CLIENT ALERTS & INSIGHTS

University of Oregon Title IX Suit Presses Forward…Women Athletes Successfully Argue for Case to Continue Amid Photo Comparisons to Football Team

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An Oregon federal judge denied the University of Oregon's motion to dismiss the lawsuit accusing the University of disproportionate investment in women's sports and "glaring inequalities in facilities, finances, and resources."

The 29-page ruling, issued by U.S. District Judge Michael J. McShane on April 4, 2025, cited grounds to support the civil rights claim brought by 32 members of the women's beach volleyball team and the non-varsity club rowing team.[1] Where some courts decline to consider solely photographic evidence of inequitable treatment, Judge McShane stated, "the lavish treatment of the football players is not wholly irrelevant." He added that the evidence was sufficient to state a claim for a program-wide discrimination claim under Title IX. Citing 34 C.F.R. §106.41(c), the plaintiffs argue that the University has failed to provide equitable resources in nine of the ten non-exclusive areas where federal funding requires equal treatment, including, most notably, "publicity."[2]

Judge McShane also acknowledged that sports-specific needs for a football program in comparison to a beach volleyball or rowing program can be legitimately non-discriminatory. However, he stated in his decision that, "where a men's only team is receiving preferential benefits among student athletes that are not related to the operational needs of the sport, Title IX does not turn a blind eye." The plaintiffs do not solely point to athletic facility differences. They also allege that the University fails to provide equal access to scholarships for women athletes.

The women athletes rooted their argument in photos displaying the football facilities imprinted with descriptions of the similar facilities available to the women's beach volleyball team members. The athletes included an argument surrounding disproportionate access to name, image, and likeness funds and opportunities. The University of Oregon countered this argument by pointing to third-party involvement in most NIL deals.

Judge McShane responded by stating, "the athletes do not challenge the third-party NIL contracts themselves; they merely allege that one of the ways plaintiffs are harmed by the University's discrimination is by receiving less NIL-related training, opportunities, and income. Those ill effects are not irrelevant to the plaintiffs' claim."

Ultimately, Judge McShane denied the University's motion to dismiss on the pleadings, on standing to seek damages and equitable relief, and to grant summary judgment based on the statute of limitations. The University's motion to dismiss the case for equitable relief for plaintiff's who no

longer attend the university was granted. The case will now move forward into discovery. The suit, which originated in December 2023, a year after the 50th Anniversary of Title IX, has vast potential impacts on one of the most famous brands in college sports.

As Title IX regulations and policies continue to evolve, Benesch is here to assist your school in navigating both the regulations and enforcement policies. For assistance, please reach out to Benesch's White-Collar, Investigations, and Antitrust group for consultation. We look forward to meeting the needs of schools seeking to navigate the world of antitrust, compliance, and student-athlete relationships in this ever-changing landscape.

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[1] The case is *Schroeder et al. v. University of Oregon*, case number 6:23-cv-01806, in U.S. District Court for the District of Oregon, Eugene Division.

[2] The other areas requiring equal treatment under 34 C.F.R. §106.41(c) include: selection of sports and levels of competition, provision of equipment and supplies, scheduling of games and practice time, travel and per diem allowance, opportunity to receive coaching and tutoring, assignment and compensation of coaches and tutors, provision of locker rooms, practice, and competitive facilities, provision of medical and training facilities and services, and provision of housing and dining facilities and services.