

March 15, 2021

James P. Clements
President
Clemson University
201 Sikes Hall
Clemson, SC 29634

Sent via U.S. mail and email to: president@clermson.edu

RE: Title IX Compliance at Clemson University

Dear President Clements:

I and my co-counsel have been retained by female student athletes at Clemson University from the women's rowing, cross country, and track and field teams to pursue claims and, if necessary, a class action on behalf of all women athletes and potential athletes at Clemson against the University for depriving them of equal athletic financial aid and treatment and benefits in violation of Title IX of the Education Amendments of 1972.

Title IX requires gender equity in athletic participation, athletic financial aid, and treatment and benefits. We are sending this letter because the female student athletes we represent want Clemson to get into compliance with all aspects of Title IX. Our clients are aware of a recent letter sent on behalf of the men's cross country and track and field teams requesting that Clemson reinstate the men's teams to bring the University into compliance with Title IX's athletic participation requirements. They support these efforts. And they want Clemson to comply with Title IX's other requirements, too.

Clemson is apparently depriving male student athletes of equal opportunities to participate in violation of Title IX and female student athletes of equal athletic financial aid, treatment, and benefits in violation of Title IX. All of this has to stop.

According to the 2019-2020 Equity in Athletics Disclosure Act (EADA) data that Clemson submitted and verified as accurate to the U.S. Department of Education, the school had an undergraduate population of 9,722 men and 9,719 women or 49.99% women. The school's intercollegiate varsity athletic teams that academic year had 312 men and 318 women, or 50.48% women. For the same year Clemson provided \$16,859,840 in athletic financial aid, and only \$6,650,912—or 39% of which went to female student athletes. The equates to depriving the female student athletes of at least \$1.8 million dollars in athletic financial aid for just last year.

THOMAS NEWKIRK ■ JILL ZWAGERMAN

LEONARD BATES ■ THOMAS BULLOCK ■ LORI BULLOCK ■ DANYA KELLER

This disparity becomes even more apparent when looking at the four years prior to the 2019-2020 season, where the disparity was 8.4% or \$1.3 million in 2018-2019; 7% or \$1.06 million in 2017-2018; 6.4% or \$985,000 in 2016-2017; and 4.5% or \$626,000 in 2015-2016. The facts show that Clemson has illegally discriminated against female student athletes by depriving them of millions of dollars in athletic financial aid over just the past five years.

Title IX requires Clemson to provide financial aid for members of each sex in proportion to the number of students of each sex participating in intercollegiate athletics. A disparity of more than 1% between the gender breakdown of student athletes and athletic scholarship division is in violation the proportionality requirement pursuant to Title IX. Clemson has more than a 10% gap between scholarship benefit and student athlete gender allocations last year alone.

In the same year, Clemson spent \$2,350,773 in recruiting expenses for varsity team. Unfortunately, only \$394,360 of that was spent recruiting for women's teams, which amounts to only 16.77% of the total recruiting expenditures spent on women's teams. As with athletic financial aid, the disparity has been ongoing for years, with Clemson spending more than 70% of its recruitment expenses on male athletes since at least 2003. The inequitable division of these expenditures is a strong indicator of more significant program wide gender disparities within the Clemson athletic department. Based on our experience in Title IX litigation against other schools, we believe that, once more information comes to light, there will prove to be many other areas in which female student athletes and their teams are not receiving equal treatment and benefits compared to male student athletes and their teams—such as coaching, equipment, facilities, and publicity just to name a few.

Based upon the publicly available information, unless Clemson agrees to bring its program into Title IX compliance, we will plan to move forward with a class action lawsuit. Title IX is the law. Recognizing that fact, several universities, including East Carolina University, UNC-Pembroke, the College of William and Mary, and Dartmouth College, have agreed to bring their intercollegiate athletic programs into compliance with Title IX without the need for litigation. My co-counsel and I hope Clemson will do the same.

The female student athletes we represent want Clemson to provide gender equity under Title IX to them and all student athletes. I look forward to hearing from you by March 22, 2021 or as soon as possible before that date.

Sincerely,

NEWKIRK ZWAGERMAN P.L.C.

/s/ Lori Bullock
LORI BULLOCK