

## **Resolution Agreement**

Hattiesburg Public School District  
OCR Complaint No. 06191451

The U.S. Department of Education, Office for Civil Rights (OCR) and the Hattiesburg Public School District (District) enter into this Agreement to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions 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.

Prior to the completion of OCR's investigation, the District agreed to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions:

### **ACTION ITEM 1: PROVISION OF EQUIPMENT AND SUPPLIES**

The District agrees to provide equivalent athletic opportunities to participants of both sexes in its athletics program with respect to the provision of equipment and supplies, as required by Title IX and its implementing regulations at 34 C.F.R. § 106.41(c)(2), and OCR policy. In this regard, the District will assess its compliance with the requirements of this program component at Hattiesburg High School (HHS) and then, with OCR's assistance, develop and implement a plan to resolve any identified compliance concerns to ensure the District's provision of equipment and supplies is equitable for both sexes in its interscholastic athletics program. The District's assessment of its compliance with this program component will include consideration of input from student athletes and coaches.

- A. By January 15, 2021, the District will develop for OCR's review and approval policies and procedures designed to ensure the equivalent provision of equipment and supplies to the District boys' and girls' athletic teams at HHS. The District will implement the OCR-approved policies and procedures within 60 days following OCR's approval.
  
- B. By March 1, 2021, the District will conduct a comprehensive assessment of all equipment and supplies assigned to the boys' and girls' athletic teams at HHS to ensure the equivalent provision of equipment and supplies. The assessment will be documented in a report and shall include information about the District's athletics program as it existed during the 2018-2019 school year. The report shall include, at a minimum, a detailed listing and evaluation of the following:
  - i. All equipment and supplies provided to each athletic team;
  - ii. Quality and availability of all of the equipment and supplies provided to each athletic team;
  - iii. The source of funding for each (to include booster club funding and any other private donations) athletic team's equipment and supplies;

- iv. Whether the equipment supplied to all teams is within that sport’s “regulation;”
  - v. The number and duties of equipment/student managers for each athletic team;
  - vi. Laundry services provided to each team; and
  - vii. An explanation of the quantity and quality of storage facilities for each athletic team.
- C. Within 60 days following OCR’s approval of its assessment report, if the District determines that the equipment and supplies currently assigned to the boys’ and girls’ athletic teams are not comparable, the District will develop and submit to OCR for review and approval a plan to ensure that female and male athletes are provided with equivalent equipment and supplies. The plan will include a description of specific action steps, timelines, and revision of District policies, procedures, and practices to ensure the provision of equal athletic opportunity to participants of both sexes with respect to the provision of equipment and supplies.
- D. Within 30 days following OCR’s approval of its proposed plan to ensure that female and male athletes are provided with equivalent equipment and supplies, the District will begin implementation of the plan.
- E. Beginning on December 1, 2020, the District will note in its athletic budget whether each expenditure, including expenditures for the purchase and maintenance of equipment and supplies, are designated for the boys’ athletics program or for the girls’ athletics program.

**Reporting Requirements: Action Item 1**

- A. By January 15, 2021, the District will submit to OCR for review and approval a copy of the policies and procedures designed to ensure the equivalent provision of equipment and supplies to the District boys’ and girls’ athletic teams at HHS. OCR will respond no later than 60 calendar days after receiving the draft documents.
- B. Within 14 days following its implementation of the OCR-approved policies and procedures, the District will submit to OCR information indicating that the policies and procedures have been implemented, including, but not limited to, documentation showing that the policies and procedures have been published and communicated to all relevant students, staff members, and administrators.
- C. By January 15, 2021, the District will submit to OCR for review and approval a report of its assessment of the provision of equipment and supplies in its interscholastic athletics program at HHS as outlined in Action Item 1.B of this Agreement. OCR will respond no later than 60 calendar days after receiving the draft documents.
- D. By June 1, 2021, and by the same date thereafter in 2022 and 2023, the District will, if applicable, provide a report to OCR addressing the implementation of its plan to provide equivalent equipment and supplies to all female and male District athletes. The report should include appropriate documentation to demonstrate that the plan is being implemented.

- E. By February 1, 2021, and by the same date thereafter in 2021 and 2022, the District will provide to OCR a copy of its athletic budget for the preceding school year listing each expenditure by the sex of the athletic team(s) benefitting from the expenditure.

**Action Item 2: PROVISION OF LOCKER ROOMS, PRACTICE AND COMPETITIVE FACILITIES**

The District agrees to provide equal athletic opportunities to participants of both sexes in its interscholastic athletics program with respect to the provision of locker rooms, practice and competitive facilities, as required by Title IX and its implementing regulations at 34 C.F.R. § 106.41(c)(7), and OCR policy. In this regard, the District will assess its compliance with the requirements of this program component at HHS and then, with OCR's assistance, develop and implement a plan to resolve any identified compliance concerns to ensure the provision of equal athletic opportunity to participants of both sexes in its interscholastic athletics program. The District's assessment of its compliance with this program component will include consideration of input from student athletes and coaches.

- A. By January 15, 2021, the District will develop for OCR's review and approval policies and procedures designed to ensure the equivalent provision of locker rooms and practice and competitive facilities to the District boys' and girls' athletic teams at HHS. The District will implement the OCR-approved policies and procedures within 60 days following OCR's approval.
- B. By February 1, 2021, the District will complete a comprehensive assessment of all locker rooms, practice fields and facilities, and competitive fields and facilities assigned to the District boys' and girls' athletic teams to ensure the equivalent provision of locker rooms, practice and competitive facilities. The assessment will be documented in a report and shall include information about the District's athletics program as it existed during the 2018-2019 school year. The report shall include, at a minimum, an evaluation of the following:
- i. Quality and availability of the facilities provided for practice and competitive events for each athletic team at HHS;
  - ii. Exclusivity of use of facilities provided for practice and competitive events;
  - iii. Availability of locker rooms for each District athletic team at HHS;
  - iv. Quality of locker rooms for each District athletic team at HHS;
  - v. Maintenance of practice and competitive facilities; and
  - vi. Preparation of facilities for practice and competitive events.

The assessment of the above-listed factors shall include the following: a list of all locker rooms, practice fields and facilities, and competitive fields and facilities, including proximity of locker rooms to the practice and competitive facilities, quality of each facility (including, but not limited to, any identified issues related to field drainage, field lighting, etc.), amenities for each locker room (showers, laundry service, available trainers, accommodations for visiting teams), exclusive use of locker rooms, amenities for each practice and competitive field (concession facilities, public address systems, electronic scoreboards, seating 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 practice and competition and how long the locker rooms are assigned for use by each District athletic team at HHS. The assessment will include input from coaches and athletes of both sexes. The self-assessment will address any actions taken, or support provided by, booster clubs or other funding sources or groups supporting specific boys and/or girls teams. The self-assessment will also take into account any planned upgrades or improvements to remedy any unjustified disparities on the basis of sex identified by the self-assessment, and will result in revisions necessary to ensure that the District provides equal athletic opportunities for both sexes in the provision of locker rooms.

- C. Within 60 days following OCR's approval of its assessment report, the District will, if applicable, submit to OCR for its review and approval a plan to ensure that male and female student athletes are provided equivalent benefits and opportunities with respect to locker rooms, practice fields and facilities, and competitive fields and facilities. The plan will include a description of specific action steps, timelines, and revision of District policies, procedures, and practices to ensure the provision of equal athletic opportunity to participants of both sexes with respect to locker rooms, practice fields and facilities, and competitive fields and facilities.
- D. Within 30 days following OCR's approval of its proposed plan to ensure that male and female student athletes are provided equivalent benefits and services in the locker rooms, practice, and competitive facilities component, the District will begin implementation of the plan.

### **REPORTING REQUIREMENTS – Action Item 2**

- A. By January 15, 2021, the District will submit to OCR for review and approval a copy of its policies and procedures designed to ensure the equivalent provision of locker rooms, and practice and competitive facilities to the boys' and girls' athletic teams at HHS. OCR will respond no later than 60 calendar days after receiving the draft documents.
- B. Within 14 days following its implementation of the OCR-approved policies and procedures, the District will submit to OCR information indicating that the policies and procedures have been implemented, including, but not limited to, documentation showing that the policies and procedures have been published and communicated to all relevant students, staff members, and administrators.
- C. By February 1, 2021, the District will submit to OCR for review and approval a report of its assessment of the provision of locker rooms and practice and competitive facilities in its interscholastic athletics program as outlined in Action Item 2.B of this Agreement. OCR will respond no later than 60 calendar days after receiving the draft documents.
- D. By February 1, 2021, and by the same date thereafter in 2022 and 2023, the District will, if applicable, provide a report to OCR addressing the implementation of its plan to provide equivalent benefits and services in the locker rooms, practice, and competitive

facilities component to all female and male District athletes. The report should include appropriate documentation to demonstrate that the plan is being implemented.

The District 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 District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Title IX, 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 District 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 District 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 District's representative below.

**Action Item 3: OPPORTUNITY TO RECEIVE COACHING AND ASSIGNMENT AND COMPENSATION OF COACHES**

The District agrees to provide equal athletic opportunities to participants of both sexes in its interscholastic athletics program with respect to the opportunity to receive coaching and the assignment and compensation of coaches, as required by Title IX and its implementing regulations at 34 C.F.R. § 106.41(c)(5) and (6), and OCR policy. In this regard, the District will assess its compliance with the requirements of this program component at Hattiesburg High School (HHS) and then, with OCR's assistance, develop and implement a plan to resolve any identified compliance concerns to ensure the provision of equal athletic opportunity to participants of both sexes in its interscholastic athletics program at HHS. The District's assessment of its compliance with this program component will include consideration of input from student athletes and coaches.

- A. By January 15, 2021, the District will complete a comprehensive assessment of the availability, assignment, and compensation of coaches in its interscholastic athletics program at HHS to ensure that participants of both sexes are provided coaching benefits that are equivalent or equivalent in effect. The assessment will be documented in a report and shall include information about the District's athletics program as it existed during the 2018-2019 school year. The report shall also include, at a minimum, an assessment of the following factors:
  - B. The number of participants for each team at HHS in the District.

- i. A review of the relative availability of full-time coaches, part-time coaches, and assistant coaches at HHS in the District.
  - ii. A review of the assignment of coaches, including their respective training, experience, and other professional qualifications, and professional standing, at HHS in District.
  - iii. A review of the compensation of coaches, including full-time, part-time, and assistant coaches. The review shall include coaches' rate of compensation (per sport, per season), duration of contracts, conditions relating to contract renewal, experience, nature of coaching duties performed, working conditions, and other terms and conditions of employment, at HHS in District.
  - iv. A review of any District or HHS policies, procedures, and practices that impact District's athletics program with regard to the opportunity to receive coaching for both sexes and the assignment and compensation of coaches.
  - v. A description of any differences related to the availability, assignment, and compensation of coaches, if any, between male and female participants in District's interscholastic athletics program, for the 2014-2015 and 2015-2016 school years, including, but not limited to, coaching reassignments, new hires, and/or other changes in the opportunity to receive coaching and the assignment and compensation of coaches.
- C. Within 60 days following OCR's approval of its assessment report, District will, if any compliance concerns are identified, submit to OCR for its review and approval a plan to ensure that male and female student athletes are provided equivalent benefits and services in the coaching component. The plan will include a description of specific action steps, timelines, and revision of District policies, procedures, and practices to ensure the provision of equal athletic opportunity to participants of both sexes in the assignment, availability, and compensation of coaches.
- D. If applicable, District will begin implementation of the plan within 30 days of OCR's approval of the plan.

### **REPORTING REQUIREMENTS – Action Item 3**

- A. By January 15, 2021, District will submit to OCR for review and approval a report of its assessment of the availability, assignment, and compensation of coaches in its interscholastic athletics program. OCR will respond no later than 60 calendar days after receiving the draft documents.
- B. By June 1, 2021, and by the same date thereafter in 2022 and 2023, the District will, if applicable, provide a report to OCR addressing the implementation of its plan developed under I (2) above. The report should include appropriate documentation to demonstrate that the plan is being implemented.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR

may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement. Upon the District’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The District further understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the District 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 District’s representative below.

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Dr. Robert Williams, Superintendent  
Hattiesburg Public School

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Date