

Voluntary Resolution Agreement
University of Maryland Eastern Shore
OCR Complaint No. 03222243

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the University of Maryland Eastern Shore (the University) enter into this Agreement to resolve Allegations 1 and 6-15 of the above-referenced complaint in order to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance. The University, as a recipient of Federal financial assistance, is subject to the requirements of Title IX and its implementing regulations.

Prior to the completion of OCR's investigation of the complaint, the University agreed to resolve Allegations 1 and 6-15 of the complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve Allegations 1 and 6-15 of this complaint, 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. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University.

The University affirms that, consistent with the Title IX implementing regulation at 34 C.F.R. § 106.41(a), 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 interscholastic athletics and that it shall not provide such athletics separately on such basis. The University assures OCR that it will take the following actions to comply with Title IX and its implementing regulations, and specifically, the following provisions of the Title IX regulations which are at issue in this complaint: 34 C.F.R. § 106.8(c); 34 C.F.R. § 106.31; 34 C.F.R. §§ 106.41(a); (c), (c)(1-8), and (c)(10).

ITEM 1: Revise University Policy

The University will revise its Policy and Procedures on Sexual Harassment, Other Forms of Sexual Misconduct and Gender-Based Discrimination (the Policy) to clearly state that it applies to all complaints of discrimination on the basis of sex, including alleged violations of 34 C.F.R. 106.37(c), 106.41, and other complaints of different treatment on the basis of sex. The revised Policy will be consistent with the applicable provisions of the Title IX implementing regulation at 34 C.F.R. 106.8(c). At a minimum, the Policy will be revised to:

- A. state that it applies to complaints of discrimination on the basis of sex, including inequities in the athletic program and other different treatment on the basis of sex;
- B. include a definition of "Prohibited Treatment" which includes different treatment on the basis of sex;
- C. include procedures for addressing complaints of Prohibited Treatment where the complaint involves different treatment on the basis of sex, including allegations that are not against a particular person such that there is not a "Respondent" named by a Complainant.

REPORTING REQUIREMENTS:

1. By September 15, 2023, the University will submit its proposed Policy to OCR for review and approval.
2. Within thirty (30) calendar days of receiving OCR's approval, the University will provide OCR with documentation that it has:
 - a. formally adopted the Policy;
 - b. published the Policy on its website and any other location where University policies are normally published;
 - c. disseminated the Policy to all current University student and employees to whom this Policy applies; and
 - d. sent an electronic notification through normal communication channels notifying the University community of the Policy.

ITEM 2: Training

Within 30 calendar days of the University's adoption of the Policy, the University will provide training on the revised Policy to all administrators and staff responsible for reporting Title IX complaints and conducting Title IX investigations, including University staff in the Office of Institutional Equity (OIE).

REPORTING REQUIREMENTS:

1. Within 45 calendar days of OCR's approval of the Policy, the University will provide OCR with documentation that it has provided the training required by Action Item 2, including:
 - a. The date and time of the training;
 - b. A copy of any materials that the University used at the training;
 - c. A list of the attendees' names and titles;
 - d. A sign-in sheet, or if the training is conducted virtually, verification sufficient to show all attendees; and
 - e. The name, title, and credentials of the individual who conducted the training.

ITEM 3: Investigation of XXXXXXXX Title IX Complaint

- A. Within 30 calendar days of the University's adoption of the Policy, the University will give written notice to XXXXXX that it intends to investigate the formal complaint that she filed with the University's Office of Institutional Equity (OIE) XXXXXXXXXX. This notice shall include an explanation that the complaint will be investigated pursuant to the procedures stated in the Policy. The University will then take steps to investigate XXXXXXXX complaint, as required by the Policy.
- B. At the conclusion of the investigation, the University shall prepare documents evidencing its investigative findings, including a determination as to whether the University discriminated against the XXXXXXXXXXXX the basis of sex, as alleged XXXXXXXXXXXXXXXX

complaint. The findings will also include a summary of: (i) the steps the University took to investigate the complaint; (ii) the interviews conducted; (iii) the information reviewed by the University in making its determination; (vi) the University's conclusions; and (v) whether it took any actions or measures, as a result of its investigation.

REPORTING REQUIREMENTS:

1. Within 90 calendar days of the University's written notice to XXXXX specified by Item 3, paragraph A, the University will provide to OCR, for its review and approval, a copy of the investigative findings specified by Item 3, paragraph B.
2. OCR will review the University's investigative findings and provide feedback to the University as to whether it approves of its investigative process as outlined in its findings and, if not, why not. The University agrees to continue to work with OCR on its investigative process until OCR approves of the documentation submitted by the University.
3. Within 30 calendar days of receiving OCR's approval of its investigative process, the University will submit to OCR documentation sufficient to show that the University provided a copy of its investigative findings to XXXXXX, including the information specified by Item 3, paragraph B.

ITEM 4: Accommodation of Interests and Abilities

The University agrees to provide participation opportunities for female and male students that equally and effectively accommodate the athletic interests and abilities of members of both sexes, consistent with the requirements of Title IX and the Title IX implementing regulation at 34 C.F.R. §106.41(c)(1).

The University will provide athletic participation opportunities that are either substantially proportionate to each sex's enrollment in its programs or demonstrate that the interests and abilities of female students are fully and effectively accommodated by the University's current athletic programs.

1. If the University elects to demonstrate compliance by providing substantially proportionate athletic participation opportunities to each sex's enrollment in its programs, the University will do so by comparing rates of full-time undergraduate enrollment of its female and male students with rates of participation in the University's intercollegiate athletics programs (based on participation rates for all sports during the fall, winter, and spring seasons) during the most recently concluded academic year to determine if they are substantially proportionate. The participation rates of female and male students will reflect the total number of women and men listed on the University's squad or eligibility list for each intercollegiate sport on the date of the first competition for each sport. The participation rates should not include participants in intramural, club, or non-competitive athletic activities.

2. If the University elects to demonstrate compliance by showing the interests and abilities of female students, the underrepresented sex in the University's athletics program, are met, the University will conduct an objective assessment to determine the athletic interests and abilities of the female students and whether the University is fully and effectively accommodating the athletic interests and abilities of female students. The assessment will be based on multiple indicators of interest and multiple indicators of ability, which may include:
 - a. Results of recent surveys of students and admitted students or other information collected from students and admitted students using a method that is designed to fully and accurately assess unmet athletic interests and abilities in intercollegiate sports among members of the underrepresented sex;
 - b. Identification of sports, squads, and levels of sports for members of the underrepresented sex that are not currently offered by the University that are offered by schools that compete within the athletic conferences in which the University competes and by schools that are within the University's normal competitive region;
 - c. Review of any requests (whether oral or written, formal or informal) made to University administrators, coaches, or staff by or on behalf of students and admitted students who are members of the underrepresented sex to add a particular sport, squad, or level of sport, or to elevate an existing club or intramural sport to intercollegiate sport status. This review may be limited to requests that were received during the previous three complete academic years;
 - d. Assessments made by University coaches or staff during tryouts, or observations of students participating in club or intramural competition, and other information reflecting the ability of students and admitted students who are members of the underrepresented sex to compete in a particular sport, prior participation in that sport or a similar sport at the high school level or intramural or club level, general athletic ability, participation in other University intercollegiate sports, the nature of the particular sport, and other relevant factors. Neither a poor competitive record, nor the inability of interested students or admitted students to play at the same level of competition engaged in by the University's other athletes is conclusive evidence of lack of ability. For the purposes of assessing ability, it is sufficient that interested students and admitted students have the potential to sustain an intercollegiate team;
 - e. Participation in interscholastic sports by admitted students and participation rates in sports in high schools, amateur athletic associations, and community sports leagues that operate in areas from which the University draws its students;
 - f. Where interest and ability in an intercollegiate sport not currently offered by the University is identified, the assessment will also consider whether there is a

reasonable expectation of intercollegiate competition in the University's normal competitive region in that sport; and

- g. Any other information that demonstrates the athletic interests and abilities of the University's students who are members of the underrepresented sex.

REPORTING REQUIREMENTS

By September 15, 2023, the University will submit to OCR, for its review and approval, the following information:

1. If the University has elected to demonstrate compliance by providing substantially proportionate athletic opportunities, the University will provide OCR with a detailed report, based on the standards set forth in paragraph 1, above, that contains the results of its comparison of the enrollment and participation rates for men and women during the most recently concluded academic year and, unless the participation rates are substantially proportionate to enrollment, an indication of the number of participation opportunities that the University has calculated would be necessary in order to achieve substantial proportionality. The information provided by the University will be sufficient to allow OCR to determine the number of students, by sex, who were participating on each intercollegiate team on the date of the team's first competition and to identify any changes to the participation numbers that occurred after the first competition.
2. If the University has elected to demonstrate compliance by demonstrating the interests and abilities of female students are fully met, the University will provide OCR with a detailed report, based on the factors contained in paragraph 2, above, that includes, at a minimum, (1) its description of the methodology used to conduct the survey; (2) the number of surveys distributed and the number of responses; (3) a summary of sports, squads, and levels of sports for female students that are not currently offered by the University but are offered by other schools that compete within the conference(s) in which the University competes or by schools that are within the University's normal competitive region and geographic area; (4) a summary of the number of female students by sex who were cut from each team and the reasons they were cut; (5) a description of any team(s) that were eliminated during the past ten years, including the number of participants who were on the team in the year it was eliminated and the reason for the team's elimination; (6) a description of the any team(s) that were added during the past ten years, including the year any team(s) were added and the reason for adding the team(s); (7) a copy of any written requests and a summary of any non-written requests made by or on behalf of female students to add a particular sport, squad, or level of sport, or to elevate an existing club sport to intercollegiate status; and (8) a copy of the University's new or revised policies and procedures for requesting additional teams including the individual designated for responding to such requests and the University's method of distributing these policies and procedures to existing and newly admitted students as well as coaches and other employees.

ITEM 5: Compliance Plan to Accommodate Interests and Abilities, if needed

Upon the completion of OCR's review of the report submitted under item 4, if OCR has determined that the University is unable to demonstrate compliance with Title IX pursuant to this Agreement, the University will prepare a detailed compliance plan with timeframes to fully and effectively accommodate the interests and abilities of the underrepresented sex to the extent necessary to provide equal opportunity in its intercollegiate athletics program by the end of the 2025-2026 academic year, including the steps detailed below in paragraphs A and B, below. The plan may include a description of interim steps already taken by the University during the 2022-2023, 2023-2024, 2024-2025 academic years to increase intercollegiate athletic participation opportunities for the underrepresented sex. The University will initiate implementation of the plan upon review and approval by OCR.

OCR has made clear to the University that OCR does not require or encourage the elimination of any athletic teams and that it seeks action from the University that does not involve the elimination of athletic opportunities, because nothing in Title IX or the three-part test requires an institution to cut teams or reduce opportunities for students who are participating in intercollegiate athletics in order to comply with the provisions of Title IX relating to the effective accommodation of the interests and abilities of male and female students.

In providing additional athletic opportunities for female students until their rate of participation is substantially proportionate to their rate of enrollment or to accommodate their expressed interests and abilities, the University shall do the following:

- A. Sports Not Currently Offered. The University will determine whether there are a sufficient number of students and admitted students at the University who are members of the underrepresented sex with the interest and ability to support the addition of a team in sports not currently offered (during the 2022-2023 academic year) by the University as intercollegiate sports and sufficient competition in those sports within the University's normal competitive region. To the extent that the University adds any sports, the University will hire a coaching staff, recruit student athletes, and provide sufficient resources to the coaching staff by the 2024-2025 academic year to ensure that the team begins competition no later than the 2025-2026 academic year and the University will provide those team(s), in a manner comparable to other intercollegiate teams, with sufficient funds in its budget to cover expenses including, but not limited to: coaches, recruiting, equipment and supplies, travel, publicity, and support services.
- B. Response to Developing Interests and Abilities. The University will review those sports not currently offered by the University in which there are a sufficient number of students and admitted students who are members of the underrepresented sex who have the interest and ability to support a team, but for which the University determines competition is insufficient in the University's normal competitive region. The University will take ongoing steps to address the interest and ability of the underrepresented sex. Steps may include, but are not required to include, establishment of additional intramural or club sports, exploring the establishment of

competition in the University's normal competitive region, and elevating such sports to intercollegiate status when competition becomes available.

REPORTING REQUIREMENTS

1. Within 120 days of receiving OCR's written notice that it must create a compliance plan, the University will submit to OCR, for its review and approval, a draft of its compliance plan. If OCR requires any changes to the compliance plan, the University will resubmit a copy of the compliance plan within 30 calendar days of receiving notice of OCR's required revisions. OCR and the University will continue this process until OCR approves the compliance plan.
2. Within 180 calendar days of receiving OCR's approval of the compliance plan, and every 180 calendar days thereafter until the completion of the compliance plan, the University will submit to OCR a report regarding the status of its implementation of the compliance plan to fully and effectively accommodate the interests and abilities of members of the underrepresented sex including, as applicable, information demonstrating that a coaching staff has been hired for any new teams being added by the University, an update on the University's progress in recruiting student athletes for any teams that are added teams and a report of the budget provided to the teams.

ITEM 5: Equipment and Supplies

The University agrees to provide male and female student athletes equal athletic opportunity in the provision of equipment and supplies as required by Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c)(2).

The University will complete a comprehensive assessment of the provision of equipment and supplies during the 2021-2022 and 2022-2023 academic years for each male and female athletic team. The assessment will include the following:

- A. Information as to the quality, suitability, amount, and availability of each team's equipment and supplies;
- B. Information as to the age of each team's equipment and supplies and/or a schedule showing the University's last replacement of each team's equipment and supplies;
- C. The contracts the University has regarding the provision of equipment and supplies; and
- D. A team-by-team list indicating which equipment, supplies, uniform items, and other apparel are provided by the University and which are provided by the student-athlete.

REPORTING REQUIREMENTS

1. By September 15, 2023, the University will provide OCR a report detailing the assessment and results of the assessment regarding the provision of equipment and supplies.
 - a. If the University determines that the provision of equipment and supplies provided to the male and female athletic programs are equivalent, the University report will outline that determination and the information upon which it is based. The

University will provide supporting documentation related to the report, including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.

- b. If the University determines that the provision of equipment and supplies provided to the male and female athletic programs are not equivalent, the University report will include, for OCR's review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to the provision of equipment and supplies.
2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the University will provide OCR with documentation demonstrating the plan has been implemented, outlining the University's steps to implement the plan.

ITEM 6: Scheduling of Games and Practice Times

The University agrees to provide male and female student athletes equal athletic opportunity in the scheduling games and practice times as required by Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c)(3).

The University will complete a comprehensive assessment of the scheduling of games and practice time during the 2021-2022 and 2022-2023 academic years for each male and female athletic team. The assessment will include the following:

- A. The number of competitive events per sport;
- B. The number and length of practice opportunities;
- C. The time of day competitive events are scheduled;
- D. The time of day practice opportunities are scheduled; and
- E. Opportunities to engage in available pre-season competition.

REPORTING REQUIREMENTS

1. By September 15, 2023, the University will provide OCR a report detailing the assessment, and results of the assessment regarding the scheduling of games and practice time.
 - a. If the University determines that the scheduling of games and practice time for the male and female athletic programs are equivalent, the University's report will outline that determination and the information upon which it is based. The University will provide supporting documentation related to the report, including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.
 - b. If the University determines that the scheduling of games and practice time for male and female athletic programs are not equivalent, the University will submit to OCR, for its review and approval, a plan to ensure the provision of equal athletic

opportunities to participants of both sexes in its intercollegiate athletics program with respect to the scheduling of games and practice time.

2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the University will provide OCR with documentation demonstrating the plan has been implemented, outlining the University's steps to implement the plan.

ITEM 7: Travel and Per Diem Allowance

The University agrees to provide male and female student athletes equal athletic opportunity with respect to travel and per diem allowances and housing when traveling as required by 34 C.F.R. § 106.41(c)(4).

The University will complete a comprehensive assessment of travel, per diem allowances, and housing provided during the 2021-2022 and 2022-2023 academic years for male and female student athletes. The assessment will include:

- A. A review of the modes or methods of transportation used by each team for each competition, such as institutionally owned, privately owned, or commercial vehicles. Specify the type transportation used, e.g., car, van, bus, or plane;
- B. The total per diem or amount spent for each trip for each team and the per diem allowance or amount spent for meals for each athlete for each team;
- C. For each team, the number of student athletes on the travel squad for each away game or competition, the location of the game or competition, the names and positions of additional personnel (including coaches, trainers, and student assistants/managers) who traveled with the team to each game or competition, the vehicle(s) used and the capacity of the vehicle(s) used; and
- D. The role played by booster clubs and any other outside entities in the provision of transportation and per diem allowances.

REPORTING REQUIREMENTS

1. By September 15, 2023, the University will provide OCR a report detailing the assessment and results of the assessment regarding travel, per diem allowances, and housing when traveling.
 - a. If the University determines that travel, per diem allowances, and housing when traveling provided to the male and female athletic programs are equivalent, the University report will outline that determination and the information upon which it is based. The University will provide supporting documentation related to the report, including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.

- b. If the University determines that the travel, per diem allowances, and housing when traveling provided to the male and female athletic programs are not equivalent, the University report will include, for OCR's review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to travel, per diem allowances, and housing when traveling.
2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the University will provide OCR with documentation demonstrating the plan has been implemented, outlining the University's steps to implement the plan.

ITEM 8: Availability, Assignment, and Compensation of Tutors

The University agrees to provide male and female student athletes equal athletic opportunity in the availability, assignment, and compensation of tutors as required by Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c)(5) & (6).

The University will complete a comprehensive assessment of the availability, assignment, and compensation of tutors during the 2021-2022 and 2022-2023 academic years for each male and female athletic team. The assessment will include the following:

- A. A list of all University staff who tutored athletes during the 2021-2022 and 2022-2023 school years and information as to each tutors' qualifications, experience, and rates of pay;
- B. A description of how tutoring services were provided to athletes during the 2021-2022 and 2022-2023 school years, including information as to whether particular tutors were assigned to particular teams and, if so, the assignments for each team.
- C. a description of the procedures and criteria for obtaining tutorial assistance;
- D. a description of the tutors' availability for athletes; and
- E. a description of the tutoring sessions, e.g., whether they are class or individual sessions.

REPORTING REQUIREMENTS

1. By September 15, 2023, the University will provide OCR a report detailing the assessment and results of the assessment regarding the availability, assignment, and compensation of tutors.
 - a. If the University determines that the availability, assignment, and compensation of tutors provided to the male and female athletic programs are equivalent, the University report will outline that determination and the information upon which it is based. The University will provide supporting documentation related to the report, including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.
 - b. If the University determines that the availability, assignment, and compensation of tutors provided to the male and female athletic programs are not equivalent, the University report will include, for OCR's review and approval, a plan to ensure the

provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to the availability, assignment, and compensation of tutors.

2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the University will provide OCR with documentation demonstrating the plan has been implemented, outlining the University's steps to implement the plan.

ITEM 9: Assignment and Compensation of Coaches

The University agrees to provide male and female student athletes equal athletic opportunity in the assignment and compensation of coaches as required by Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c)(5) & (6).

The University will complete a comprehensive assessment of the assignment and compensation of coaches during the 2021-2022 and 2022-2023 academic years for each male and female athletic team. The assessment will include the following:

- A. A list of all University staff who were actively engaged in hiring and/or recruitment of coaches at the University during the 2021-2022 and 2022-2023 school years;
- B. A review of all coaching assignments, with the following information regarding the assignments:
 - a) Head coach and/or assistant coach;
 - b) Graduate or student assistant;
 - c) Full-time or part time as coach, and indicate percentage of full-time;
 - d) Length of contract or appointment;
 - e) Type of contract or appointment;
 - f) Other non-coaching duties at the institution and indicate the percentage of time;
 - g) A summary of each coach's background and qualifications; and,
 - h) Salary, stipend, or hourly compensation for coaching.

REPORTING REQUIREMENTS

1. By September 15, 2023, the University will provide OCR a report detailing the assessment and results of the assessment regarding the assignment and compensation of coaches.
 - a. If the University determines that the assignment and compensation of coaches provided to the male and female athletic programs are equivalent, the University report will outline that determination and the information upon which it is based. The University will provide supporting documentation related to the report, including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.
 - b. If the University determines that the assignment and compensation of coaches provided to the male and female athletic programs are not equivalent, the University report will include, for OCR's review and approval, a plan to ensure the provision of

equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to the assignment and compensation of coaches.

2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the University will provide OCR with documentation demonstrating the plan has been implemented, outlining the University's steps to implement the plan.

ITEM 10: Locker Room, Practice, and Competitive Facilities

The University agrees to provide equal athletic opportunity to male and female student athletes with respect to the provision of locker rooms, practice and competitive facilities as required by Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c)(7).

The University will complete a comprehensive assessment of all practice and competitive facilities and locker rooms assigned to each male and female athletic team. The assessment must include an evaluation of the following: quality and availability of the facilities provided for practice and competitive events; exclusivity of use of facilities provided to male and female teams for practice and competitive events; availability of locker rooms; quality of locker rooms; maintenance of practice and competitive facilities; and preparation of facilities for practice and competitive events. The assessment will include:

- A. Identification of all locker rooms, practice and competitive facilities, including their proximity to each other and to coaches' offices;
- B. Quality of each facility including, but not limited to, the quality of playing surfaces, field drainage and field lighting;
- C. Amenities for each locker room (seating, showers, laundry service, space available for trainers) and accommodations for visiting teams;
- D. Amenities for each practice and competitive field (concession facilities, public address systems, electronic scoreboards, special lighting on the field of play, wiring for television/online streaming coverage, seating, and housing at each field);
- E. Maintenance of each locker room, practice, and competitive facility;
- F. Preparation of each practice and competitive facility for events;
- G. The age of each locker room, practice, and competitive facility;
- H. Whether each locker room, practice, and competitive facility is on or off campus; and
- I. The availability of each locker room, practice and competitive facility, including whether certain teams or programs have exclusive use of the facility, and a schedule indicating when facilities are used for practices and competitions and how long the locker rooms are assigned for use by each team.

REPORTING REQUIREMENTS

1. By September 15, 2023, the University will provide OCR a report detailing the assessment, and results of the assessment, regarding its locker rooms, practice facilities and competitive facilities.

- a) If the University determines that the locker rooms, practice facilities and competitive facilities assigned to the male and female athletic programs are equivalent, the University's report will outline that determination and the information upon which it is based. The University will provide supporting documentation related to the report including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.
 - b) If the University determines that the locker rooms, practice facilities, and competitive facilities assigned to the male and female athletic programs are not equivalent, the University will submit to OCR, for its review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to the provision of locker rooms, practice facilities, and competitive facilities. The plan will also include a description of specific steps and timelines for construction of any new facility and/or remedial steps.
2. If Reporting Requirement 1(b) above is applicable, **within 365 days of OCR's approval of the plan**, the University agrees to provide OCR with a report documenting the University's efforts to implement the plan and any additional steps the University intends to take in the future. The University will continue to submit a report on the same date annually until the plan has been fully implemented, not to exceed five years from OCR's approval of the plan.

ITEM 11: Medical and Training Facilities and Services

The University agrees to provide male and female student athletes equal athletic opportunity in the provision of medical and training facilities and services as required by Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c)(8).

The University will complete a comprehensive assessment of the provision of medical and training facilities and services during the 2021-2022 and 2022-2023 academic years for each male and female athletic team. The assessment will include the following:

- A. A review of the availability of medical personnel and assistance, a review of health, accident and injury insurance coverage, and a review of the availability and qualifications of athletic trainers;
- B. A review of each weight, training, and conditioning facility available to student athletes, the teams by sex that use the facility, the schedule of use, the location of the facility, and the name and type of equipment in each facility; and
- C. A copy of a campus map, which locates all of the facilities.

REPORTING REQUIREMENTS

1. By September 15, 2023, the University will provide OCR a report detailing the assessment and results of the assessment regarding the provision of medical and training facilities and services.

- a. If the University determines that the provision of medical and training facilities and services provided to the male and female athletic programs are equivalent, the University report will outline that determination and the information upon which it is based. The University will provide supporting documentation related to the report, including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.
 - b. If the University determines that the provision of medical and training facilities and services provided to the male and female athletic programs are not equivalent, the University report will include, for OCR's review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to the provision of medical and training facilities and services.
2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the University will provide OCR with documentation demonstrating the plan has been implemented, outlining the University's steps to implement the plan.

ITEM 12: Publicity

The University agrees to provide male and female student athletes equal athletic opportunity in the provision of publicity as required by 34 C.F.R. § 106.41(c)(10).

The University will complete a comprehensive assessment of the provision of publicity during the 2021-2022 and 2022-2023 academic years for each male and female athletic team. This assessment will include:

- A. An inventory of all publicity provided to male and female athletes to determine whether men's and women's teams are provided equivalent publicity;
- B. An assessment of the availability and quality of services provided by sports information personnel;
- C. A determination of whether there is equivalent access to other publicity resources including the University's broadcast, online streaming, and/or posting of video-on-demand home games for its men's and women's teams; and
- D. An assessment of the quantity and quality of publications and other promotional devices featuring men's and women's teams.

REPORTING REQUIREMENTS

1. By September 15, 2023, the University will provide OCR a report detailing the assessment and results of the assessment regarding publicity.
 - a) If the University determines that provision of publicity to the male and female athletic programs are equivalent, the University report will outline that determination and the information upon which it is based. The University will provide supporting documentation related to the report, including: a description of

the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.

- b) If the University determines that the provision of publicity to the male and female athletic programs is not equivalent, the University report will include, for OCR's review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to the provision of publicity.
2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the University will provide OCR with documentation demonstrating the plan has been implemented, outlining the University's steps to implement the plan.

ITEM 13: Recruitment

The University agrees to provide male and female student athletes equal athletic opportunity with respect to recruitment as required by Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c).

The University will complete a comprehensive assessment of recruitment during the 2021-2022 and 2022-2023 academic years for each male and female athletic team. The assessment will include the following:

- A. For each team, a review of the geographic area of recruitment, the names of personnel who recruit, the number of full-time or part-time recruiters, a list of recruitment trips made by each person, and mode of transportation for the recruitment trip. Provide the methods of recruitment used by each person. Indicate the approximate percent of time each person spent on recruiting in relation to their other job duties.
- B. List the number of prospective student athletes who visited campus, and the number of prospective student athletes who had their trip to the campus subsidized in any way by the University.
- C. Describe the benefits each prospective student athlete received on their visit. For example, indicate how many student athletes received meal vouchers in the dining hall; how many received accommodations in student housing; or how many received individual and/or parent meals, hotel stays, or had travel paid for.

REPORTING REQUIREMENTS

1. By September 15, 2023, the University will provide OCR a report detailing the assessment and results of the assessment regarding the provision of support services.
 - a. If the University determines that provision of support services provided to the male and female athletic programs are equivalent, the University report will outline that determination and the information upon which it is based. The University will provide supporting documentation related to the report, including: a description of

the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.

- b. If the University determines that the provision of support services provided to the male and female athletic programs are not equivalent, the University report will include, for OCR's review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to the provision of support services.
2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the University will provide OCR with documentation demonstrating the plan has been implemented, outlining the University's steps to implement the plan.

The University understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the University understands that during the monitoring of the 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 Agreement. The University understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the University is in compliance with the terms of the Agreement and the statute and regulations at issue in the case.

The University understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

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

/s/
President or Designee
University of Maryland Eastern Shore

4/26/2023
Date