

RESOLUTION AGREEMENT

Franklin Pierce University

Case No. 01-20-2023

In order to resolve Case No. 01-20-2023, Franklin Pierce University (the University) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106.

Action Item 1: Equal Opportunities and Equal Treatment for Female Students

The University will take such measures as are necessary to ensure that female athletes are provided intercollegiate athletic opportunities and benefits that are equal to athletic opportunities and benefits provided to male students, and to avoid different treatment on the basis of sex, consistent with the requirements of the Title IX implementing regulation at 34 C.F.R. § 106.41.

The University will not exclude from participation in, deny the benefits of, treat differently, or otherwise discriminate against female students in any intercollegiate athletics offered by the University.

Action Item 2: The Transgender Participation and Inclusion Policy

By October 2, 2020, the University will rescind its Transgender Participation and Inclusion Policy (Policy) and will cease any and all practices related thereto.

By October 2, 2020, the University will post a notice, in a prominent location on its website, stating that the Policy has been rescinded and that the University will otherwise strive to ensure that its athletic program is in accord with 34 C.F.R. § 106.41. The University shall also include this statement in any and all of its other publications (on-line and/or hard copy) that make reference to the Policy.

Reporting Requirement:

By September 18, 2020, the University will provide the above-referenced notice of rescission and accompanying statement to OCR for review and approval.

By October 30, 2020, the University will provide OCR evidence sufficient to indicate that the above-referenced notice of rescission and accompanying statement has been posted.

Action Item 3: Protection of Girls' Sports

Where the University operates or sponsors a particular sport for members of one sex, it will not permit participation of members of the opposite sex except to the extent permitted under 34 C.F.R. § 106.41(b).

Reporting Requirement:

By October 30, 2020, the University will provide to OCR documentation regarding its planned activities for the 2020-21 school year and otherwise provide assurances that it is not utilizing the rescinded Policy. This assurance will provide detailed descriptions of the manner in which the University will carry out the Action Item 3, including any memoranda, correspondence, agendas, minutes, webpages, and/or electronic communications reflecting the University’s compliance with this provision.

The University understands that by signing this resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the University understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms and obligations of the resolution agreement. Upon the University’s satisfaction of the commitments made under the resolution agreement, OCR will close this case.

The University understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This resolution agreement will become effective immediately upon the signature of the University representative below.

Date: Sept. 18, 2020 Signed: Kim Mooney

[Authorized Representative]

Franklin Pierce University