



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION III
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November 3, 2014

IN RESPONSE, PLEASE REFER TO: **03-14-2295**

Dr. Dennis Golladay, Ph.D.
President
Harford Community College
401 Thomas Run Road
Bel Air, MD 21015

Dear Dr. Golladay:

This is to notify you of the resolution of the complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Harford Community College (the College). The Complainant alleged that the College has spent money to upgrade the men's baseball field but has done nothing to improve the women's softball field. In accordance with our procedures for the investigation of intercollegiate athletics complaints, OCR investigated whether the College fails to provide equal athletic opportunities for female athletes compared to male athletes with respect to the following program components:

1. Equipment and Supplies;
2. Scheduling of Games and Practice Time;
3. Travel and Per Diem Allowance;
4. Opportunity to Receive Coaching and Academic Tutoring;
5. Assignment and Compensation of Coaches and Tutors;
6. Locker Rooms, Practice, and Competitive Facilities;
7. Medical and Training Facilities and Services;
8. Housing and Dining Facilities and Services;
9. Publicity;
10. Support Services; and
11. Recruitment of Student Athletes.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by any recipient of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the College is subject to Title IX and its implementing regulation.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The regulation implementing Title IX at 34 CFR 106.41(c)(2-10) states that a recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available, OCR considers factors such as: the provision of equipment and supplies; scheduling of games and practice time; travel and per diem allowance; opportunity to receive coaching and academic tutoring; assignment and compensation of coaches and tutors; provision of locker rooms, practice and competitive facilities; provision of medical and training facilities and services; provision of housing and dining facilities and services; publicity. The Title IX Athletics Policy Interpretation, issued December 11, 1979, states that the Department will assess compliance by comparing the availability, quality and kinds of benefits, opportunities, and treatment afforded members of both sexes. Institutions will be in compliance if the compared program components are equivalent, that is, equal or equal in effect. Under this standard, identical benefits, opportunities, or treatment are not required, provided the overall effects of any differences is negligible. If comparisons of program components reveal that treatment, benefits, or opportunities are not equivalent in kind, quality or availability, a finding of compliance may still be justified if the differences are the result of nondiscriminatory factors.

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a Voluntary Resolution Agreement. The provisions of the agreement must be aligned with the complaint allegations or the information obtained during the investigation and be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the College requested to resolve the complaint through a Voluntary Resolution Agreement (the Agreement), which was executed by the College on October 27, 2014. A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the College's implementation of the Agreement.

Accordingly, OCR is concluding its investigation of this allegation as of the date of this letter. This letter is not intended nor should it be construed to cover any other issues regarding the College's compliance with Title IX which may exist and are not discussed herein. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy. Please be advised that the College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

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Thank you for your cooperation in this matter. In particular, we would like to thank Bernadette Hunton for her assistance in resolving this complaint. If you have any questions, please feel free to contact Lucy Glasson, Team Attorney, at (215) 656-8533, or by email at lucy.glasson@ed.gov.

Sincerely,

/s/

Beth Gellman-Beer
Team Leader
Philadelphia Office

Enclosure

cc: Bernadette M. Hunton, Esq.