

# CONCERNED WOMEN *for* AMERICA

U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

*Submitted via electronic form:*

February 14, 2025

Concerned Women for America (CWA), the nation's largest public policy organization for women, is filing this formal complaint with the U.S. Department of Education Office for Civil Rights (OCR) against Rochester Institute of Technology (RIT) for egregious violations of the protections for women on the basis of sex secured over a half-century ago in the landmark passage of Title IX of the Education Amendments of 1972. Infractions occurring this year and within the 180 days required only multiply the blatant violations committed by RIT throughout the 2024 season.

## **RIT's Title IX Violations Before NCAA Issued Revised Transgender Participation Policy**

Numerous National Collegiate Athletic Association (NCAA) Division III women's track and field athletes have been subjected to the injustice of RIT male athlete Sadie Schreiner being a member of its women's team. Schreiner participated on the RIT men's team under the birthname Camden Schreiner as a freshman. RIT transferred Schreiner as a sophomore to be a member of the RIT women's team under the name "Sadie Rose." Male Sadie Schreiner's achievements as a member of the women's team are recorded in this year's player profile which includes being a 2x All American in women's sports.<sup>1</sup>

We consider this a grave violation of Title IX. The disparate impact on women athletes at RIT and in the Liberty League and All Atlantic Regional conferences due to Schreiner's membership on RIT's women's team continues to this day and is clear evidence of RIT's ongoing,

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<sup>1</sup> RIT 2024-25 Women's Track & Field Roster (accessed on Feb. 13, 2025) at <https://ritathletics.com/sports/womens-track-and-field/roster/sadie-schreiner/18411>.

willful violation of Title IX. Schreiner has appeared in three women’s track meets in January 2025 taking first place in every event entered:

- On January 17, 2025, junior male Schreiner took first place in the 200- and 400-meter dashes at the Brockport Friday Night Rust Buster, stealing top spots from two female seniors. In the 200-meter dash Schreiner beat RIT teammate Caroline Hill by a full 1.5 seconds and took first place honors in the 400-meter dash from Brockport’s Marissa Wise by nearly 3.5 seconds. Schreiner’s results achieved automatic qualification for the All-Atlantic Regional Track and Field Championships.<sup>2</sup>
- On January 24, 2025, Schreiner took first place in the 200-meter dash at the RIT Friday Meet, beating out Liberty League junior Lexi Rodriguez of Brockport with an even faster time.<sup>3</sup>
- On January 30, 2025, Schreiner took first place in the 200- and 400-meter dashes at the RIT Thursday Meet against Liberty League opponents.<sup>4</sup>

In addition to displacing female athletes from their equal opportunities and achievements against other female athletes, male Sadie Schreiner retains multiple school records in women’s track, including as RIT’s women’s indoor track record holder in the 200-, 300-, and 400-meter dashes,<sup>5</sup> and RIT’s women’s outdoor record holder in the 200- and 400-meter dashes.<sup>6</sup>

### **RIT’s Title IX Violations Under NCAA’s Revised Transgender Participation Policy**

On February 6, 2025, the NCAA adopted what it refers to as a new Transgender Participation Policy (“NCAA TPP”). The NCAA TPP violates Title IX in numerous ways and by following the new NCAA policy in relation to Schreiner, RIT is flagrantly violating Title IX, discriminating against women and depriving them of equal opportunities.

The NCAA TPP states that student-athletes assigned male at birth “may practice on the team consistent with their gender identity and receive all other benefits applicable to student-athletes who are otherwise eligible for practice.” This provision in the NCAA TPP flatly violates

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<sup>2</sup> Brockport Friday Night Rust Buster, Results (accessed on Feb. 13, 2025) at <https://results.leonetiming.com/?mid=7662>.

<sup>3</sup> RIT January Friday Meet, Results (Jan. 24, 2025) at [static.ritathletics.com/custompages/wtrk/2024-25/01-24-25-RIT.htm?\\_gl=1\\*6j800t\\*\\_gcl\\_au\\*MTYzMzYwMzAzOC4xNzM5MjkwOTAx\\*\\_ga\\*MjA4NzQzNjM1NC4xNzM5MjkwOTAx\\*\\_ga\\_DY6XXZS0V2\\*MTczOTI5NDEzNy4yLjEuMTczOTI5NDczNy40OC4wLjA](http://static.ritathletics.com/custompages/wtrk/2024-25/01-24-25-RIT.htm?_gl=1*6j800t*_gcl_au*MTYzMzYwMzAzOC4xNzM5MjkwOTAx*_ga*MjA4NzQzNjM1NC4xNzM5MjkwOTAx*_ga_DY6XXZS0V2*MTczOTI5NDEzNy4yLjEuMTczOTI5NDczNy40OC4wLjA).

<sup>4</sup> RIT January Thursday Meet, Results (Jan. 30, 2025) at [static.ritathletics.com/custompages/wtrk/2024-25/01-30-25-RIT.htm?\\_gl=1\\*sp7145\\*\\_gcl\\_au\\*MTYzMzYwMzAzOC4xNzM5MjkwOTAx\\*\\_ga\\*MjA4NzQzNjM1NC4xNzM5MjkwOTAx\\*\\_ga\\_DY6XXZS0V2\\*MTczOTI5NDEzNy4yLjEuMTczOTI5NDcyNS42MC4wLjA](http://static.ritathletics.com/custompages/wtrk/2024-25/01-30-25-RIT.htm?_gl=1*sp7145*_gcl_au*MTYzMzYwMzAzOC4xNzM5MjkwOTAx*_ga*MjA4NzQzNjM1NC4xNzM5MjkwOTAx*_ga_DY6XXZS0V2*MTczOTI5NDEzNy4yLjEuMTczOTI5NDcyNS42MC4wLjA).

<sup>5</sup> RIT Women’s Track & Field – Indoor Records (Jan. 28, 2025) at <https://ritathletics.com/sports/2022/1/7/wtrack-indoor-records>.

<sup>6</sup> RIT Women’s Track & Field – Outdoor Records (May 16, 2024) at <https://ritathletics.com/sports/2022/3/23/womens-track-field-outdoor-records>.

Title IX which is intended to prevent women from being deprived of equal opportunities. CWA is aware that RIT is implementing these provisions of the new NCAA TPP in violation of Title IX by:

- Continuing to include Schreiner as a women's team member and roster Schreiner on the RIT Women's Track & Field Team. By rostering Schreiner on the RIT Women's Team and making Schreiner a women's team member, Schreiner is taking a spot on the team that Title IX requires be made available only to women.
- Continuing to grant Schreiner access to women's locker rooms, showers, and restrooms available to RIT women's athletes. Title IX requires separate locker rooms, showers, and restrooms for female athletes.
- Permitting Schreiner to receive recognition as a woman athlete that Title IX requires be exclusively made available to women. RIT continues to feature Schreiner in press statements, publicity photos, and on its website as a member of the RIT Women's Track & Field Team.

Additionally, and importantly, RIT is violating Title IX by having no objective and rationally based eligibility policy to ensure that opportunities for women athletes are equal and protected as required by Title IX but is instead relying upon the invalid and illegal new NCAA TPP. The NCAA TPP violates Title IX because it does not seek to provide equal opportunity on the basis of sex, but instead (1) makes athletic opportunities on women's teams available on the basis of gender identity, and (2) makes competition on women's teams accessible to athletes on the women's team on the basis of a "designation" of male or female on "birth records" and not upon biological sex. Birth records are not a reliable proxy for sex given that they are not subject to a fixed standard or process for determining sex and because these records can increasingly be changed by public officials around the world upon request merely on the basis of claimed gender identity to reflect not sex, but gender identity.

Both RIT and the NCAA are well aware of the substantial flaws in the NCAA TPP which simply provides a pathway for men to steal women's opportunities and does not reasonably safeguard women's rights and opportunities. OCR should find that RIT's reliance upon the NCAA TPP is knowingly and intentionally discriminatory as there exist many reliable methods to ensure the biological sex of women athletes and protect women's athletic opportunities. The NCAA TPP was clearly not designed to protect women's opportunities as required by Title IX and RIT violates Title IX by relying upon the NCAA TPP as the school's eligibility policy for women's teams.

Through permitting Schreiner to participate as a member of the women's team and through implementing the materially deficient NCAA TPP, RIT has discriminated against, and is continuing to discriminate against, its own women athletes and has prevented dozens of female athletes from receiving the equal opportunities and benefits which are their expressed rights under Title IX. Further, we assert that RIT has given Schreiner direct access to female only

facilities and other benefits as a member of the women's team. These infractions are flagrantly discriminatory and dramatically impact women student-athletes who should be protected on the basis of sex.

As the federal agency charged with enforcing federal civil rights laws that prohibit discrimination on the basis of sex in programs or activities that receive federal financial assistance in the educational context, OCR must act urgently against Rochester Institute of Technology as an ongoing matter of enforcement against any school discriminating against women on the basis of sex by allowing males to take away their opportunities, privacy, sense of dignity, and their safety. Nothing in federal law has changed OCR's obligation to enforce an abject denial of biological impact and flagrant sex discrimination against female student-athletes. And, in fact, President Trump has made this a matter of the highest priority for his administration.

OCR has protected female athletes in similar cases in the past. In 2020, a complaint against Franklin Pierce University (FPU) resulted in a resolution agreement where the university agreed to rescind its "Transgender Participation and Inclusion Policy" which allowed males to compete in female sports. OCR showed great concern then, as it should now, that such a policy "denies female student athletes equal athletic benefits and opportunities."<sup>7</sup> Federal law has not changed since then. Title IX should still protect female athletes today as it did then. Why would women have fewer rights today than they had just a few years ago? OCR must act now as this situation affects more and more female student athletes across the country.

Prompt investigation into this matter is extremely urgent. RIT's women's team includes senior athletes who are being harmed in their last year of eligibility by Schreiner's participation on the team. Moreover, RIT is relying on an illegal NCAA policy recently enacted by the NCAA that is being implemented by more than 1,000 universities nationwide and that fails to protect women's sex-based rights in education and scholastic sports. Holding RIT accountable will make clear to other NCAA member colleges and universities that they cannot legally implement the NCAA's new Transgender Participation Policy.

OCR must ensure female students, including athletes, are not deprived of their rights under the law and denied recourse for sex discrimination. RIT is in violation of the letter and the spirit of Title IX in continuing its crusade to include a trans-identifying male as a member of a women's athletics team and shirking its responsibility to have a Title IX compliant eligibility policy that protects women by relying upon the NCAA TPP.

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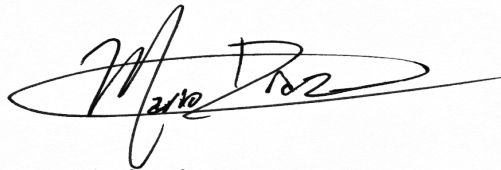
<sup>7</sup> Doreen Denny, "University Forced to Rescind Transgender Policy as Violation of Title IX after Biological Male Wins NCAA Championship in Women's Track," *Concerned Women for America* (Oct. 16, 2020) at <https://concernedwomen.org/press-release-university-forced-to-rescind-transgender-sports-policy/>.

Protecting all female student-athletes from this type of injustice is the very essence of OCR's mission to ensure equal access to educational opportunities and benefits the law requires under Title IX.

We thank you in advance for your immediate attention to this matter,



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