



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

May 29, 2020

Ref: 06202136

Dr. Michael J. Heindl, President
Northwest Mississippi Community College
4975 Highway 51N
Senatobia, Mississippi 38668

Via e-mail only (mheindl@northwestms.edu)

Dear Dr. Heindl,

The United States Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, which was received on February 18, 2020, filed against the Northwest Mississippi Community College (NMCC or Recipient), in Senatobia, Mississippi. The Complainant alleged that the NMCC discriminates against female students at the NMCC on the basis of sex in its athletics program.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), or 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, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. The NMCC is a recipient. Therefore, OCR has jurisdiction over this complaint under Title IX.

OCR opened the following issue for investigation—whether the NMCC failed to provide equal athletic opportunity to female students (e.g., the Softball Team) in intercollegiate athletics regarding: (1) the provision of locker rooms, practice and competitive facilities; (2) publicity; (3) scheduling of games and practice time; (4) travel and per diem allowance; and (5) the provision of housing and dining services in violation of Title IX and its implementing regulation at 34 C.F.R. § 106.41(c).

OCR reviewed information provided by the Complainant and the NMCC. OCR also conducted an interview with the Complainant. OCR's preliminary review of the information provided indicates the NMCC currently has four men's sports teams, with a total of 126 male athletes, and three women's sports teams, with a total of 57 female athletes. The NMCC also has one co-educational team with nine male and four female athletes. Additionally, the NMCC is in the process of creating

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by fostering educational excellence and ensuring equal access.

a women's sports team, volleyball, which is projected to start competing in Fall 2020. Evidence reviewed by OCR indicates the NMCC's internal review has identified issues with the softball team's practice and playing field including that the field floods and is not equipped with a lighting system for the field of play. By comparison, the NMCC's baseball field has been renovated to address similar issues. Additionally, evidence indicates the NMCC does not have a dedicated locker room facility for the women's softball team while the men's baseball team has a dedicated locker room in the NMCC's main sports complex. OCR's review indicates that during the last two academic years, the NMCC has live streamed and posted on-demand video of home baseball games. However, the evidence indicates the NMCC has not streamed or posted on-demand video of the softball team's games during that time period. OCR's review indicates during the 2019-2020 academic year, the NMCC scheduled a majority of the men's teams' games earlier than it scheduled a majority of the women's teams' games. Furthermore, evidence reviewed by OCR indicates that during fiscal year 2019, the NMCC spent more money on salaries, scholarships, travel, and meals for men's teams compared to the women's teams. Regarding dining, evidence reviewed by OCR indicates the NMCC provided a special meal supplement (i.e., an extra serving of protein in addition to the standard meal plan) to two men's teams compared to one women's team. OCR's preliminary review of the above-referenced information raises a concern that the NMCC may not provide equal athletic opportunities for members of both sexes with respect to the legal issue above.

Prior to the conclusion of OCR's investigation, the NMCC informed OCR that it was interested in resolving the issue opened for investigation. Section 302 of OCR's Case Processing Manual (CPM) provides that an allegation 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 NMCC's request to resolve the issue opened for investigation.

The NMCC voluntarily signed the enclosed resolution agreement (Agreement) on May 29, 2020. OCR determined the Agreement resolves the issue opened for investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor the NMCC's implementation of the Agreement to ensure all commitments are satisfied.

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 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 Najwa-Monique Sharpe, the attorney assigned to investigate your complaint, at (214) 661-9642, or by e-mail at najwa-

monique.sharpe@ed.gov. You may also contact me at 214-661-9648 or by e-mail at timothy.caum@ed.gov.

Sincerely,

/s/

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

CC: XX—phrase redacted—XX, NMCC Vice President of Instruction Via e-mail only (XX—
phrase redacted—XX)