



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

January 03, 2019

VIA EMAIL: bursar@thomasmore.edu

In response, please refer to case number: **03182152**

Kathleen S. Jagger, Ph.D.
Acting President
Office of the President
Thomas More University
333 Thomas More Pkwy
Crestview Hills, KY 41017

Dear Dr. Jagger:

This is to advise you of the resolution of the above referenced complaint filed with the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) on April 17, 2018 against the Thomas More University (the University). The Complainant alleged the University discriminates on the basis of sex because the University fails to provide equal athletic opportunity for female athletes compared to male athletes with respect to coaching assignment, compensation and support, equipment, recruiting, locker rooms, practice and competitive facilities.

OCR enforces Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex by recipients of Federal financial assistance. Because the University receives Federal financial assistance from the Department, the University is subject to these laws.

To date, OCR has investigated this complaint by reviewing information provided by the Complainant and University. Prior to the completion of OCR's investigation, the University asked to resolve this complaint. On December 21, 2018, the University submitted the enclosed signed resolution agreement (the Agreement) to OCR. When fully implemented, the Agreement will resolve the issues in the complaint.

Legal Standard

The Title IX regulation, at 34 C.F.R. § 106.41(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club, or intramural athletics offered by a recipient. The Title IX regulation, at 34 C.F.R. § 106.41(c), 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 order for OCR to finish its investigation, OCR would need to obtain additional documentation, conduct interviews of University administrators, coaches, and athletes, and conduct a site visit of the University.

Conclusion

As noted above, prior to the completion of our investigation, the University signed an agreement with OCR. In light of the commitments the University has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the University's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether the University has fulfilled the terms of the Agreement and is in compliance with Title IX with regard to the issue raised.

This concludes OCR's investigation of the complaint and should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

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, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions, please contact me at (215) 656-8595 or by email at gina.depietro@ed.gov.

Sincerely,

/s/

Gina DePietro
Acting Team Leader

cc: Noah Welte, Esq.

Enclosure