



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

XXXXXXXXXXXX, 2018

Dr. John Clune, Jr., President
Nicholls State University
Office of the President
P.O. Box 2001
Thibodaux, LA 70310

RE: OCR Case No. 06162077
Nicholls State University

Dear Dr. Clune:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint against Nicholls State University (NSU or University). The complaint alleged that NSU discriminated against female student athletes on the basis of sex by failing to provide equivalent locker rooms practice and competitive facilities for athletic participation [i.e., softball field, softball locker rooms, and softball storage]; equivalent opportunity to receive coaching [i.e., assignment and compensation for softball and baseball coaches and fundraising requirements]; equivalent travel and per diem allowance [i.e., travel budget and busses for softball and baseball]; and equitable financial assistance [i.e., athletic scholarships approximately twice as large for male athletes], in violation of Title IX.

OCR is responsible for determining whether organizations that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department, are in compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and its implementing regulations, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. NSU receives Federal financial assistance from the Department. Therefore, OCR has jurisdiction to investigate this complaint under Title IX.

Prior to the conclusion of OCR's investigation, NSU informed OCR that it was interested in resolving the complaint. Section 302 of OCR's Case Processing Manual (CPM) provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained

during the investigation and will be consistent with applicable regulations. OCR determined that a resolution under Section 302 of the CPM was appropriate.

On May 9, 2018, NSU voluntarily signed a resolution agreement (Agreement) to resolve the complaint allegations. A copy of the Agreement is enclosed.

OCR determined that the provisions of the Agreement are aligned with the complaint allegations and appropriately resolve them. Further, OCR accepts the Agreement as an assurance that NSU will fulfill its obligations under Title IX with respect to the complaint allegations. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor NSU's implementation of the Agreement.

Effective the date of this letter, OCR is closing the investigation of this complaint. This letter should not be interpreted to address NSU's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that NSU may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, you may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions concerning this letter, please contact Mr. Marvin Macicek, the investigator assigned to the complaint, at (214) 661-9636, or by email at marvin.macicek@ed.gov. You may also contact me at (214) 661-9648 or by email at timothy.caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
Dallas Office

Enclosure