

**Voluntary Resolution Agreement
The University of Iowa
OCR Complaint #05152538**

The University of Iowa (the University) and the U.S. Department of Education, Office for Civil Rights (OCR), enter into this Voluntary Resolution Agreement (“Agreement”) to voluntarily resolve the gender equity investigation initiated as a result of the above-referenced complaint. OCR has made no finding of any violation of any regulation enforced by OCR. The University shall not be deemed or construed in any manner to have made any admission of liability by the negotiation, performance, terms or conditions of this Agreement. The University has entered into this Agreement voluntarily to conclude OCR’s investigation. The University is committed to comply with the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 (Title IX), and its implementing regulations at 34 C.F.R. Part 106, and agrees to take the following actions to demonstrate its compliance.

I. ATHLETIC INTERESTS AND ABILITIES

The University agrees to provide participation opportunities in its intercollegiate athletics program 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). Accordingly, the University has the option to demonstrate compliance with any one part of the three-part test¹ used by OCR to assess whether the interests and abilities of members of both sexes are being effectively accommodated to the extent necessary to provide an equal opportunity to participate in intercollegiate athletics by documenting that:

- 1) The University is providing intercollegiate athletic participation opportunities for female and male students in numbers substantially proportionate to their respective enrollments (Part 1);
or
- 2) The University has a history and continuing practice of intercollegiate athletic program expansion that is demonstrably responsive to the developing interests and abilities of students who are members of the underrepresented sex (Part 2); or
- 3) The interests and abilities of students who are members of the underrepresented sex have been fully and effectively accommodated by the University’s current intercollegiate athletics program (Part 3).

Each part of the three-part test is an equally sufficient and separate method of complying with the Title IX requirement to provide nondiscriminatory athletic participation opportunities.

The University contends that it can demonstrate that, for the 2016-17 academic year, it complied with part one of the three-part test used by OCR to assess whether the interests and abilities of members of both sexes are being effectively accommodated to the extent necessary to provide an equal opportunity to participate in intercollegiate athletics in numbers substantially proportionate to their respective enrollments.²

¹ See, the December 11, 1979, Intercollegiate Athletics Policy Interpretation (Policy Interpretation), at 44 *Fed. Reg.* 71,413 *et seq.*, found at <http://www2.ed.gov/about/offices/list/ocr/docs/t9interp.html>

² During its investigation, OCR reviewed data for the 2015-16 academic year.

A. Demonstration of current compliance

The University will, by January 30, 2018, demonstrate its compliance with part one by demonstrating substantial proportionality in participation rates in its intercollegiate athletics program by comparing the enrollment rates for its female and male students with their rates of participation in the University's intercollegiate athletics program during the 2016-17 academic year.

1. Enrollment rates will be calculated using the full-time 2016-17 undergraduate enrollment numbers, by sex.
2. The participation rates of female and male students will reflect the total number of females and males listed on the NCAA varsity squad or eligibility list for each intercollegiate varsity sport on the date of the first competition for each sport. The rates will not include athletes of the other sex who participate on practice squads.
3. The participation rates will not include participants in intramural, club or non- intercollegiate athletic activities.
4. Students who participate in more than one intercollegiate sport will be counted in each intercollegiate sport in which they participate.

The University will provide OCR with a detailed report, with copies of supporting documents, reflecting the University's evaluation of the proportions of female and male students in athletics. The report will include, at a minimum, a copy of the enrollment and participation data that the University relied on in determining the extent to which the University is providing intercollegiate athletic participation opportunities for male and female students in numbers substantially proportionate to their respective enrollments, a copy of all team squad or eligibility lists for each sport showing students, by sex, and other information reflecting the basis for the University's evaluation. Each head coach will verify in writing that he or she has reviewed the participation lists submitted to OCR and attest that the information is correct to the best of his or her knowledge. 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.

If the University demonstrates to OCR by January 30, 2018, that it complied with Part 1 during the 2016-17 academic year, then it shall not be required to demonstrate or report further compliance to OCR for the 2017-18 academic year or future years under the terms of this Agreement. That said, the University shall remain obligated to comply with any one part of the three-part test as defined in the December 11, 1979 Intercollegiate Athletics Policy Interpretation.

Should OCR determine that the University was unable to demonstrate compliance with Part 1 of the Three-Part Test for the 2016-2017 academic year, then by June 30, 2018 or within 60 days' notice from OCR (whichever is later), the University will demonstrate compliance for 2017-2018 with any one part of the three-part test, as follows in sections I.B through I.D, and will report such compliance to OCR as provided in section I.E.

B. Substantial proportionality in participation rates in intercollegiate athletics program

Should the University elect to demonstrate compliance with Part 1 of the Three-Part Test referenced above, then the University will compare the enrollment rates of its female and male students with their rates of participation in the University's intercollegiate athletics program during the 2017-18 academic year to determine if they are substantially proportionate.

1. Enrollment rates will be calculated using the full-time undergraduate enrollment numbers, by sex.
2. The participation rates of female and male students will reflect the total number of females and males listed on the NCAA varsity squad or eligibility list for each intercollegiate varsity sport on the date of the first competition for each sport. The rates will not include athletes of the other sex who participate on practice squads.
3. The participation rates should not include participants in intramural, club or non-intercollegiate athletic activities.
4. Students who participate in more than one intercollegiate sport will be counted in each intercollegiate sport in which they participate.

C. History and continuing practice of intercollegiate athletic program expansion

Should the University elect to demonstrate compliance with Part 2 of the three-part test referenced above, then the University will complete an evaluation that objectively assesses whether it has a history and continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of members of the underrepresented sex. The University's evaluation will be based on multiple factors, including:

1. The University's record since 1980 of adding intercollegiate varsity teams for members of the underrepresented sex or upgrading teams to intercollegiate varsity status and increasing the numbers of participants who are members of the underrepresented sex in intercollegiate varsity athletics;
2. Affirmative responses to requests made by students or others for addition or elevation of sports for students who are members of the underrepresented sex;
3. The existence and implementation of a nondiscriminatory policy or procedure for requesting the addition of sports (including the elevation of club or intramural teams) and the effective communication of the policy or procedure to students;
4. The existence and implementation of a plan of program expansion that is responsive to the developing interests and abilities of members of the underrepresented sex; and
5. Efforts to monitor the developing interests and abilities of members of the underrepresented sex, for example, by conducting periodic nondiscriminatory assessments of developing interests and abilities and taking timely actions in response to the results.

Accommodation of student interests and abilities

Should the University elect to demonstrate compliance with Part 3 of the three-part test referenced above, then the University will conduct an objective assessment to determine the athletic interests and abilities of the underrepresented sex and whether the University is fully and effectively accommodating their athletic interests and abilities. The assessment will be based on multiple indicators of interest and multiple indicators of ability, including:

1. 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. Any survey used by the University to assess intercollegiate athletic interests and abilities will be pre-approved as to content and methodology by OCR, and the methodology, implementation and response rates of each survey will maximize the possibility of obtaining accurate information and facilitating responses.
2. Identification 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 regions;
3. 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, or to elevate an existing club or intramural sport to intercollegiate sport status.
4. 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);
5. 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; and
6. Any other information that demonstrates the athletic interests and abilities of the University's students who are members of the underrepresented sex.

7. 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 regions in that sport.

E. Reporting requirements

1. Subject to section I.A, should the University elect to demonstrate compliance for 2017-2018 with Part 1 of the three-part test referenced above, then by June 30, 2018, the University will provide OCR with a detailed report, with copies of supporting documents, reflecting the University's evaluation of the proportions of female and male students in athletics conducted pursuant to section I.B. of this Agreement. The report will include, at a minimum, a copy of all enrollment and participation data that the University relied on in determining whether the University is providing intercollegiate athletic participation opportunities, a copy of team squad or eligibility lists for each sport showing students, by sex, and other information reflecting the basis for the University's evaluation. Each head coach will verify in writing that he or she has reviewed the participation lists submitted to OCR and attest that the information is correct to the best of his or her knowledge. 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. Should the University elect to demonstrate compliance with Part 2 of the three-part test referenced above, then by June 30, 2018, the University will provide OCR with a detailed report containing the University's evaluation as described and enumerated in section I.C of this Agreement, including any historical intercollegiate athletics participation data, any intercollegiate athletic gender equity studies conducted at the University since 1980 that were not previously provided to OCR, and the results of any surveys or other assessments of the athletic interests of University students since 1980, including a copy of any survey instruments used and the methodologies used to conduct the surveys.
3. Should the University elect to demonstrate compliance with Part 3 of the three-part test referenced above; the University will provide OCR with a detailed report by June 30, 2018, about the assessment conducted pursuant to section I.D of this Agreement. The report will include, at a minimum, the following information:
 - a) Copies of any surveys administered under this section and the results of those surveys, including but not limited to a complete description of the methodology used to conduct the survey, including how the survey was distributed, the number of surveys distributed and the number of responses, any follow-up to the initial distribution of the survey, the names and contact information for the individual(s) who evaluated the responses to the surveys and a copy of any notes or other documents compiled during the review of the surveys;
 - b) A summary of sports and squads 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) Rates of participation by members of the underrepresented sex in club and intramural sports at the University;
- d) Rates of participation by members of the underrepresented sex in interscholastic sports that operate in the geographic areas from which the University draws its enrollment;
- e) Copies of any written requests and summaries of any non-written requests made by or on behalf of students who are members of the underrepresented sex to add a particular sport or squad, or to elevate an existing club or intramural sport to intercollegiate sport status;
- f) Summaries of any assessments made during tryouts, or observations of students participating in club or intramural competition, and other information reflecting the ability of 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; and
- g) Any other information that was considered by the University as part of its assessment in determining whether it is fully and effectively accommodating the athletic interests and abilities of members of the underrepresented sex.

II. ACTIONS TO INCREASE ATHLETIC OPPORTUNITIES

If the University is unable to demonstrate current compliance under Section I of this Agreement for 2016-2017 or 2017-2018 as outlined above, then the University will by June 30, 2018, submit to OCR its detailed plan with timeframes to ensure that it effectively accommodates the interests and abilities of the underrepresented sex to the extent necessary to provide equal opportunity in its intercollegiate athletics program by no later than the 2018-2019 academic year, including the steps noted below, as applicable to bring the University into compliance with at least one part of the three-part test:

- A. Sports currently offered: The University will institute a squad size policy providing for increased participation opportunities for students who are members of the underrepresented sex to the maximum extent feasible consistent with the nature of each sport and the level of interest in each sport while still ensuring that meaningful intercollegiate athletic participation opportunities are being provided for all team members. The policy will apply to each sport currently offered and will not call for reducing intercollegiate athletic participation opportunities for the overrepresented sex, although at the University's option, such steps are permissible but not recommended or required by OCR.

- B. 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 who have the interest and ability to support the addition of a team in one or more sports not currently offered by the University as intercollegiate sports and in which there is sufficient intercollegiate competition within the University's normal competitive regions. If so, then the University will add a team in those sports and will hire a coaching staff, recruit student athletes and provide sufficient resources to the coaching staff during the 2017-18 and/or 2018-19 academic year to ensure that each team begins competition by no later than the 2018-19 academic year (unless other actions taken by the University first achieve compliance under Part 1 of the three-part test).
- C. Response to developing interests and abilities For any sport that is 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 in that sport, but where the University determines that there is not sufficient competition in that sport within the University's normal competitive regions, the University will take ongoing steps to address such interest and ability. Steps may include establishment of intramural or club sports, exploring the establishment of competition in the University's normal competitive regions, and elevating such sports to intercollegiate status when competition becomes available.
- D. Additional intercollegiate opportunities: To the extent that the University adds any sports, the University will provide those team(s), in a manner comparable to other intercollegiate teams, with sufficient funds in the budget(s) to cover expenses including, but not limited to: coaches, recruiting, equipment and supplies, travel, publicity and support services.
- E. Elimination of athletic teams: OCR has made clear to the University that OCR does not require or encourage the elimination of any University intercollegiate 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. OCR has also made clear to the University that Title IX provides institutions with flexibility and choice regarding how they will provide nondiscriminatory participation opportunities.

Reporting requirements

1. If OCR determines that the University is unable to demonstrate compliance pursuant to Section I of this Agreement, then (subject to 60 days' advance notice by OCR) by June 30, 2018, the University will submit to OCR its plan with timeframes to effectively accommodate the interests and abilities of the underrepresented sex to the extent necessary to provide equal opportunity in its intercollegiate athletics program by no later than the 2018-2019 academic year.
2. By June 30, 2018, and January 30, 2019, the University will provide OCR status reports regarding its implementation of its plan to effectively accommodate the interests and abilities of members of both sexes 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 the added teams and a copy of the detailed budget provided to the teams to ensure they are able to begin competition during the 2018-2019 or the 2019-2020 academic year. The status reports will also include documentation regarding the interim steps taken by the University to increase intercollegiate athletic participation opportunities for women during the 2017-2018 and 2018-2019 academic years.

3. By June 30, 2019, the University will provide to OCR a report that includes information demonstrating that its intercollegiate athletics program equally and effectively accommodates the athletic interests and abilities of both sexes.

III. ATHLETIC FINANCIAL ASSISTANCE (AFA)

The University agrees to provide reasonable opportunities for each sex to receive athletic scholarships and/or grants-in-aid in proportion to the number of students of each sex participating in intercollegiate athletics, consistent with the requirements of Title IX, the Title IX implementing regulation at 34 C.F.R. § 106.37(c), and applicable OCR policies.

The University contends that it can demonstrate that, for the 2016-2017 academic year, it complied with the athletic financial aid provisions of Title IX. The University will demonstrate to OCR its compliance by January 30, 2018, using the guidelines discussed below. If OCR determines that the University has demonstrated compliance with the athletic financial aid provisions of Title IX during the 2016-17 academic year, then it shall not be required to demonstrate or report further compliance to OCR for the 2017-18 academic year or future years. That said, the University shall remain obligated to comply with Title IX and 34 C.F.R. § 106.37(c) in the provision of athletic financial assistance.

- A. The University will compare the intercollegiate athletic participation rates of female and male participants as reflected on the NCAA squad or eligibility list for each intercollegiate sport (for purposes of establishing the participation rates, all students, including students who participate in more than one intercollegiate sport, will be counted only once) to the amounts of athletic financial assistance awarded to male and female participants.
- B. The University will examine whether there are any legitimate, nondiscriminatory explanations for any differences that exist, such as differences related to reasonable professional decisions appropriate for program development, the cost of in-state and out of state tuition, etc., and will adjust the total amounts of aid to take those differences into account.
- C. After taking all legitimate, nondiscriminatory explanations into account, the University will compare the intercollegiate athletic participation rates of male and female participants to the percentage of the total athletic aid awarded to male and female participants during the academic year and determine whether any resultant disparity is less than or equal to 1%.
- D. If OCR determines that the University is not able to demonstrate compliance for 2016-17, then by June 30, 2018, or within 60 days' notice from OCR (whichever is later), the University will provide OCR with a detailed report, with copies of supporting documents, reflecting the

University's evaluation of the awarding of athletic financial assistance for the 2017-18 academic year (and, separately, applicable aid awarded for summer school within 30 days after all such aid is distributed (approximately August 31, 2018)) to the University's female and male intercollegiate athletes. If OCR determines that the University's information demonstrates that it has complied with the AFA provisions during the 2016-17 academic year, then it shall not be required to demonstrate or report further compliance to OCR for future years. That said, the University shall remain obligated to comply with Title IX and 34 C.F.R. § 106.37(c) in the provision of athletic financial assistance.

- E. Athletic financial assistance reports will include, at a minimum, a copy of the participation data that the University relied on in determining the number of male and female participants in the University's intercollegiate athletics program; a copy of team squad or eligibility lists for each sport showing students, by sex, and the amounts of all athletic scholarships or grants-in-aid awarded by the University during the academic year; all applicable aid awarded for summer school; and a description of any legitimate, nondiscriminatory factors that led the University to make adjustments to the data as well as a detailed description of the adjustments made. The athletes listed and counted as participants will reflect the Policy Interpretation's definition of a participant for purposes of athletic financial assistance. Each head coach will verify in writing that he or she has reviewed the athletic financial assistance reports submitted to OCR for his or her sport, and attest that the information is correct to the best of his or her knowledge.

IV. ACTIONS TO ENSURE FUTURE COMPLIANCE

The University will take the following actions, including the reporting to OCR, only if unable to demonstrate compliance with Title IX pursuant to Section III of this Agreement for the 2016-17 or 2017-18 academic year:

- A. By June 30, 2018, or within 60 days' notice from OCR (whichever is later), the University will submit to OCR its detailed plan with timeframes to ensure that it provides reasonable opportunities for each sex to receive athletic scholarships and/or grants-in-aid in proportion to the number of students of each sex participating in intercollegiate athletics preferably by the 2018-19 academic year but by no later than the 2019-20 academic year, including the steps noted below. The plan will include a description of interim steps that have been or will be taken by the University during the 2017-18 and 2018-19 academic years.
1. The University will identify the specific steps it will take to make adjustments in the amounts of athletic scholarships and/or grants-in-aid it makes available to its male and female students in the intercollegiate program to ensure they are substantially proportionate to their respective intercollegiate athletics participation rates. The University understands that nothing in this Agreement requires the University to cut the amounts of athletic scholarships and/or grants-in-aid it offers to either sex and that any such cuts are discouraged.
 2. In making its calculations, the University will use intercollegiate athletic participation numbers that take into account any increase in intercollegiate athletic participation

opportunities the University is providing or plans to provide to students from the underrepresented sex in accordance with this agreement.

3. The University will identify all legitimate, nondiscriminatory factors that apply to the awarding of athletic scholarships and/or grants-in-aid and describe how they will be taken into account. Disparities may be explained by actions taken to promote athletic program development, and by differences between in-state and out-of-state tuition. Disparities might also be explained, for example, by legitimate efforts undertaken to comply with Title IX requirements, such as participation requirements. Similarly, disparities may be explained by unexpected fluctuations in the participation rates of males and females.
 4. For any asserted nondiscriminatory justification, the University must demonstrate that its asserted rationale is in fact reasonable and does not reflect underlying discrimination. For instance, if the University asserts the phase-in of scholarships for a new team as a justification for a disparity, the University must demonstrate that the timeframe for phasing-in of scholarships is reasonable in light of college sports practices to aggressively recruit athletes to build start-up teams quickly.
 5. The University will show that after taking all legitimate, nondiscriminatory factors into account, any remaining disparity between the intercollegiate athletic participation rates of male and female students and the percentage of the total athletic aid awarded to male and female participants during the academic year will be less than or equal to 1%.
- B. By June 30, 2018 or within 60 days' notice from OCR (whichever is later), June 30, 2019, and June 30, 2020 the University will provide OCR with reports that include information detailed in III.E. above, as well as documentation of the steps it has taken to implement the plan referenced in IV.A, to provide reasonable opportunities for each sex to receive athletic scholarships and/or grants-in-aid in proportion to the number of students of each sex participating in intercollegiate athletics.

V. EQUIPMENT AND SUPPLIES

The University agrees to provide equivalent treatment, benefits, and opportunities to female and male student athletes with respect to the provision of uniforms and other equipment and supplies.

- A. By April 30, 2018, the University will complete and provide to OCR its assessment and inventory of the uniforms and other equipment and supplies it provided to each of its men's and women's teams in 2016-17, as well as its equipment and supplies budgets, by team, for 2016-17.

The assessment will include, at a minimum, whether the University's women's intercollegiate athletic teams are provided with comparable opportunities as provided to the men's intercollegiate athletic teams in the quality, amount, suitability, availability, maintenance and replacement of the uniforms and other 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.

- B. Based on the assessment, the University will determine whether it provides equal athletic opportunities for members of both sexes in the provision of uniforms and other equipment and supplies; if it does not so provide equal opportunities, then it will develop a plan by April 30, 2018, to ensure that it will do so. The University will immediately commence implementation of the plan as applicable to spring 2018 sports, with final implementation by no later than the 2018-19 school year.
- C. 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.

Reporting requirements

1. By April 30, 2018, the University will provide to OCR a report detailing the assessment and results of the assessment of its equipment and supplies. If the University determines that it provides equivalent equipment and supplies, then the University shall not have further reporting obligations to OCR under Section V, unless given 60 days notice from OCR. That said, OCR shall decide if the University complies, and in any event, the University shall remain obligated to comply with Title IX's equipment and supplies provisions in the future.
2. If the University determines that the plan referenced under V.B is necessary, then the University will provide it to OCR by April 30, 2018, with status reports by June 30, 2018, January 30, 2019 and June 30, 2019, demonstrating implementation of the plan to provide equivalent treatment, benefits, and opportunities to female and male student athletes with respect to the provision of equipment and supplies. If the University demonstrates compliance for the 2017-2018 academic year in its June 30, 2018 report, then it shall not have further reporting obligations to OCR under section V for the 2018-2019 academic year, notwithstanding the prior sentence. If the University initially determines that the plan referenced under V.B is not necessary but OCR believes that it is necessary, then OCR and the University shall discuss the reasons for their differences, including potential legitimate non-discriminatory justifications, and mutually determine appropriate deadlines of at least 60 days for any necessary plan or status report through the end of the 2018-2019 academic year.

VI. LOCKER ROOMS, PRACTICE AND COMPETITIVE FACILITIES

The University agrees to provide equivalent treatment, benefits, and opportunities to female and male student athletes with respect to the provision of locker rooms, practice and competitive facilities.

- A. By April 30, 2018, the University will complete a comprehensive assessment of all current locker rooms, practice and competitive facilities assigned to each men's and women's athletic team. The assessment will include, at a minimum, an evaluation consistent with the principles set forth in V.C, above, of the: quality and availability of the facilities provided for practice and competitive events; exclusivity of use facilities provided 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 the following: identification of all locker rooms, practice and competitive facilities, including proximity of locker rooms to coaches' offices, and to practice and competitive facilities, quality of each facility including, but not limited to, the quality of playing surfaces, field drainage and field lighting, amenities for each locker room (seating, showers, laundry service, space available for trainers), accommodations for visiting teams, exclusive use of locker rooms, amenities for each practice and competitive field (concession facilities, public address systems, electronic scoreboards, special lighting on the fields for television coverage, seating and housing at each field), maintenance of each facility, preparation of each practice and competitive field, the age of each facility, whether it is on or off campus, and whether certain teams or programs have exclusive use of the facility, including a schedule showing when facilities are used for practices and competitions and how long the locker rooms are assigned for use by each team.

- B. Based on the assessment, the University will determine whether it provides equal athletic opportunities for members of both sexes in the provision of locker rooms, practice and competitive facilities; if it does not so provide equal opportunities, then it will develop a plan by April 30, 2018, to ensure that it will do so. The University will immediately commence implementation of the plan as applicable to spring 2018 sports, with final implementation by no later than the 2018-19 school year, except for any items requiring construction, which shall be implemented as soon as practicable based on consultation with OCR about the proposed timeline but by no later than the fall 2020 semester.

Reporting requirements

1. By April 30, 2018, the University will provide to OCR a report detailing the assessment and results of the assessment of its locker rooms and practice and competitive facilities. If the University determines that it provides equivalent locker rooms and practice and competitive facilities, then the University shall not have further reporting obligations to OCR under Section VI, unless given 60 days notice from OCR. That said, OCR shall decide if the University complies, and in any event, the University shall remain obligated to comply with Title IX's locker rooms and practice and competitive facilities provisions in the future.

2. If the University determines that the plan referenced under VI.B is necessary, then the University will provide it to OCR by April 30, 2018, with status reports by June 30, 2018, January 30, 2019 and June 30, 2019, demonstrating implementation of the plan to provide equivalent treatment, benefits, and opportunities to female and male student athletes with respect to the provision of locker rooms and practice and competitive facilities. If the University demonstrates compliance for the 2017-2018 academic year in its June 30, 2018 report, then it shall not have further reporting obligations to OCR under section VI for the 2018-2019 academic year, notwithstanding the prior sentence. If the University initially determines that the plan referenced under VI.B is not necessary but OCR believes that it is necessary, then OCR and the University shall discuss the reasons for their differences, including potential legitimate non-discriminatory justifications, and mutually determine appropriate deadlines of at least 60 days for any necessary plan or status report through the end of the 2018-2019 academic year.

VII. TUTORING

The University agrees to provide equivalent treatment, benefits, and opportunities to female and male student athletes with respect to the opportunity to receive appropriate academic tutoring.

- A. By April 30, 2018, the University will complete an assessment of availability and qualifications of tutors assigned to male and female athletes. The assessment will include, at a minimum, an evaluation consistent with the principle set forth in V.C, above, of the availability of tutors, the tutor qualifications; and tutor training, experience, and other qualifications.
- B. Based on the assessment, the University will determine whether it provides equal athletic opportunities for members of both sexes in the provision of appropriately advanced academic tutors; if it does not so provide, then it will by April 30, 2018, develop a plan to ensure that it provides equivalence. The University will immediately commence implementation of the plan as applicable to spring 2018 sports, with final implementation by no later than the 2018-19 school year.

Reporting Requirements

1. By April 30, 2018, the University will provide to OCR a report detailing the assessment and results of the assessment of its tutoring services. If the University determines that it provides equivalent tutoring, then the University shall not have further reporting obligations to OCR under Section VII, unless given 60 days notice from OCR. That said, OCR shall decide if the University complies, and in any event, the University shall remain obligated to comply with Title IX's tutoring provisions in the future.
2. If the University determines that the plan referenced under VII.B is necessary, then the University will provide it to OCR by April 30, 2018, with status reports by June 30, 2018, January 30, 2019 and June 30, 2019, demonstrating implementation of the plan to provide equivalent treatment, benefits, and opportunities to female and male student athletes with respect to the provision of tutors. If the University demonstrates compliance for the 2017-2018 academic year in its June 30, 2018 report, then it shall not have further reporting obligations to OCR under section VII for the 2018-2019 academic year, notwithstanding the prior sentence. If the

University initially determines that the plan referenced under VII.B is not necessary but OCR believes that it is necessary, then OCR and the University shall discuss the reasons for their differences, including potential legitimate non-discriminatory justifications, and mutually determine appropriate deadlines of at least 60 days for any necessary plan or status report through the end of the 2018-2019 academic year.

VIII. HOUSING AND DINING

The University agrees to provide equivalent treatment, benefits, and opportunities to female and male student athletes with respect to the opportunity to receive housing and dining.

- A. By April 30, 2018, the University will complete an assessment of housing and dining benefits and opportunities provided to male and female athletes for 2016-2017. The assessment will include, at a minimum, an evaluation consistent with the principle set forth in V.C, above, of the opportunity for male and female athletes to receive equivalent housing and dining benefits and services.
- B. Based on the assessment, the University will determine whether it provides equal opportunities for male and female athletes in the provision of housing and dining. If it does not provide equal opportunities, then it will develop a plan to ensure that it will do so. The University will immediately commence implementation of the plan as applicable to spring 2018 sports, with final implementation by no later than the 2018-19 school year.

Reporting Requirements

1. By April 30, 2018, the University will provide OCR with the assessment and results of the assessment of its housing and dining services. If the University determines that it has demonstrated that it complies with Section VIII.A., then it shall not have further reporting obligations to OCR under Section VIII, unless given 60 days notice from OCR. That said, OCR shall decide if the University complies, and in any event, the University shall remain obligated to comply with Title IX's housing and dining provisions in the future.
2. If the University determines that the plan referenced under VIII.B is necessary, then the University will provide it to OCR by April 30, 2018, with status reports by June 30, 2018, January 30, 2019 and June 30, 2019, demonstrating implementation of the plan to provide equivalent treatment, benefits, and opportunities to female and male student athletes with respect to the provision of housing and dining. If the University demonstrates compliance for the 2017-2018 academic year in its June 30, 2018 report, then it shall not have further reporting obligations to OCR under section VIII for the 2018-2019 academic year, notwithstanding the prior sentence. If the University initially determines that the plan referenced under VIII.B is not necessary but OCR believes that it is necessary, then OCR and the University shall discuss the reasons for their differences, including potential legitimate non-discriminatory justifications, and mutually determine appropriate deadlines of at least 60 days for any necessary plan or status report through the end of the 2018-2019 academic year.

IX. RECRUITING

The University agrees to provide equivalent treatment, benefits, and opportunities to female and male athletes with respect to recruiting.

- A. By April 30, 2018, the University will complete an assessment, by team, of 2016-2017 recruiting benefits and opportunities provided to current and prospective male and female athletes. The assessment will include, at a minimum, an evaluation consistent with the principle set forth in V.C, 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.
- B. Based on the assessment, the University will determine whether it provides equal athletic opportunities for members of both sexes in the provision of recruiting; if it does not so provide equal opportunities, then it will develop and submit to OCR by April 30, 2018, a plan to ensure that it provides equal athletic opportunities for men and women in the provision of recruiting by no later than the 2018-19 school year.

Reporting Requirements

1. By April 30, 2018, the University will provide OCR with its assessment and the results of the assessment of its recruiting practices and, as necessary, the referenced plan to provide equal athletic opportunities for members of both sexes to equivalently meet their needs in the provision of recruiting. If the University determines that it complies with Section IX.A., then it shall not have further reporting obligations to OCR under Section IX, unless given 60 days notice from OCR. That said, OCR shall decide if the University complies, and in any event, the University shall remain obligated to comply with Title IX’s recruiting provisions in the future.
2. If the University determines that the plan referenced under IX.B is necessary, then the University will provide it to OCR by April 30, 2018, with status reports by June 30, 2018, January 30, 2019 and June 30, 2019, demonstrating implementation of the plan to provide equivalent treatment, benefits, and opportunities to female and male student athletes with respect to the provision of recruiting. If the University demonstrates compliance for the 2017-2018 academic year in its June 30, 2018 report, then it shall not have further reporting obligations to OCR under section IX for the 2018-2019 academic year, notwithstanding the prior sentence. If the University initially determines that the plan referenced under IX.B is not necessary but OCR believes that it is necessary, then OCR and the University shall discuss the reasons for their differences, including potential legitimate non-discriminatory justifications, and mutually determine appropriate deadlines of at least 60 days for any necessary plan or status report through the end of the 2018-2019 academic year.

X. IMPLEMENTATION AND ENFORCEMENT OF THIS AGREEMENT

The University understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University understands that during the monitoring of this 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 of this Agreement and is in compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 and its implementing regulations at 34 C.F.R. Part 106. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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

Executed on _____ 2017

President
The University of Iowa