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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

Renaissance Tower
1201 Elm Street, Suite 1000
Dallas, TX 75270

March 24, 2021

Ref: 06202074

Dr. Bobby Hall, President
Wayland Baptist University
1900 W. 7th St.
Plainview, TX 79072

Via email (hallb@wbu.edu)

Dear Dr. Hall:

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 January 9, 2020, and filed against Wayland Baptist University (the University), in Plainview, Texas. The Complainant alleged that the University discriminated against female golf athletes 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 University is a recipient.

OCR opened the following issue for investigation:

Whether the University failed to provide equal athletic opportunity to female students in intercollegiate athletics regarding: (1) scheduling of games and practice times; and (2) travel and per diem allowance; in violation of Title IX and its implementing regulation at 34 C.F.R. § 106.41(c).

OCR reviewed information provided by you and the University and conducted surveys with both golf coaching staff and student athletes. OCR's preliminary review indicates that, during the 2018-2019 and 2019-2020 school years, the University provided keys to its basement facility for pre-season access to the "TrackMan swing analyzer" only for the men's golf team – not the women's golf team. Additionally, the men's golf team had exclusive access to some golf courses for practice, such as Lubbock Country Club and Amarillo Country Club which were rated good to excellent in quality, and held more practices than the women's team at La Paloma Country Club, where a tournament was hosted. The University indicated the women's team had three practices at La

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

Paloma Country Club leading up to the tournament hosted there. The women's team had exclusive access to Hilcrest Country Club and Canyon Country Club, which were rated as only good to poor in quality. Furthermore, a review of the tournament schedule for the 2018-2019 and 2019-2020 school years shows the men's golf team was scheduled for one or two more tournaments each semester compared to the women's golf team. The University indicated that the men's golf team was scheduled for one more tournament in each of the Fall 2018 and Fall 2019 semesters and 2 more in the Spring of 2019. In the Spring of 2020, the University indicated the women's team had been scheduled for the same number of tournaments as the men only to have the last three cancelled due to COVID-19. Regarding travel and per-diem allowance, OCR's preliminary review found that when traveling by vehicle, the men's team always used the golf van and the women's team always used a University 15 passenger van. The University's description of the vehicles and student surveys indicate the golf van is a nicer and more comfortable mode of transportation compared to the 15 passenger vans. While the University indicated the difference was due to driver preference, the Complainant and all female athletes surveyed by OCR indicated the women's team was not permitted to use the Mercedes van (used by the men's team).

Based on OCR's preliminary review referenced above, OCR found a concern that the University may not be providing equal athletic opportunity for female students in interscholastic athletics in the golf program with respect to scheduling of games and practice times, and travel and per diem allowance.

Prior to the conclusion of OCR's investigation, the University informed OCR that it was interested in resolving the concerns identified above. 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 University's request to resolve the allegations prior to conclusion of the investigation.

The University voluntarily signed the enclosed resolution agreement (Agreement) on March 23, 2021. 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 University'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. 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 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