

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JOSHUA NAVARRO, *et al.*,

Plaintiffs,

v.

FLORIDA INSTITUTE OF
TECHNOLOGY, INC.,

Defendant.

Case No: 6:22-cv-1950-CEM-EJK

AFFIDAVIT OF JAMIE JOSS

1. I am over the age of 18 years. I have personal knowledge of the facts set forth in this affidavit and would testify competently to those if called as a witness.
2. I am the Director of Athletics at Florida Institute of Technology ("Florida Tech"), a position that I have held since June 2021.
3. In this role, my primary responsibility is to oversee all aspects of the athletic programs that the University sponsors. This includes hiring of staff and coaches, ordering equipment for teams, and promoting events, matches, or meets.
4. Prior to serving in my current role, I served as the Director of Athletics for Davis & Elkins College in West Virginia, where I oversaw the addition of numerous intercollegiate sports and helped the College join the Mountain East Conference.
5. In my time at Davis & Elkins College, I also oversaw numerous advancement efforts that resulted in significant facilities upgrades. During my tenure, the entirety of the athletic program performed at a high level and the College received the NCAA Division II Presidents' Award for Academic Excellence.

6. While at Davis & Elkins College, I developed a Gender Equity, Diversity & Inclusion plan that focused on assessing the athletic department's athletic scholarship and operation budgets.
7. From 2012 to 2015, I served as Athletic Director for Warner Pacific College in Portland, Oregon.

The Decision to Place Men's Rowing at the Club Level

8. In my current role, I was personally involved in the discussions that ultimately concluded with the decision to transition the men's rowing team to the club level.
9. In October 2021, the University's Board of Trustees, through its Athletics Committee, requested a full review of the University's athletic program.
10. I, along with Tara Van Ness (Associate Athletic Director for Business Operations) and Jennifer Mercurio (Associate Athletic Director for Student-Athlete Services and Senior Women's Administrator), and several athletic support staff, evaluated personnel, operations and scholarship budgets, facilities, and support staff associated with our athletic programs. I had numerous conversations with head coaches about optimal roster sizes, budgets, and scholarships. In compiling data, we compared our findings to other institutions in the Sunshine State Conference ("SSC") that fielded similar athletic programs.
11. By January 2022, I, provided the Athletics Committee with an assessment of the University's athletics program that focused on our competitiveness within SSC, the state of our athletics facilities, our support staff, and the University's budgetary allocations regarding scholarship, personnel, and operations. Our assessment also evaluated each of those considerations against our SSC peer institutions.
12. One of the findings in our assessment was that our current athletic program sponsorship, including our number of student-athletes, exceeded what we believed our facilities and our personnel were intended to handle. With nearly 400 student-athletes, our facilities infrastructure was pushed to its capacity. This finding underscored that the University did not have the resources necessary to meet the overall mission of providing academic and athletic excellence in the SSC.

13. At the time of our assessment, the men's rowing team was funded at the highest level of all SSC institutions that offered a rowing team and among the highest of all Division II institutions that offered a rowing team.
14. Compounding these considerations were COVID-19 and general economic pressures. Bus transportation costs increased 41% in 2021 – 2022. Hotel costs increased between 20% and 35%. Travel meal costs increased between 30% and 45%. Van rentals increased by approximately 50%. Equipment and apparel costs increased between 20% and 30%.
15. As the University was then sponsoring 16 athletic programs, it became clear that athletic resources were spread too thin.
16. Upon making our presentation to the Athletics Committee, we were directed to present options at the upcoming June 2022 board meeting that would address the identified areas of need, including athletic facilities, overall budget, and personnel requirements. On the whole, our focus was on improving our institutional competitiveness in the SSC.
17. In furtherance of improving the University's competitiveness within the SSC and increasing the sustainability of its athletic programs, the University's administration and the Athletics Committee developed three options.
18. First, the University could commit \$8M – \$10M to the overall athletic program budget, the effects of which would positively impact all sponsored athletic programs and their student-athletes. This financial commitment would be spread between several turf field improvements, a new outdoor locker room, a new boathouse, and general operational increases.
19. Second, the University could adjust the number of athletic programs that it sponsored by fielding only the 11 sports that are necessary to participate in the SSC.
20. Third, the University could take no action and maintain the current structure and support of our athletic program.
21. The Athletics Committee asked the University's administration to recommend the sports that should be considered for outright elimination or transition to the club level. In response, we provided a list of all sports that were not required to maintain membership in the SSC, along with their attendant financial obligations and their athletic participation numbers.

22. A true and correct copy of the list that we provided to the Athletics Committee is reproduced here:

Sport	SSC Schools w/Sport	SSC Required Sport	Additional SSC Champ. Sport	Current Roster	% of Total Athletes	% of Total Program Allocation Scholarship/ Personnel/ Operating	FY22 Budget Scholarship/ Personnel/ Operating	Scholarship	Total NCAA Equiv.	SSC Rank	% of Total NCAA Scholarship Equivalency provided	Personnel	Operating	SSC Rank	Operating Allocation Per Athlete
Men's Rowing	3			19	5.12%	9.55%	\$670,429	\$178,675	6.75	1st	8.39%	\$137,054	\$154,700	1st	\$8,142
Women's Rowing	5			16	4.31%	8.45%	\$593,322	\$178,675	6.75	1st	8.39%	\$128,947	\$85,700	1st	\$5,356
Golf	8			11	2.96%	3.09%	\$216,724	\$112,200	2.00	7th	2.48%	\$72,024	\$32,500	9th	\$2,955
*Men's Cross Country	10			10	2.70%	2.31%	\$161,817	\$112,200	2.00	5th	2.48%	\$33,887	\$15,750	7th	\$1,575
*Women's Cross Country	8			3	0.81%	2.31%	\$161,817	\$112,200	2.00	5th	2.48%	\$33,887	\$15,750	7th	\$5,250
Women's Lacrosse	8		X	27	7.28%	5.32%	\$173,526	\$210,175	3.75	5th	4.66%	\$99,451	\$61,700	3rd	\$2,359
*Men's Swimming	7		X	32	8.63%	3.71%	\$260,276	\$168,300	3.00	3rd	3.73%	\$52,126	\$19,850	5th	\$1,245
*Women's Swimming	7		X	22	5.93%	3.71%	\$260,276	\$168,300	3.00	3rd	3.73%	\$52,126	\$19,850	5th	\$1,811
Men's Lacrosse	8		X	67	18.06%	5.15%	\$361,296	\$168,300	3.00	5th	3.73%	\$110,196	\$82,800	5th	\$1,236
Men's Basketball	11	X		18	4.85%	9.29%	\$651,860	\$448,800	8.00	7th	9.94%	\$142,660	\$60,400	10th	\$3,356
Men's Soccer	11	X		29	7.82%	8.08%	\$566,779	\$406,725	7.25	5th	9.01%	\$118,754	\$41,300	8th	\$1,424
Baseball	11	X		39	10.51%	8.74%	\$613,675	\$406,725	7.25	7th	9.01%	\$137,150	\$69,800	8th	\$1,790
Women's Basketball	11	X		14	3.77%	9.53%	\$668,803	\$448,800	8.00	7.6th	9.94%	\$159,603	\$60,400	7th	\$4,314
Volleyball	11	X		14	3.77%	5.09%	\$356,950	\$218,425	4.25	9th	5.28%	\$70,777	\$47,748	10th	\$3,411
Softball	11	X		19	5.12%	7.64%	\$536,101	\$350,625	6.25	3rd	7.76%	\$119,276	\$66,200	4th	\$3,484
Women's Soccer	11	X		31	8.36%	8.05%	\$565,080	\$406,725	7.25	5th	9.01%	\$112,055	\$46,300	8th	\$1,494
* shared budget reflects half of combined budget				371			\$7,018,770	\$4,516,050	80.50			\$1,579,972	\$922,748		

23. The decision to recommend men's and women's rowing, men's and women's cross country/distance track and men's golf was determined based upon the following criteria:

- Redirecting the financial obligations of the programs recommended to be eliminated or transitioned to the club level would provide nearly \$2M annually to the remaining 11 programs.
- Of the sports that are not required by the SSC, the women's lacrosse, men's lacrosse, men's swimming, and women's swimming teams, collectively represent the teams with the largest rosters (at the time the decision was made).
- All five of the programs recommended for elimination or participation at the club level had travel budgets that ranked among the highest proportions of their operating budget.
- None of the five programs recommended for elimination or participation at the club level are required by the SSC.

24. Beyond the criteria I described above, the administration, including myself and the Title IX Coordinator, were keenly aware of our obligations under Title IX. I worked closely with Jennifer Mercurio to ensure that we had the data necessary to monitor our compliance efforts during and after our decision

to recommend certain athletic programs for elimination or placement at the club level.

25. While the men's rowing team was transitioned to the club level, the University decided to honor the scholarship funding for the student-athletes currently on the team. Additionally, the student-athletes are free to transfer to another institution, if they so choose.
26. Despite competing at the club level, the men's rowing team has access to the University's boat house, its trailers and trucks used to haul equipment, wakeless launch boats, training machines, the University's training facilities, and the racing boats – each of which cost the University in excess of \$50,000.00.
27. As I understand, the men's rowing team is still able to compete against other institutions in Florida that have similar rowing teams. Beyond that competition, the men's rowing team is also able to compete in the American Collegiate Rowing Association and many of the regattas that it had access to when it competed as a sponsored intercollegiate sport.
28. As a club team, the year-to-year commitment from the University is markedly less than the commitment offered to sponsored intercollegiate teams. However, the men's rowing team would still be eligible to receive up to \$12,500.00 each year from the University's student government association. Additionally, it is my understanding that that men's rowing team has access to two endowments that the University supports on behalf of its rowing programs, regardless of the team's level of competition.
29. To recreate the men's rowing team as a sponsored intercollegiate sport would mean incurring significant operational expenses, to include hotels, meals, fuel, airfare, bus rental, car/truck rental, supplies and entry fees, equipment, apparel, recruiting travel, official visits, coaching conferences, dues/memberships, and equipment repair. Additionally, the University would need to take the steps to search for, interview, hire, and onboard a new coach and, possibly, an assistant coach. The hiring process alone for coaches could last several months.

Esports at Florida Tech

30. Esports is currently a sponsored athletic program at the University and it has been since May 12, 2022. Esport teams compete against other colleges and universities and they have the opportunity to participate in other styles of play (including tournaments) depending on the specific game title.

31. Before esports was sponsored through the Athletics Department, they were hosted within the University's Office of Student Life. While there, I understand that gameplay was at the varsity, junior varsity, and club levels, with selection based on technical and gameplay skill. Esport student-athletes generally practiced for approximately 15 hours per week. As with other intercollegiate athletic programs, esport teams prepared and competed on a set schedule, as determined by the National Association of Collegiate Esports and National Esports Collegiate Conference. In addition to competing against institutions from around the country, esport student-athletes had the chance to compete in conference and national championships.
32. As the University began to consider larger restructuring efforts, I was approached by the University's Associate Provost, Dr. Munevver Mine Subasi, and its Provost, Dr. Marco Carvalho, about sponsoring esports within the Athletics Department.
33. When I was approached by Drs. Subasi and Carvalho about sponsoring esports in the Athletics Department, I was enthused and agreed to do so. Before the transition from the Office of Student Life to the Athletics Department began, I met with Dana Hustedt, the University's esports director, to discuss my vision for esports, generally.
34. In addition to competing at a high level, esport student-athletes have access to the same support services, including athletic trainers, as traditional student-athletes do. Additionally, as they did while under the Office for Student Life, esport student-athletes try out for a position on an esport team and tryouts are evaluated as any other athletic program tryout is.
35. Esport student-athletes who enter the University in Fall 2023 or later will be eligible to receive scholarships for their esports abilities.
36. Though the numbers are not yet finalized, the University anticipates having 39 esport student-athletes for the 2022 – 2023 academic year.

FURTHER AFFIANT SAYETH NAUGHT.

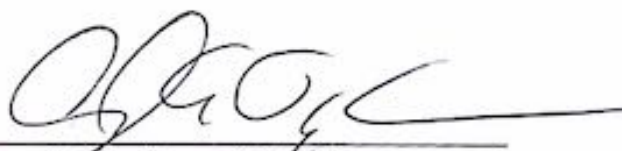

JAMIE JOSS

STATE OF FLORIDA
COUNTY OF BREVARD

The statements in this Affidavit were sworn and affirmed to be true and correct under penalties of perjury before me on this 17th day of January, 2023, by Jamie Joss, who is personally known to me.

Witness my hand and official seal in the county and state last aforesaid on the day and year first written above.




Notary Public, State of Florida
Typed Name: Angela A Taylor
My Commission No. GG 339535
My Commission Expires: 6/26/2023