

Voluntary Resolution Agreement
Thomas More University
OCR Complaint #03182152

The U.S. Department of Education, Office for Civil Rights (OCR), conducted a complaint investigation of the Thomas More University (the University), pursuant to Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulation, at 34 C.F.R. §106.31, which prohibits discrimination based on sex by recipients of Federal financial assistance. The University, as a recipient of Federal financial assistance, is subject to the requirements of Title IX.

Prior to the completion of OCR's investigation, the University agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the University agrees to take the following actions. In entering into this Agreement, OCR acknowledges that it has not made a finding that the University failed to adhere to, abide by, or in any other way failed to observe the statutes and/or regulations that OCR enforces.

A. Opportunity to Receive Coaching

1. The University commits that the women's intercollegiate athletic program at the University, as a whole, will have the opportunity to receive coaching that is comparable to that provided to the men's intercollegiate athletics program, as a whole.
2. By January 31, 2019, the University will complete a fair and comprehensive evaluation and comparison of the opportunities to receive coaching related to the men's and women's intercollegiate athletic programs at the University. In determining whether there is equal opportunity to receive coaching, the assessment will consider: (a) relative availability of full-time coaches; (b) relative availability of part-time and assistant coaches; and (c) relative availability of graduate assistants. In determining whether there is equal opportunity in the assignment of coaches, the evaluation will consider: (a) training, experience, and other professional qualifications; and (b) professional standing. The evaluation will consider the following factors in assessing the compensation of coaches: (a) rate of compensation (per sport, per season); (b) duration of contracts; (c) conditions relating to contract renewal; (d) experience; (e) nature of coaching duties performed; (f) working conditions; and, (g) other terms and conditions of employment.
3. In assessing compliance in this and ensuing component areas, OCR will compare the availability, quality and kinds of benefits, opportunities, and treatment afforded to the University's male and female athletes to determine whether they are equivalent. Under this equivalency standard, identical benefits, opportunities, or treatment are not required as long as the effects of any differences are negligible. If a comparison of the benefits, opportunities and treatment afforded to males and females in the identified program components indicates that benefits, opportunities, or treatment are not equivalent, then the University could still be in compliance with Title IX if the differences are shown to be the result of nondiscriminatory factors, such as the unique aspects of particular sports or athletic activities. If sport-specific

needs are met equivalently in both men's and women's programs, then differences in particular program components will be found to be justifiable.

4. By January 31, 2019, if the University determines that the men's and the women's intercollegiate athletic programs are not receiving comparable opportunities to receive coaching, the University will correct the inequities to make them equivalent. If the University determines that the coaching between men's and women's sports is comparable, the University will provide to OCR a report outlining that determination and the supporting information, including appropriate documentation, upon which it is based, as reflected in the Reporting Requirements section, below.

Reporting Requirements

5. By March 1, 2019, the University will provide OCR with its written report of its coaching opportunity policy(ies) for men's and women's teams. This report will include a description of the process used in conducting the evaluations, the information, including appropriate documentation, considered, and the conclusions reached, pursuant to Section A above.
6. By May 1, 2019, if the University determines that the coaching opportunities for men's and women's intercollegiate teams are not comparable, the University will provide OCR with a finalized copy of the plan(s) developed to correct the inequities identified in the evaluations, and by August 1, 2019, and December 31, 2019, will provide OCR with reports concerning the status of the implementation of the plan(s).

B. Equipment and Supplies

1. The University commits that the women's intercollegiate athletic programs at the University, as a whole, will receive and have equivalent equipment and supplies to that provided to the men's intercollegiate athletics program, as a whole.
2. By January 31, 2019, the University will complete a fair and comprehensive evaluation and comparison of the equipment and supplies provided to the men's and women's intercollegiate athletic programs at the University. The assessment will include, at a minimum, an evaluation consistent with the principles set forth in A.3, above, and will include the following factors: the quality, amount, suitability, availability, maintenance and replacement of the equipment and supplies. The assessment will consider each of the men's and women's intercollegiate teams, including their specific needs, and will specifically include consultation with athletes and coaches from each team.
3. By January 31, 2019, if the University determines that the men's and the women's intercollegiate athletic programs are not receiving comparable equipment and supplies, the University will correct the inequities of such equipment and supplies to make them equivalent. If the University determines that the equipment and supplies currently assigned to the women's and men's intercollegiate athletic programs are comparable, the

University will provide to OCR a report outlining that determination and the information, including appropriate documentation, upon which it is based, as reflected in the Reporting Requirements section, below.

Reporting Requirements

4. By March 1, 2019, the University will provide OCR with its written report of its evaluation concerning the University's equipment and supplies. This report will include a description of the process used in conducting the evaluations, the information, including appropriate documentation, considered, and the conclusions reached, pursuant to Section B above.
5. By May 1, 2019, if the University determines that the men's and women's intercollegiate teams are not receiving comparable equipment and supplies, the University will provide OCR with a finalized copy of the plan(s) developed to correct the inequities identified in the evaluations, and by August 1, 2019, and December 31, 2019, will provide OCR with reports concerning the status of the implementation of the plan(s).

C. Recruitment

1. The University commits that the women's intercollegiate athletic program at the University, as a whole, will receive recruitment services comparable to that provided to the men's intercollegiate athletics program, as a whole, By January 31, 2019, the University will complete a fair and comprehensive evaluation and comparison of the recruitment services provided to the men's and women's athletic programs at the University. The assessment will include, at a minimum, an evaluation consistent with the principle set forth in A.3., above, and will specifically address: (1) whether coaches or other athletic personnel in the programs serving male and female athletes are provided with substantially equal opportunities to recruit to meet men's and women's teams' needs; (2) whether the financial and other resources made available for recruitment to the men's and women's athletic programs are equivalently adequate to meet the needs of each program; and (3) whether the differences in benefits, opportunities, and treatment afforded prospective student athletes of each sex have a disproportionately limiting effect upon the recruitment of students of either sex.
2. By January 31, 2019, if the University determines that the men's and the women's intercollegiate athletic programs are not receiving comparable recruitment services, the University will correct the inequities to make them equivalent. If the University determines that the recruitment services are comparable, the University will provide to OCR a report outlining that determination and the information, including appropriate documentation, upon which it is based, as reflected in the Reporting Requirements section, below.

Reporting Requirements

3. By March 1, 2019, the University will provide OCR with its written report of its recruitment policies. This report will include a description of the process used in conducting the evaluations, the information, including appropriate

documentation, considered, and the conclusions reached, pursuant to Section C above.

4. By May 1, 2019, if the University determines that the men's and women's intercollegiate teams are not receiving comparable recruitment services, the University will provide OCR with a finalized copy of the plan(s) developed to correct the inequities identified in the evaluations, and by August 1, 2019, and December 31, 2019, will provide OCR with reports concerning the status of the implementation of the plan(s).

D. Locker Rooms, Practice and Competitive Facilities

1. The University commits that the women's athletic program at the University, as a whole, will receive and have equivalent access to locker rooms, practice fields and/or facilities, and competitive fields and/or facilities, comparable to that provided to the men's athletics program, as a whole.
2. By January 31, 2019, the University will complete a fair and comprehensive evaluation and comparison of the locker rooms, practice fields and/or facilities, and competitive fields and/or facilities, assigned to the men's and women's intercollegiate athletic programs at the University. The assessment will include, at a minimum, an evaluation consistent with the principles set forth in A.3, above, of the: quality and availability of the fields and/or facilities provided for practice and competitive events; exclusivity of use of facilities provided for practice and/or competitive events; availability of locker rooms; quality of locker rooms; maintenance of practice and competitive fields and/or facilities; and preparation of fields and/or facilities for practice and competitive events.
3. By January 31, 2019, if the University determines that the provision of locker rooms, practice fields and/or facilities, and competitive fields and/or facilities, to the women's athletics program is not comparable to that afforded to the men's program the University will correct the inequities to make them equivalent. If the University determines that the locker rooms, fields and/or facilities currently assigned to the women's and men's intercollegiate athletic programs are comparable, the University will provide to OCR a report outlining that determination and the information, including appropriate documentation, upon which it is based, as reflected in the Reporting Requirements section, below.

Reporting Requirements

4. By March 1, 2019, the University will provide OCR with its written report of its evaluation concerning the University's locker rooms, practice and competitive facilities. This report will include a description of the process used in conducting the evaluations, the information, including appropriate documentation, considered, and the conclusions reached, pursuant to Section D above.

5. By May 1, 2019, if the University determines that the men's and women's intercollegiate teams are not provided comparable locker rooms, practice and competitive facilities, the University will provide OCR with a finalized copy of the plan(s) developed to correct the inequities identified in the evaluations, and by August 1, 2019, and December 31, 2019, will provide OCR with reports concerning the status of the implementation of the plan(s).

The University understands that by signing the 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 Agreement, OCR will close the 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.

/s/

12-20-18

President or designee
Thomas More University

Date