

**MERRIMACK COLLEGE
RESOLUTION AGREEMENT
COMPLIANCE REVIEW NO. 01-10-6001**

In order to address the compliance concerns found in Compliance Review No. 01-10-6001 and to ensure compliance with Title IX of the Education Amendments of 1972, the College agrees to take the following steps:

- I. The College commits to create additional opportunities for female athletes and make such other changes defined in this Agreement to cure the participation disparities that currently exist in its athletics program.¹

1. **WOMEN'S HOCKEY:** The College will create and fund a Division I intercollegiate women's hockey team that will compete in the Hockey East Association (HEA) within five years. The College will work towards the creation of this team through a series of interim steps spelled out below.

- a. The following are the timelines and details by which the College will create its women's hockey program:

YEAR	ACTION ITEMS
2011-12	<ul style="list-style-type: none"> • The College will hire a Director of Hockey Operations to facilitate the needs of both the men and women's teams within the academic year. • The College will begin a national search for a top-tier Division I coach with plans to hire said coach as a full time staff member within the academic year • The College will assess interest of its current students to determine if there is sufficient interest and ability to begin a club team immediately and begin play independently.
2012-13	<ul style="list-style-type: none"> • The College will recruit 14 partial scholarship athletes for a club team that will be coached by the newly hired head coach and enroll in 2013-14 • The women's club hockey team will be established, and will compete independently in 2013-14 • The College will apply for membership in the East Coast Women's Hockey League (ECWHL) • The College's recruitment process will take into account the possibility that the College could begin Division I play as early as 2015-16 if certain

¹ The College has organized its athletic program into a tier system. The tiers correspond to the level of athletic financial aid, number and compensation of coaches, operating budgets, competitive schedules, recruitment resources, facilities, and marketing support that is provided to the intercollegiate sports at each level. For reference, the Tier One sports include men's and women's hockey, men's and women's basketball, and men's and women's lacrosse. The Tier Two sports include men's and women's soccer, softball, football, women's crew, and field hockey. The Tier Three sports include women's volleyball, men's and women's tennis, baseball, men's and women's swimming/diving, men's and women's cross country/track, men's and women's golf and women's water polo.

	conditions (outlined in the 2014-15 action items) occur.
2013-14	<ul style="list-style-type: none"> • The College will recruit six partial scholarship athletes, depending on the prior year's recruitment rates and overall strategic plan for the team. • The College will begin play in the ECWHL • The College will hire two full time assistant coaches
2014-15	<ul style="list-style-type: none"> • The College will recruit eight student-athletes with funding for five full scholarship athletes, depending on the prior year's recruitment rates and overall strategic plan for the team • The College will continue play in the ECWHL • During or at the conclusion of the 2014-15 season, in a timely manner that would still allow application and transition to Division I, the College, including the Athletic Director, the Head Coach, and other relevant parties, will assess its women's hockey program to determine if it can effectively compete at the independent Division I level. This assessment will include, but not be limited to, a review of the performance record of the team, the incoming recruiting class, the upcoming schedule the team would face at the club level, and the potential schedule the team would face as an independent Division I team. If appropriate based on the assessment, the College will accelerate its time table for Division I competition by one year. The College will provide OCR with its decision to transition or remain at the club level for a final season.
2015-16	<ul style="list-style-type: none"> • If the College determines that its team is not yet performing at a level to compete in Division I, the College will play a final year in the ECWHL • The College will make all possible efforts to schedule exhibition games and enter tournaments with Division I/III caliber opponents during the 2015-16 season • The College will recruit seven student-athletes with funding for four full scholarship athletes, if the College has not done so in the prior years.
2016-17	<ul style="list-style-type: none"> • The College will transition its women's club team to an independent intercollegiate NCAA Division I team and begin play as a Division I team. • The College will apply to and secure membership in the HEA, a premier Division I athletic conference. • If HEA denies the College admission to its league after all good faith efforts are made by the College, then the College may solicit other leagues for entry after consultation with OCR • The College will recruit seven student-athletes with funding for five full scholarship athletes, if the College has not done so in the prior years.
2017-18	<ul style="list-style-type: none"> • The College will begin play in the HEA • The College will recruit six student athletes with funding for four full scholarship athletes, if the College has not done so in the prior years..

- b. As spelled out above, beginning in the 2012-13 academic year, the College will begin actively recruiting athletes to participate on both its club and, ultimately, intercollegiate team. The following are the expected timelines by which athletes will be recruited and the amount of aid allotted to scholarship aid:

YEAR	LEAGUE	NEW STUDENT-ATHLETES	TOTAL STUDENT-ATHLETES	SCHOLARSHIP AID	CUMULATIVE AID	NOTES
2012-13	Ind.	Determined by interest				
2013-14	Ind.	18	18	\$173,446	\$173,446	14 partial 4 non-scholarship
2014-15	ECWHL	6	24	\$74,334	\$247,780	6 partial scholarship
2015-16	ECWHL	8	27	\$226,075	\$424,299	5 full scholarships Assume 5 partial/non-scholarship departing
2016-17	D-I Ind.	7	28	\$180,860	\$543,214	4 full scholarships Assume 6 partial/non-scholarship departing
2017-18	HEA	7	28	\$226,075	\$707,344	5 full scholarships Assume 7 partial/non-scholarship departing
2018-19	HEA	6	28	\$180,860	\$813,870	4 full scholarships Assume 6 partial/non-scholarship departing

- c. The women’s hockey team will be provided with an operating budget consistent with its needs and as compared to other teams at the College. In 2012-15, the years that it is operating as a club team, it will be provided with resources reflective of the College’s plan that the team advance in quality and achievement toward full competition at a Division I level in the HEA. When it moves to intercollegiate competition, it will be provided an operating budget on par with other teams competing at that intercollegiate level at the

College. The following sets forth the projected budget, subject to modification based on need:

	2012-13	2013-14	2014-15	2015-16	2016-17
TRAVEL	\$7,500	\$20,000	\$20,000	\$20,000	\$35,000
MEALS	\$5,000	\$5,000	\$5,000	\$5,000	\$20,000
EQUIPMENT	\$5,000	\$55,000	\$55,000	\$55,000	\$60,000
OFFICIALS	\$3,000	\$7,750	\$8,100	\$8,500	\$15,500
RECRUITING	\$15,000	\$15,000	\$15,000	\$35,000	\$35,000
SEMINARS	\$500	\$500	\$500	\$500	\$6,500
TOTAL	\$31,000	\$93,250	\$103,600	\$124,000	\$157,000

- d. Upon entry into this Agreement, the College will immediately commence a national search for full time, Division I caliber head coach to run its program. The Head Coach will be hired as soon as possible during academic year 2011-2012 and charged with effectuating the recruiting and hiring goals set forth in Section I(1)(b), above. A starting salary will be negotiated with the Head Coach between \$60,000-80,000, commensurate with his/her experience. The College anticipates entering a long term contract with the coach that will be competitive with comparable women's hockey programs upon beginning competition in Division I. Compensation will also include a monthly car allowance and performance incentives similar to those of current Merrimack head coaches with contracts. Upon moving the team to the Division I level, the Head Coach will be eligible for a \$10,000 performance incentive. The Head Coach will also be provided a \$100,000 budget to hire two full-time assistant coaches, in addition to a \$350 car allowance per coach per month.
- e. The women's locker room and accompanying lounge will be the same quality and size as the existing men's hockey locker room and lounge. This space is currently being occupied by the women's soccer and softball teams. The location is equidistant from the home bench and ice entrance as the men's location. The skate sharpening area is located between the existing men's locker room and what will be the women's locker room.
- f. The women's club hockey team and then ultimately the intercollegiate team will practice from 2:30-4:30 p.m. and alternate with the men's hockey team on a weekly basis between the existing and newly constructed rink, which is scheduled to be completed by September 1, 2012. Practices scheduled for the day before home games will be held in the current or game rink for the team playing

at home the next day with the other team practicing in the new or practice rink.

- g. Beginning with its inaugural season as an intercollegiate program, season tickets for the women’s program will be offered as a combined package with the men’s program with the goal of increasing initial exposure for the women’s program.
 - h. All pre-season promotional materials and expenditures will be equal to that of the men’s hockey program. In-season promotional efforts will follow the same criteria for expenditures as all other tier one sports.
2. **WOMEN’S SWIMMING & DIVING:** The College will create and fund a Division II intercollegiate women’s swimming and diving team that will compete in the Northeast-10 Conference beginning in 2012-13.
- a. Beginning in the 2011-12 academic year, the College will begin actively recruiting athletes to participate on the women’s swimming and diving team in the 2012-13 season. The following are the timelines by which athletes will be recruited and the resources allotted to scholarship aid:

YEAR	NEW STUDENT-ATHLETES	TOTAL STUDENT-ATHLETES	SCHOLARSHIP AID	CUMULATIVE SCHOLARSHIP AID
2012-13	7	7	\$98,742	\$98,742
2013-14	7	14	\$98,742	\$197,484
2014-15	7	21	\$98,742	\$296,226
2015-16	7	28	\$98,742	\$394,968

- b. The women’s swimming and diving team will be provided with an operating budget equivalent to teams on the same tier, in accord with its needs, and with the College’s goal of addressing any historical non-compliance. The following sets forth the projected budget, subject to modification based on need:

	2011-12	2012-13	2013-14
TRAVEL	NA	\$1,750	\$1,750
MEALS	NA	\$4,300	\$4,300
EQUIPMENT	NA	\$5,700	\$5,700
OFFICIALS	NA	\$2,000	\$2,000
RECRUITING	\$1,580	\$1,580	\$1,580
OTHER	NA	\$2,000	\$2,000

TOTAL	\$1,580	\$15,330	\$15,330
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- c. Upon entry into this Agreement, the College will begin a search for a suitable part-time coach. The position will be allocated \$10,000. An additional \$5,000 will be provided beginning in 2012-13.
 - d. The team will use locker rooms at the Andover YMCA, which is the site of team practices and home meets. The team will also have access to a locker room at the Volpe Center.
 - e. All promotional materials and expenditures will follow the same criteria as all other tier three sports.
3. **WOMEN’S WATER POLO:** The College will create and fund a Division II intercollegiate women’s water polo team that will compete independently at the intercollegiate level within two years. The team will be created as an intramural/club team within one year.
- a. The following are the timelines and details by which the College will create its women’s water polo program:

ACADEMIC YEAR	ACTION ITEMS
2011-12	<ul style="list-style-type: none"> • The College will begin a search for a head coach with plans to hire said coach as a part-time staff member within the academic year • The College will assess existing student interest to determine if it has sufficient interest to immediately start a club team
2012-13	<ul style="list-style-type: none"> • The College will recruit 14 partial scholarship athletes for a club team that will be coached by the newly hired head coach and enroll in 2013-14 • The women’s water polo team will be established and will compete as a club team in 2013-14
2013-14	<ul style="list-style-type: none"> • The College will recruit six partial scholarship athletes • The College will begin club play • The College will hire one part-time assistant coach • The College will apply for NCAA Division II league membership
2014-15	<ul style="list-style-type: none"> • The College will recruit five partial scholarship athletes • The College will begin participating as a Division II team in intercollegiate competition
2015-16	<ul style="list-style-type: none"> • The College will recruit five partial scholarship athletes

- b. Beginning in the 2012-13 academic year, the College will begin actively recruiting athletes to participate on the women’s water polo

team. The following are the timelines by which athletes will be recruited and the resources allotted to scholarship aid:

YEAR	NEW STUDENT-ATHLETES	TOTAL STUDENT-ATHLETES	SCHOLARSHIP AID	CUMULATIVE SCHOLARSHIP AID
2012-13	Determined by interest			
2013-14	14	14	\$173,446	\$173,446
2014-15	6	20	\$74,334	\$247,780
2015-16	5	20	\$61,945	\$247,780
2016-17	6	20	\$74,334	\$247,780

- c. The women’s water polo team will be provided with an operating budget equivalent to teams on the same tier and in accord with its needs. The travel budget will be higher than many other similarly situated teams because of the distance this team must travel to compete against other Division II teams. The following sets forth the projected budget, subject to increase based on need:

	2012-13	2013-14	2014-15
TRAVEL	\$15,000	\$15,000	\$15,000
MEALS	\$4,300	\$4,300	\$4,300
EQUIPMENT	\$5,700	\$5,700	\$5,700
OFFICIALS	\$2,000	\$2,000	\$2,000
RECRUITING	\$1,580	\$1,580	\$1,580
OTHER	\$2,000	\$2,000	\$2,000
TOTAL	\$15,330	\$15,330	\$15,330

- d. Upon entry into this Agreement, the College will begin a search for a suitable part-time coach. The position will be allocated \$10,000. An additional \$5,000 will be provided beginning in 2012-13.
- e. The team will use locker rooms at the Andover YMCA, which is the site of team practices and home meets. The team will also have access to a locker room at the Volpe Center.
- f. All promotional materials and expenditures will follow the same criteria as all other tier three sports.
4. **WOMEN’S TRACK & FIELD:** In 2010-11, and in response to its concerns over equity, the College created and funded a Division II intercollegiate women’s track and field team. That team competed in the Northeast-10 conference during the 2010-11 academic year.

- a. The College anticipates growing the track and field program over the next three years. The following are the timelines by which athletes will be recruited and the resources allotted to scholarship aid:

YEAR	NEW STUDENT-ATHLETES	TOTAL STUDENT-ATHLETES	SCHOLARSHIP AID	CUMULATIVE SCHOLARSHIP AID
2010-11	5	20 ²	\$61,945	\$61,945
2011-12	5	25	\$61,945	\$123,890
2012-13	7	32	\$86,723	\$210,613
2013-14	9	41	\$111,501	\$322,114
2014-15	14	50	\$173,446	\$495,560

- b. The women’s track and field team will continue to receive an operating budget equivalent with other tier three teams and in accord with its needs. The following sets forth the current and projected budget, subject to modification based on need:

	2011-12	2012-13	2013-14	2014-15
TRAVEL	\$6,500	\$9,000	\$11,000	\$12,000
MEALS	\$7,500	\$9,200	\$8,750	\$9,000
EQUIPMENT	\$1,525	\$2,600	\$3,000	\$3,300
OFFICIALS	NA	NA	NA	NA
RECRUITING	\$600	\$2,500	\$3,100	\$3,100
OTHER	\$1,050	\$5,015	\$5,200	\$5,500
TOTAL	\$17,175	\$28,315	\$31,050	\$32,900

- c. The team will use locker rooms at the Volpe Complex.
- d. The College in addition to the current part-time head coaching position of \$10,000 has also added an additional \$10,000 in assistant coaching compensation during the 2011-12 season. These coaches will coach both the men’s team and the women’s team.³
- e. All promotional materials and expenditures will follow the same criteria as all other tier three sports.

² In 2010-11 the 20 total student-athletes included 15 already enrolled cross country student-athletes. In 2011-12 the 25 student-athletes included 16 already enrolled cross country student-athletes.

³ The College will assess the athletes’ experience annually to assure that the coaching staff is adequately meeting the needs of both teams. This assessment will include input from the coaching staff, student athletes, and other relevant participants.

5. **WOMEN'S CREW:** In 2010-11, and in response to its concerns over equity, the College created and funded a Division II intercollegiate women's crew team. That team competed as an independent Division II program during the 2011-12 academic year.

a. The College anticipates growing the women's crew program over the next three years. The following are the timelines by which athletes will be recruited and the resources allotted to scholarship aid:

YEAR	NEW STUDENT-ATHLETES	TOTAL STUDENT-ATHLETES	SCHOLARSHIP AID	CUMULATIVE SCHOLARSHIP AID
2010-11	15	15	\$185,835	\$185,835
2011-12	5	20	\$61,945	\$247,780
2012-13	10	30	\$123,890	\$371,670
2013-14	10	40	\$123,890	\$495,560

b. The women's crew team will continue to receive an operating budget equivalent with other tier two teams and in accord with its needs. The following sets forth the current and projected budget, subject to increase based on need:

	2011-12	2012-13	2013-14	2014-15
TRAVEL	\$1,200	\$1,500	\$2,000	\$3,000
MEALS	\$2,100	\$2,500	\$3,200	\$3,900
EQUIPMENT	\$4,750	\$5,000	\$6,000	\$7,000
OFFICIALS	\$2,145	\$2,145	\$2,145	\$2,145
RECRUITING	\$500	\$1,500	\$2,000	\$2,000
OTHER	NA	\$1,000	\$1,000	\$1,000
TOTAL	\$30,000	\$32,950	\$35,650	\$38,350

c. In addition to the current part-time head coaching salary of \$10,000 an additional \$5,000 will be provided beginning in 2013-14.⁴

d. The team will use locker rooms at the Lawrence Boat House, which is the site of practices and home competitions as well as at the Volpe Complex.

⁴ The College will assess the athletes' experience annually to assure that the coaching staff and other team supports are adequately meeting the needs of a team of its size. This assessment will include input from the coaching staff, student athletes, and other relevant participants.

- e. All promotional materials and expenditures will follow the same criteria as all other tier three sports.
6. **WOMEN'S GOLF:** In 2010-11, and in response to its concerns over equity, the College created and funded a Division II intercollegiate women's golf team. That team competed in the Northeast-10 conference during the 2011-12 academic year.
- a. The College anticipates growing the women's golf program over the next four years. The following are the timelines by which athletes will be recruited and the resources allotted to scholarship aid:

	NEW STUDENT-ATHLETES	TOTAL STUDENT-ATHLETES	SCHOLARSHIP AID	CUMULATIVE SCHOLARSHIP AID
2011-12	4	4	49,556	\$49,556
2012-13	2	6	\$24,778	\$74,334
2013-14	2	8	\$24,778	\$99,112
2014-15	2	10	\$24,778	\$123,890

- b. The women's golf team will continue to receive an operating budget equivalent with other tier three teams and in accord with its need. The following sets forth the current and projected budget, subject to modification based on need:

	2011-12	2012-13	2013-14	2014-15
TRAVEL	\$6,750	\$7,500	\$7,500	\$8,000
MEALS	\$3,240	\$4,200	\$4,500	\$5,000
EQUIPMENT	\$3,500	\$6,000	\$6,200	\$6,400
OFFICIALS	NA	NA	NA	NA
RECRUITING	\$1,500	\$1,500	\$1,500	\$1,500
OTHER	NA	\$1,000	\$1,000	\$1,000
TOTAL	\$14,990	\$20,200	\$20,700	\$21,900

- c. The team will use locker rooms at the Georgetown Country Club, site of team practices and home matches. The team will also have a locker room at the Volpe Complex.
- d. All promotional materials and expenditures will follow the same criteria as all other tier three sports.

7. The College's growth model aims to achieve Title IX compliance within five years. The teams mentioned herein are part of a larger restructuring that the College intends to do to its athletic program, both in terms of growing programs and reducing existing programs. While achieving Title IX compliance is the College's primary goal, it also has as its goal the provision of qualitatively excellent programs for its athletes of both genders.
8. The College agrees that if, upon commencing the 2013-14 season, it has not met eighty-five percent (85%) of its recruiting goal for women's intercollegiate sports at that time, it will halt its recruitment for men's tier II and III sports until such time as its recruitment for women's intercollegiate sports reaches at least 85% of the level outlined in this Agreement and/or the College can show that it is otherwise curing the disparity found during OCR's review at or before the timelines set forth in this agreement.
9. The College agrees that it will continuously monitor the relative equality of benefits provided to its teams, including but not limited to the teams referenced in this Agreement. Beginning in 2012-13 and on an annual basis each year after, the Athletic Department and Title IX Committee referenced in Section III will be charged with self-assessing the athletic program to ensure that there is equality in the components that define the tier system. Specifically, the Athletic Department will provide the following categories of information in report form for all of the teams referenced in this Agreement and all other intercollegiate teams:
 - Practice and game schedules
 - Number and compensation of coaches
 - Recruitment resources
 - Sufficiency of operating budgets
 - A description of the locker room, practice, and competitive facilities
 - Marketing support
 - Any relevant statements of coaches, players, or administrators that describe or explain any practice or benefit that appear, on their face, to be unequal between the genders

Once completed, this information will be shared with the Title IX Committee and discussed at a meeting that must be attended by at least eighty percent (80%) of the Committee members. If there are disparities in any of these areas, the Athletic Department and the Title IX Committee will devise a written course of action designed to remedy the inequality as soon as possible, but no later than within one year. In the event an inequality found by either the Athletic Department or the Title IX

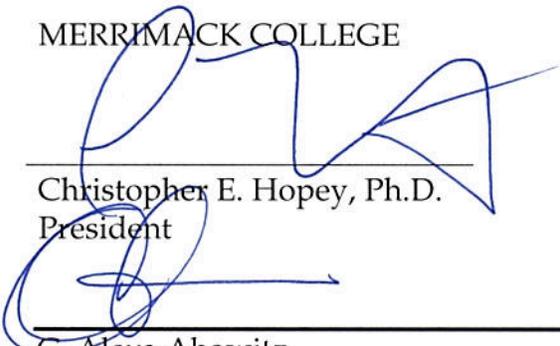
Committee cannot be remedied within one year, OCR shall be consulted to assist in determining an appropriate remedy.

- II. The College will assign an administrator to ensure that the AFA and other awards are substantially proportionate to male and female athletes' participation rates. The College will include information regarding the proportionality of its AFA as part of the reporting requirements in Part IV, below. The College may temporarily provide disproportionate AFA to the underrepresented gender for a limited time period in order to achieve substantial proportionality in its intercollegiate athletic program.
- III. The college will establish a full-time senior women's administrator who will report directly to the Director of Athletics. Responsibilities for this position will be in the internal operations area of the department and potentially also include a large amount of sport supervision/program management.
- IV. The College will establish a Title IX Committee, which will be made up of the following individuals and address the following issues:
 1. The Committee will include the Vice President and/or a member of the Administration, the Director of Athletics, a faculty member in the Athletics Department, a Student Life representative, a selection of male and female head coaches, a selection of male and female student-athletes, a fiscal affairs representative, an enrollment management representative, and a representative of the Board of Trustees.
 2. The Committee will meet three times a year to review Title IX compliance as well as additional issues the department faces in the areas of Title IX and Diversity. The Department of Athletics will provide a yearly summary of its athletic program, including financial aid, roster numbers and operating budgets to ensure compliance. Additionally this committee will focus on major issues/topics/challenges that athletics departments and campuses are facing nation-wide. Meetings will take place in August, December and May. An agenda will be jointly developed by the Vice President for Administration and the Director of Athletics, and must include a discussion of the material referenced in Section I(9) at least once annually. OCR may be requested to provide training at a Committee meeting on an as needed basis.
 3. A report from each meeting will be presented to the College's Board of Trustees and any appropriate committee(s) of the same.
- V. The College will annually provide OCR a copy of its strategic plan and minutes/report from the Title IX Committee. The College's strategic plan will set forth how the College will measure equity in participation rates, how it will

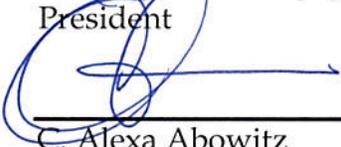
provide additional opportunities, how it will fund each new team, and how it will support the success of each additional team, *e.g.*, scholarship aid and the other factors set forth in Section I(9), above. If there are no amendments to the plan in a given year, the College may so indicate in lieu of supplemental strategic plans. In the instance that the College suffers any unforeseen substantial drop in enrollment or other circumstance that will affect the plan or the terms of this Agreement, it will contact OCR immediately to discuss concerns and remedies. This plan, and all steps set forth within this Agreement, is designed to ensure that the College and OCR's collaborative approach can continue as the College's athletic program grows and the College comes into compliance with Title IX.

- VI. The College understands that it has an affirmative and ongoing obligation to ensure that its students are not discriminated against on the basis of gender with respect to its educational programs and benefits. The College understands that, notwithstanding the provisions of this agreement or the steps toward compliance agreed upon herein, the College remains ultimately responsible for achieving full compliance with the legal requirements of Title IX.
- VII. The College understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. Part 106, which was at issue in this case.
- VIII. The College understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the College understands that during the monitoring of this agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. Part 106, which was at issue in this case.

MERRIMACK COLLEGE



Christopher E. Hopey, Ph.D.
President



C. Alexa Abowitz
Vice President of Administration and
General Counsel

DATE: 9.27.2012