



CALIFORNIA
WOMEN'S
LAW CENTER

FAIR PLAY FOR GIRLS IN SPORTS:
A PROJECT OF CWLC

BRIEF OVERVIEW

Tips for Filing a Gender Inequity in School Sports Complaint

Information on various approaches to address school-based athletics gender inequities

There are many ways to file a complaint and spur action to make programs gender equitable. Examples of Title IX athletics complaints include: girls not having enough sports and teams on which to play, compared to male peers at the school, girls' teams experiencing inferior treatment such as second-rate facilities, schedules, uniforms, and supplies, and schools retaliating against girls, parents, coaches, or school staff members for voicing their concerns about equity.



What to Know Before You File a Complaint with the OCR

Any person can file a Title IX athletics complaint with the federal Office for Civil Rights (OCR), part of the U.S. Department of Education, including a community member, a student, a parent, a guardian, a coach, or a school staff member (complainant). The complainant must file the complaint within 180 days of the inequity issue. However, in some matters, OCR permits filing after the 180-day period if the issue is an ongoing violation. Complaints can be confidential. However, complaining confidentially may make it difficult for OCR to investigate and get information. Also, even if the complaint is anonymous, any other individual may file a Freedom of Information Act (FOIA) request after the complaint process, which may reveal the complaint information including the complainant's identity.

Additional Avenues for Complaint

Beyond OCR, the complainant can notify the school or the school district directly. Most districts designate a Title IX Coordinator, who is responsible for investigating complaints and ensuring the school follows equity laws. Such local notification can sometimes lead to faster resolution through the district's own grievance procedures.

The complainant may also contact the state department of education or the state athletic association (since athletic associations may also be subject to Title IX). These bodies often have oversight regarding sports participation and treatment, and can look into whether a school is meeting equity requirements. Providing the department or association with evidence of disparities can trigger review of the athletic program and subsequent action.

If such administrative options do not result in a satisfactory resolution, a complainant (e.g., students and their parents or a coach) can file a lawsuit in federal court at any point. A student, family, or coach need not work through the school's or district's channels before filing a lawsuit. Private litigation can be a powerful tool to enforce Title IX rights, and courts can issue effective relief for inequities. However, this and other complaint processes take time, often a couple years or more, before changes are actually visible in the school or district. Also, decisions and outcomes vary depending on the case and decision-making body.





Tips on Gathering Information and Other Process Reminders

No matter what avenue (e.g., going to the school directly, filing an OCR complaint, filing a complaint with the state department of education, complaining to the state athletics association, or litigation in federal court) it is important to consider the following in gathering information, communicating the issues, and seeking resolution:

- Helpful information may result from school or district processes, even potential resolution. Nonetheless, there is no requirement to go through the school's internal complaint process before filing an OCR complaint or a lawsuit (*i.e.*, administrative exhaustion).
- Relevant guides and toolkits about Title IX may help identify issues and provide an understanding of all rights and options for relief.
- Claims of retaliation can be brought either within the complaint or after the complaint is submitted. To avoid retaliation, it helps to remind the school, as well as all others involved, that retaliation is not permissible under federal law.
- After filing a complaint with OCR, complainants may submit supplements with more information. Requesting updates and timelines is a standard component of the complaint process. Being proactive throughout can help ensure the complaint progresses.
- OCR accepts "class" complaints, meaning a complainant can file on behalf of many girls who claim they have experienced discrimination (*i.e.*, across the sports program).



General Tips

- Gender inequity is all too common in school athletic programs, yet such inequities can change with persistence, vigilance, and action.
 - There are many examples of high schools taking steps to level the playing field for girls' teams, and their best practices can provide other schools with practical and achievable models for ensuring gender equity in school athletics.
- OCR may try to resolve a complaint early and let the school district voluntarily address the allegations. If early resolution is not successful, OCR will initiate and complete an investigation, generally within 180 days.
 - If the outcome is not satisfactory, OCR permits appeals of its decision within 60 days.
 - Generally, throughout any process, document any and all issues (e.g., via email), ensure multiple people are present at meetings to facilitate complete note-taking, and follow up on any assertions made to keep entities accountable for changes they endeavor to make, such as schools promising to fix a campus facility for girls.
 - Endeavor to take notes during or after conversations with the school and key stakeholders (e.g., league officials), bring a friend or family member to key meetings for support and documentation help, correspond via email for record-keeping purposes, make copies of all documents, such as rosters, practice and game schedules, and other key information (e.g., uniform orders, pictures of field quality, etc.). Finally, ensure that any information collected is not sensitive and no unlawful photos or recordings are made; be mindful of privacy and other legal protections.



The mission of California Women's Law Center is to create a more just and equitable society by breaking down barriers and advancing the potential of women and girls through transformative litigation, policy advocacy, and education.

*Note, while this material and work focus on youth identifying as girls, California Women's Law Center (CWLC) supports equitable athletic access for all youth regardless of gender, gender identity, sexual orientation, race, socioeconomic status, ability, and more. CWLC notes the drafters' binary approach and language in laws covered in these materials and further underscores the importance of ensuring inclusive, equitable, welcoming, and safe environments for all youth.

Thank you to all who contributed to CWLC's Fair Play materials, including Goodwin Procter LLP.



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