



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

October 14, 2020

Ref: 06191451

Dr. Robert Williams, Superintendent
Hattiesburg Public School District
301 Mamie Street
Hattiesburg, MS 39401

Via email (superintendent@hattiesburgpsd.com)

Dear Dr. Williams:

The United States Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint which was received in our office on March 20, 2019, and filed against Hattiesburg Public School District (the District), in Hattiesburg, Mississippi. The Complainant alleged that the District discriminated against female athletes at Hattiesburg High School (HHS) on the basis of sex.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and its implementing regulation found at 34 C.F.R. Part 106 (Title IX). Title IX prohibits discrimination on the basis of sex in education programs and activities operated by recipients of Federal financial assistance from the Department (recipients). The District is a recipient.

OCR opened the following issue for investigation:

Whether the District failed to provide equal athletic opportunity to female students in interscholastic athletics at HHS regarding: (1) student interests and abilities; (2) provision of equipment and supplies; (3) assignment and compensation of coaches; and, (4) the provision of locker rooms, practice and competitive facilities in violation of Title IX and its implementing regulation at 34 C.F.R. § 106.41(c).

During OCR's investigation to date, OCR has reviewed information provided by the Complainant and the District, conducted interviews with both the Complainant and District staff, and conducted an on-site visit to the District. OCR's preliminary review indicates that the equipment and supplies for two women's teams, fast-pitch and slow-pitch softball are of lower amount compared to other sports. In addition to a lower budget, the teams also deal with equipment losses from frequent break-ins. OCR's preliminary review also indicates that the coaching and salaries of the two boys only sports (football and baseball) compared to the two girls only sports (volleyball and softball) has a significant disparity. While these numbers in and of themselves do not indicate non-compliance with Title IX, the disparities raise concerns regarding whether the University provides equal athletic opportunity for members of both sexes. OCR's preliminary review also indicates that the only sports to lack locker rooms or working bathrooms, regulation size practice and competitive facilities, and a well-manicured field are girls sports.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Prior to the conclusion of OCR's investigation, the District informed OCR that it was interested in resolving the complaint. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. The provisions of the resulting resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR approved the School's request to resolve this complaint prior to conclusion of the investigation.

The District voluntarily signed the enclosed resolution agreement (Agreement) on October 13, 2020. OCR determined the Agreement resolves the issue under investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor the District's implementation of the Agreement to ensure all commitments are satisfied.

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. You may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

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, it 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 about this letter, please contact Brian Aurelio, the attorney assigned to your complaint, at 214-661-9661, or by e-mail at Brian.Aurelio@ed.gov. You may also contact me at 214-661-9648 or by e-mail at Timothy.Caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
OCR Dallas Office