. A timeline of events reveals the following:

- March 2, 2024 – Coach Logan emailed administrators raising concerns about gender inequities in the access his team had to facilities and the contract renewal process for coaches of men's and women's athletic programs at UND
- October, 2024 – the UND women's soccer team filed a formal letter of complaint with UND's Title IX Office alleging gender-based disparities in the way they were treated compared to men athletes at the university
- October 21, 2024 – Coach Logan

met with UND Human Resources (HR) to discuss retaliation he experienced as a result of supporting the letter submitted by members of his team

- Late October, 2024 – within a week of Logan meeting with HR, he had a meeting with Senior Associate Athletic Director Liz Jarnigan for an end of season review
- November 6, 2024 – Logan participated in an investigation into the complaints filed by the UND women's soccer team
- November 25, 2024 – less than three weeks after Logan participated in the university's Title IX investigation, he received notice that his contract would not be renewed
- November-December, 2024 – sometime during this period, Senior Associate AD Jarnigan is alleged to have commented to another UND coach that the Title IX complaint had an impact on UND's decision to part ways with the coach
- December 31, 2024 – the official date of Coach Logan's termination due to non-contract renewal.

A coach's advocacy to address gender inequities on behalf of their team, support for a team's internal Title IX complaint, and their participation in a Title IX investigation would be considered protected activities under Title IX. Under the North Dakota Whistleblower Act, an employee is protected from being discharged, discriminated against, or disciplined because of their efforts to report a violation or suspected violation of a law (state, federal, or local).

Coach Logan's Alleged Harms and Sought After Relief

Coach Logan claims that during his tenure at UND, he had never been formally disciplined or warned about his job performance until the events

that occurred leading to his lawsuit. As a result of his wrongful termination and the retaliation he was subjected to, Coach Logan seeks economic compensation for the harms he has experienced. Those include the emotional distress and mental anguish he suffered; the damage done to his professional reputation; and other economic damages as well as compensation for non-economic damages. He also seeks injunctive and declaratory relief that would require UND to have effective policies and procedures in place to avoid retaliatory action in the future; to require UND to conduct Title IX compliance training and anti-retaliation practices; and to require UND to address the gender inequities that exist in the athletic department in terms of resources and facilities for women athletes. Coach Logan seeks a jury trial.

The Answer From the University of North Dakota

North Dakota Attorney General, Drew Wrigley, on behalf of the University of North Dakota offers a fairly broad denial of all allegations in the complaint. The Defendants also affirmatively deny that Coach Logan is entitled to any relief. First, they argue that Logan's claims are barred by Eleventh Amendment Immunity as well as the doctrine of qualified, statutory, or official immunity. They further rely on defenses that the actions taken with regard to Coach Logan by UND had a legitimate, non-discriminatory foundation and while Coach Logan has presented facts that fail to establish a prima facie claim, even if he were able to establish it, he would not be able to escape underlying legitimate non-discriminatory reasons for his non-renewal.

Next Step and Other Thoughts

As the case proceeds, the Court is expected to hold a pre-trial scheduling and discovery conference on June 27, 2025.

This is not the only Title IX athletics case that the University of North Dakota is currently facing. The Plaintiffs in *Becker et al. v. the University of North Dakota* (2024) seek to revive the once popular women's ice hockey team at the university that was allegedly cut in violation of Title IX. While the two cases raise different issues, members of the women's soccer team mentioned that following the university's decision to cut women's ice hockey, an agreement was reached that improvements would be made to the women's soccer team. As of last fall, the failure of the university to fulfill the promises made in that agreement led to the internal Title IX complaint filed by the women's soccer team in October of 2024. A media request to review the agreement was declined by a university official citing state law that exempts such a report from being made public (Miller, 2024).

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TITLE IX

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tions are stuck watching the next pot that may boil over as they attempt to implement what they understand to be Title IX's requirements in the world of NIL and revenue sharing on their campuses.

I'm not sure that actually sounds easy, but even if it does, we talk a lot about some of the questions clients should be asking themselves in managing Title IX on their campuses. At the top of the list is something along the lines of:

How will we incorporate concepts around gender equity into any new benefits we provide to athletes pursuant to House?

Note: This is not "Does Title IX apply to House benefits?" because we took a stand on this months ago: Yes, athletic programs constitute educational programs or activities, institutions receive federal funding and they must comply with Title IX principles of gender equity (which they can't circumvent by outsourcing discrimination to a third party).

So, back to how to incorporate these concepts on campus. The first question is, what does gender equity look like on your campus or in your community? Title IX gives institutions a lot of flexibility in applying equitable principles in their specific circumstances, so a good starting point is to understand what those look like. Guidance from a prior administration indicated NIL should be analyzed as non-grant financial assistance and made equitably available, like Alston awards or summer

aid, meaning anyone who meets certain non-discriminatory criteria gets it, regardless of sex. This guidance similarly suggested NIL benefits would fall into the treatment areas of publicity and support services requiring equal in effect provision of benefits. Needless to say, there's room for interpretation here, and institutions starting with the notion of analyzing House benefits through the lens of gender equity, then outlining a plan for how they will accomplish that are at least off to a good start.

What makes this particularly complicated for institutions today is the specter of a depleted Department of Education and Office of Civil Rights who are left to try to regulate Title IX at the federal level. Where once a school might open correspondence that a regulatory action had been initiated and a school could work quietly with OCR to investigate and remedy violations via settlement, that option is less clear now. At the time of writing this article, we are outside the 30-day window set forth in the Saving College Sports order for four different agency leaders – or five, if you count the Secretary of Education twice – to develop their plan to implement the directives of the order. And there hasn't yet been significant word on what this looks like, generally, let alone how the executive branch intends to monitor the application of Title IX to House benefits to athletes.

Which means we may all be left to watch as Title IX enforcement plays out via lawsuits and institutions are

left to resolve disputes with real dollar amounts and not just settlement decrees with the federal government. Schools in California, Oregon and Texas have recently made headlines on this very point related to the awarding of financial assistance, the provision of NIL benefits and the cancellation of sports programs.

To quote Robert Tepper, "There's no easy way out;" to paraphrase him, "there's no shortcut [around Title IX]". But giving in is wrong. The platform for women's sports is growing, both in notoriety in the gender equity space and ostensibly across the political sphere. Individual institutions that want to best position themselves in whatever the next iteration of Title IX enforcement looks like, then, need to commit to implementing gender equity principles in their decision-making – or be prepared to answer in a lawsuit why it wasn't worth it to them.

Or just write an algorithm that incorporates non-discriminatory factors, while controlling for historic discrimination, then apply it indiscriminately across your athlete population. Which I'm sure is written on a window in a dorm room on a campus somewhere. (Just be sure to also invest equitably in NIL publicity and support services moving forward.)