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ALERT

COLLEGE ATHLETICS INDUSTRY

KUTAKROCK
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Services

College Athletics Industry

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Title IX Violations in College Athletics Carry Real Financial Risk

Title IX enforcement in college athletics has historically been the responsibility of the Office of Civil Rights (“OCR”). While OCR investigates complaints and negotiates compliance agreements, it does not have authority to impose fines or award monetary damages based on its findings. Until recently, universities have been able to resolve Title IX issues through voluntary resolution agreements, without incurring direct financial liability. That has changed.

Title IX compliance is no longer just a matter between universities and federal regulators. Courts have stepped in to interpret and enforce the statute on their own terms, beyond the administrative framework that has historically been recognized. While OCR’s process is focused on negotiation and voluntary correction, the judiciary offers a parallel path that leads directly to monetary judgments against universities.

A \$1.6 Million Warning

In April 2026, a federal judge approved a class action settlement resolving Title IX claims against San Diego State University brought by current and former student-athletes. The lawsuit alleged a disproportionate allocation of athletic scholarships based on participation rates, in violation of Title IX.

Under the settlement, the university is required to pay \$300,000 in class-wide damages and \$1.3 million in attorneys’ fees, totaling roughly \$1.6 million. The agreement also requires SDSU to retain an independent expert to conduct a comprehensive gender-equity review, develop a gender-equity plan, and ensure full Title IX compliance by the end of the 2026-2027 academic year.

The era of consequence-free noncompliance is over. This settlement marks the first case where a university has agreed to pay class-wide monetary damages for alleged discrimination under Title IX. Plaintiffs now have a clear path to monetary recovery without ever engaging OCR.

How Athletic Departments Can Reduce Their Exposure

- *Audit regularly.* Conduct periodic Title IX equity reviews across all athletics components, including participation, scholarships, facilities, coaching and support services.
- *Document everything.* Maintain clear documentation supporting Title IX compliance efforts.
- *Establish clear reporting channels.* Ensure complaints about gender inequity reach administrators who have the authority to act.
- *Get ahead of it.* Engage experienced Title IX counsel before problems arise. The cost of a lawsuit far exceeds the cost of compliance.

If you have questions, please contact the authors or a member of Kutak Rock’s [College Athletics Industry Practice Group](#)

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