

**Resolution Agreement  
Wayne State College  
OCR Complaint No. 07102096**

The U.S. Department of Education, Office for Civil Rights (OCR), conducted a complaint investigation of Wayne State College (College), Wayne, Nebraska, pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 1681, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance. The College, as a recipient of Federal financial assistance, is subject to the requirements of Title IX and its implementing regulation.

The Complainant alleged that the College failed to provide equal athletic opportunity for females. The College agrees to complete the following action items to resolve this complaint.

**Action Item 1: Accommodation of Athletic Interests and Abilities – 34 C.F.R. § 106.41(c)(1)**

Beginning with academic year 2016-17, the College will take steps to ensure that it provides equal athletic opportunities for members of both sexes in accommodating athletic interests and abilities in accordance with 34 C.F.R § 106.41(c)(1). Specifically, the College will assess the interests and abilities of female students and demonstrate whether same are fully and effectively accommodated by the College's current athletics program. OCR will determine whether the selection of sports and levels of competition in the intercollegiate athletics program at the College effectively accommodates the interests and abilities of female students.

- A. Commitment #1:** The College agrees to provide participation opportunities in its intercollegiate athletics program for female and male students that equally and effectively accommodate the athletic interests and abilities of members of both sexes, consistent with the requirements of Title IX, the Title IX implementing regulation at 34 C.F.R. § 106.41(c)(1), and the December 11, 1979 guidance, A Policy Interpretation: Title IX and Intercollegiate Athletics. Each part of the Three-Part Test is an equally sufficient and separate method of complying with the Title IX regulatory requirement to provide nondiscriminatory athletic participation opportunities. The College has selected Prong III of the Three-Part Test which requires demonstration that the interests and abilities of female students are fully and effectively accommodated by the College's current athletics program.

The College will develop a policy setting forth the process by which it will review requests (whether oral or written, formal or informal) made to College administrators, coaches, or staff by or on behalf of students to add a particular sport, squad, level of sport, or to elevate an existing intramural sport or club sport, if any, to intercollegiate sport status, including its policy or procedure for requesting additional sports, the designation of the person responsible for receiving and responding to such requests, and the College's plans, methods and efforts to ensure wide distribution of such policies and procedures to potential applicants, existing and newly admitted students, as well as to coaches and other employees. A copy of the College's draft policy will be submitted to

OCR for its review and approval before being adopted by the College, published, and disseminated to students. When submitting the draft policy to OCR for review and approval, the College will also describe the method it will use to publish and effectively disseminate the policy or procedure to its students.

**B.** By December 9, 2016, the College will provide for OCR's review and approval a copy of the College's policy setting forth the process by which it will review requests to add additional or elevate existing sports and the College's plan to ensure wide distribution of such policies and procedures to potential applicants, existing and newly admitted students, as well as to coaches and other employees.

**C. Commitment and Reporting Requirement #2: Part III - Effective Accommodation of Interests and Abilities.** The College will demonstrate compliance with Part III of the Three-Part Test by documenting that the interests and abilities of students who are members of the underrepresented sex (female students) have been fully and effectively accommodated by the College's current intercollegiate athletics program. The College will adhere to the Objective Assessment and Actions to Increase Athletic Opportunities sections below.

- i. **Objective Assessment - Commitment:** The College will conduct an objective assessment to determine the athletic interests and abilities of female students and whether the College is fully and effectively accommodating the athletic interests and abilities of its female students. The assessment will be based on multiple indicators of interest and multiple indicators of ability, including:
  - a. administration of a survey of students and admitted students who are likely to attend or other information collected from students and admitted students using a method that is designed to fully and accurately assess unmet athletic interests and abilities in intercollegiate sports among female students. A copy of the College's draft survey or other assessment tool will be submitted to OCR for its review and approval before being distributed to students and admitted students. The College will make revisions to the survey as advised by OCR. Upon OCR's written approval, the College will administer the survey, endeavoring to generate as high a response rate as possible, including following up with students and admitted students who do not respond;
  - b. identification of any sports, squads, and levels of sports for female students that are not currently offered by the College that are offered by schools that compete within the athletic conference in which the College competes and by schools that are within the College's normal competitive region;
  - c. reviewing rates of participation by female students in club and intramural sports, if any, at the College;
  - d. reviewing any requests (whether oral or written, formal or informal) made to College administrators, coaches, or staff by or on behalf of female students and

admitted female students to add a particular sport, squad, or level of sport, or to elevate an existing intramural sport or club sport, if any, to intercollegiate sport status;

- e. examination of the participation rates of female students in interscholastic sports, amateur athletic associations, and community sports leagues that operate in the areas from which the College draws its enrollment;
  - f. reviewing the number of students cut from any women’s team in the last three years and the reasons they were cut, to assess whether any of the students who were cut have the ability and interest to compete at the intercollegiate level in that or another sport and whether sufficient numbers of students who were cut could sustain a College intramural or club sport;
  - g. examination of assessments made by College coaches or staff during tryouts, or observations of students participating in intramural competition, and other information reflecting the ability of female students to compete in a particular sport, prior participation in that sport or a similar sport at the middle or high school level or intramural or club level, general athletic ability, participation in other sports, the nature of the particular sport, and other relevant factors. Neither a poor competitive record, nor the inability of interested students or admitted students who are likely to attend to play at the same level of competition engaged in by the College’s other athletes is conclusive evidence of lack of ability. For the purposes of assessing ability, it is sufficient that interested students and admitted students have the potential to sustain an intercollegiate team.; and
  - h. consideration of any other information that demonstrates the athletic interests and abilities of the College’s female students.
- ii. Objective Assessment - Reporting Requirement
- a. By December 9, 2016, the College will provide a copy of the draft assessment tool referenced in Action Item 1.C.i above for OCR’s review and approval.
  - b. By February 10, 2017, the College will provide OCR for its review and approval a complete description of the planned methodology for conducting the assessment, including how the assessment will be distributed, the number of assessments to be distributed, any planned follow-up to the initial distribution of the assessment, the names and contact information for the individual(s) who prepared the assessment and the individuals who will evaluate the responses to the assessment, and the protocol for retaining a copy of any notes or other documents compiled during the review of the assessment.

- c. At the beginning of the 2017-18 and 2018-19 academic years, the College will administer the OCR approved assessment.<sup>1</sup>
- d. Within 60 days of completing assessments at the beginning of the 2017-18 and 2018-19 academic years, the College will provide OCR a detailed report summarizing the results of the assessment conducted by the College. The report will include the following information and/or supporting documentation:
  1. a copy of the results of the assessment, including but not limited to the number of students by sex and by sport who indicated an interest in each sport; a complete description of the methodology used to conduct the assessment, including how the assessment was distributed, the number of assessments distributed, and the number of responses; any follow-up to the initial distribution of the assessment; the names and contact information for the individual(s) who evaluated the responses to the assessment; and a copy of any notes or other documents compiled during the review of the assessment;
  2. an analysis of the results of the assessment and other information collected using a method that is designed to fully and accurately assess unmet athletic interests, and if applicable, abilities in intercollegiate sports among female students;
  3. a list of sports, squads, and levels of sports for female students that are not currently offered by the College, but are offered either by schools that compete within the athletic conference in which the College competes or by schools that are within the College's normal competitive region and geographic area;
  4. copies of any written requests and a summary of any non-written requests made by or on behalf of female students to add a particular sport, squad, or level of sport, or to elevate an existing clubs sport to intercollegiate sport status;
  5. a summary of any assessments made by coaches or staff during tryouts or other information regarding the ability of female students to compete in a particular sport, prior participation in that sport or a similar sport at the interscholastic level or club or intramural level, general athletic ability, participation in other high school intercollegiate sports, the nature of the particular sport, and other relevant factors; and

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<sup>1</sup> The College has a continuing responsibility to ensure that it is providing participation opportunities in its intercollegiate athletics program for female and male students that equally and effectively accommodate the athletic interests and abilities of members of both sexes.

6. the College's analysis and conclusions as to whether the College is fully and effectively accommodating the athletic interests and abilities of female students.
- iii. **Actions to Increase Athletic Opportunities – Commitment:** The College will submit its detailed plan with timeframes to effectively accommodate the interests and abilities of female students to the extent necessary to provide equal opportunity in its intercollegiate athletics program by the 2018-19 school year. The College's plan will include the steps noted below. In addition, the plan will include a description of interim steps that will be taken by the College during the 2017-18 school year to increase intercollegiate athletic participation opportunities for female students. The College also agrees to conduct periodic assessments of the athletic interests and abilities of its students and admitted students in subsequent years to ensure it is equally and effectively accommodating the athletic interests and abilities of its male and female students consistent with Title IX and its implementing regulation.
    - a. **Sports currently offered:** The College will review the squad sizes of current teams to identify opportunities to increase participation opportunities for female students to the maximum extent feasible consistent with the nature of each sport and the level of interest in each sport while still ensuring that meaningful intercollegiate athletic participation opportunities are being provided for all team members.
    - b. **Sports not currently offered:** The College will determine whether there are a sufficient number of female students with the interest and ability to support the addition of a team in sports not currently offered by the College as intercollegiate sports and sufficient competition in those sports within the College's normal competitive region. If so, the College will add a team in those sports and will hire a coaching staff, recruit student athletes, and provide these student athletes equivalent treatment, benefits, and services, including sufficient resources to the coaching staff during the 2017-18 academic year to ensure that each team begins competition no later than the 2018-19 academic year.
    - c. **Response to developing interests and abilities:** For any sport that is not currently offered by the College in which there are a sufficient number of female students who have the interest and ability to support a team in that sport, but where the College determines that there is not sufficient competition in that sport within the College's normal competitive region, the College will take ongoing steps to address such interest and ability. Steps may include establishment of intramural or club sports, exploring the establishment of competition in the College's normal competitive region, competing outside of its normal competitive region, and elevating such sports to intercollegiate status when competition becomes available.

- d. Elimination of athletic teams: The College acknowledges that OCR does not require or encourage the elimination of any College intercollegiate athletic teams and that it seeks action from the College that does not involve the elimination of athletic opportunities, because nothing in Title IX or the Three-Part Test requires an institution to cut teams or reduce opportunities for students who are participating in intercollegiate athletics in order to comply with the provisions of Title IX relating to the effective accommodation of the interests and abilities of male and female students. The College acknowledges that Title IX provides institutions with flexibility and choice regarding how they will provide nondiscriminatory participation opportunities.
- e. Additional intercollegiate opportunities: To the extent that the College adds any sports, the College will provide those team(s), in a manner comparable to other intercollegiate teams, with sufficient funds in its budget to ensure equal opportunities, including but not limited to: athletic financial assistance, coaches, recruiting, equipment and supplies, travel, publicity, support services, and locker rooms, practice and competitive facilities.

iv. Actions to Increase Athletic Opportunities – Reporting Requirements

By November 1, 2017, the College will provide OCR for its review and approval a copy of its plan with timeframes to effectively accommodate the interests and abilities of female students by the 2018-19 school year. The plan will include a description of the interim steps that will be taken by the College during the 2017-18 school year to increase intercollegiate athletic opportunities for the underrepresented sex.

By May 31, 2018, the College will provide OCR a status report regarding its implementation of its plan to effectively accommodate the interests and abilities of female students including, as applicable, information demonstrating that a coaching staff has been hired for any new teams being added by the College, an update on the College's progress in recruiting student athletes for the added teams, and a copy of the detailed budgets provided to the teams to ensure they are able to begin competition during the 2018-19 school year. The status report will also include documentation regarding any other interim steps taken by the College to increase intercollegiate athletic participation opportunities for women during the 2017-18 school year.

By May 31, 2019 and May 31, 2020, the College will provide OCR, for OCR's review and approval, a report that includes information demonstrating that its intercollegiate athletics program equally effectively accommodate the athletic interests and abilities of its female students.

**Action Item 2: Athletic Financial Assistance – 34 C.F.R. § 106.37(c)**

Beginning with academic year 2016-17, the College will take steps to ensure that it provides equal athletic opportunities for members of both sexes in the component of athletic financial assistance, in accordance with 34 C.F.R. § 106.37(c) and OCR policy.

**A. Commitment:**

- i. Reduction in Scholarship/Grants-in-Aid: The College to develop an athletic financial assistance plan, in conjunction with the plan developed pursuant to Action Item 1 above for increasing athletic opportunities for members of the underrepresented sex (female students), that provides reasonable opportunities for each sex to receive athletic scholarships and/or grants-in-aid in proportion to the number of students of each sex participating in intercollegiate athletics, consistent with the requirements of Title IX, the Title IX implementing regulation at 34 C.F.R. § 106.37(c), and applicable OCR policies. The College further agrees it will not reduce during the time that it is developing its athletic financial assistance plan the percent of the total scholarship and/or grants-in-aid dollars currently awarded to male or female athletes without first providing documentation demonstrating the reason for the proposed reduction and obtaining prior approval from OCR.

- ii. Demonstration of Current Compliance

By January 31, 2017, the College will compare the amount of athletic scholarships and/or grants-in-aid awarded to male and female athletes during the 2015-16 school year to determine if the athletic scholarships and/or grants-in-aid were substantially equal to the male and female students' intercollegiate athletic participation rates, after taking into consideration any legitimate, nondiscriminatory reasons for any differences.

The College will compare the intercollegiate athletic participation rates of female and male students as reflected on the NCAA squad or eligibility list for each intercollegiate sport (for purposes of establishing the participation rates, all students, including students who participate in more than one intercollegiate sport, will be counted only once) to the amounts of athletic financial assistance awarded to male and female athletes.

The College will examine whether there are any legitimate, nondiscriminatory explanations for any differences that exist, such as differences related to reasonable professional decisions, appropriate for program development, and adjust the total amounts of aid to take those differences into account.

After taking all legitimate, nondiscriminatory explanations into account, the College will compare the intercollegiate athletic participation rates of male and female students to the rates at which athletic scholarships and/or grants-in-aid are awarded to male and female athletes and determine whether any resultant disparity is less than or equal to 1% of the entire budget for athletic scholarships and/or grants-in-aid.

## **B. Reporting Requirement – Evaluation of Current Compliance**

By March 31, 2017, the College will provide OCR with a detailed report, with copies of supporting documents, reflecting the College's evaluation of the awarding of athletic financial assistance to the College's female and male intercollegiate athletes pursuant to Action Item 2.A.ii of this Agreement. The report will include, at a minimum, a copy of the participation data that the College relied on in determining the number of male and female students in the College's intercollegiate athletics program; a copy of team squad or eligibility lists for each sport showing students, by sex, and the amounts of athletic scholarships or grants-in-aid, if any, they were awarded by the College; and a description of any legitimate, nondiscriminatory factors that led the College to make adjustments to the data as well as a detailed description of any adjustments made.

## **C. Reporting Requirement – Plan to Ensure Future Compliance**

The College will take the following actions only if it is unable to demonstrate current compliance with Title IX pursuant to Item 2.A.ii (Demonstration of Current Compliance) of this Agreement:

By March 31, 2017, the College will submit to OCR for review and approval its detailed plan with timeframes to ensure that it provides reasonable opportunities for each sex to receive athletic scholarships and/or grants-in-aid in proportion to the number of students of each sex participating in intercollegiate athletics by the beginning of the 2017-18 academic year, including the steps noted below. The plan will include a description of interim steps that have been or will be taken by the College during the years between the dates of this agreement and said academic year. The College will initiate implementation of the plan upon review and approval by OCR.

The College understands that nothing in this agreement requires the College to reduce the amounts of athletic scholarships and/or grants-in-aid it offers to either sex and that any such reductions are discouraged. In making its calculations, the College will use intercollegiate athletic participation numbers that take into account any increase in intercollegiate athletic participation opportunities the College is providing or plans to provide to students from the underrepresented sex in accordance with Action Item 1 of this Agreement.

The College will identify all legitimate, nondiscriminatory factors that apply and describe how they will be taken into account. Disparities may be explained by actions taken to promote athletic program development, and by differences between in-state and out-of-state tuition. Disparities might also be explained, for example, by legitimate efforts undertaken to comply with Title IX requirements, such as participation requirements. Similarly, disparities may be explained by unexpected fluctuations in the participation rates of males and females. For example, a disparity may be explained if an athlete who had accepted an athletic scholarship decided at the last minute to enroll at another school. For any asserted nondiscriminatory justification, the College must demonstrate that its asserted rationale is in fact reasonable and does not reflect underlying discrimination. For instance, if the College asserts the phase-in of scholarships for a new team as a justification for a disparity, the College must demonstrate that



the timeframe for phasing-in of scholarships is reasonable in light of college sports practices to aggressively recruit athletes to build start-up teams quickly.

The College will show that after taking all legitimate, nondiscriminatory factors into account, any remaining disparity between the intercollegiate athletic participation rates of male and female students and the rates at which athletic scholarships and grants-in-aid are awarded to male and female athletes will be less than or equal to 1% of the total amount of athletic financial assistance awarded.

#### **D. Reporting Requirement – Implementation of the Plan in Action Item 2.C**

The College will complete and submit to OCR the following reporting requirements only if the College implements the action items set forth above in Action Item 2.C of this Agreement.

By August 11, 2017, the College will provide OCR with reports, for OCR's review and approval, that include information documenting the steps it has taken to implement the OCR approved plan referenced in Action Item 2.C of this Agreement and demonstrating that the College will provide reasonable opportunities for each sex to receive athletic scholarships and/or grants-in-aid in proportion to the number of students of each sex participating in intercollegiate athletics by the beginning of the 2017-18 academic year.

By August 11, 2017, the College will provide OCR with a report for OCR's review and approval detailing any and all specific actions taken by the College to provide reasonable opportunities for each sex to receive athletic scholarships and/or grants-in-aid in proportion to the number of students of each sex participating in intercollegiate athletics by the beginning of the 2017-18 academic year.

#### **Action Item 3: Opportunity to Receive Coaching and Compensation of Coaches – 34 C.F.R. § 106.41 (c)(5) and (6)**

Beginning with academic year 2016-17, the College will take the following steps to ensure that it provides equal athletic opportunities for members of both sexes in the opportunity to receive coaching and compensation of coaches, in accordance with 34 C.F.R. § 106.41(c)(5) and (6). OCR will determine compliance based on the equivalency of benefits and services for members of both sexes for the availability and compensation of coaches.

##### **A. Commitment:** By February 10, 2017, the College will:

- i. complete an assessment of the number of work hours and compensation provided to assistant coaches for all men's and women's teams to ensure that men's and women's teams have equal opportunity to receive assistant coaching. In particular, the College will compare the number of work hours and compensation of the assistant softball coach and the assistant soccer coach to the number of work hours and compensation of the assistant coaches for the other teams;
- ii. develop a written plan and policy to address disparities identified after conducting

the assessment in the preceding paragraph;

- iii. review men’s and women’s teams’ coaches’ attendance at national conventions, training, or other professional development (hereafter referred to as Professional Development); the funding source for the teams’ coaches who attended Professional Development; whether, for the teams’ coaches who did not attend Professional Development, the consideration was primarily lack of funds; and the total general budget afforded to each team, to ascertain whether there is a connection between disparities within the men’s and women’s teams’ budgets and disparities in their attendance at Professional Development.
- iv. develop a written plan and policy to address any disparities identified after conducting the assessment in the preceding paragraph;
- v. assess which coaches served on hiring committees and determine whether serving on hiring committees was comparable for the men’s and women’s teams; and
- vi. develop a written plan and policy to address any disparities identified after conducting the assessment in the preceding paragraph.

**B. Reporting Requirement:**

- i. By March 31, 2017, the College will submit to OCR for review and approval the results of its assessments, the written plans, and the policy required by Action Item 3.A.
- ii. Within 60 days of OCR’s approval of the written plans, the College will implement the written plans and provide OCR documentation of the implementation.
- iii. Within 30 days of OCR’s approval of the policies, the College will publish same in the athletic department handbook and provide written notification of the policies to athletic department administrators and coaches.

**Action Item 4: Locker Rooms, Practice and Competitive Facilities – 34 C.F.R. § 106.41(c)(7)**

A. Beginning with academic year 2016-17, the College will take the following steps to ensure that it provides equal athletic opportunities for members of both sexes in the provision of locker rooms, practice and competitive facilities, in accordance with 34 C.F.R. § 106.41(c)(7) and OCR policy. OCR will determine compliance based on the equivalency of benefits and services for members of both sexes with regard to the following six factors:

1. Quality and availability of facilities provided for practice and competitive events;
2. Exclusivity of use of facilities provided for practice and competitive events;

3. Availability of locker rooms;
4. Quality of locker rooms;
5. Maintenance of practice and competitive facilities; and
6. Preparation of facilities for practice and competitive events.

**B. Commitment - Soccer practice and competition facility** By December 9, 2016, the College will assess the drainage of water from the soccer field and develop a plan and submit the plan to OCR for review and approval to address the drainage issues and ensure the soccer field's usability for practice and competition is comparable to that of other College teams and without disruption to practice and competition.

**C. Commitment - Soccer Locker Room** By December 9, 2016, the College will assess the number of lockers in the soccer locker room and the privacy afforded the soccer athletes and develop a plan and submit the plan to OCR for review and approval to ensure that there is a sufficient number of lockers available to allow each athlete on the soccer team roster an individual locker and that, absent exigent circumstances, maintenance and other staff do not have access to the soccer locker room at times that it is being used by the team members.

**D. Reporting Requirement**

- i. Within 30 days of receiving OCR's approval of the plan developed to address the drainage of the soccer practice and competitive facility, the College will implement the approved plan.
- ii. Within 30 days of receiving OCR's approval of the plan developed to address the soccer team locker room number of lockers and privacy, the College will implement the approved plan.
- iii. Within 90 days of implementing the plan to address the drainage of the soccer practice and competitive facility, the College will submit to OCR documentation demonstrating its compliance with this requirement.
- iv. Within 90 days of implementing the plan developed to address the soccer team locker room number of lockers and privacy, the College will submit to OCR documentation demonstrating its compliance with this requirement.

**Action Item 5: Medical and Training Facilities and Services – 34 C.F.R. § 106.41(c)(8)**

Beginning with academic year 2016-17, the College will take the following steps to ensure that it provides equal athletic opportunities for members of both sexes in the provision of weight and training facilities and services in accordance with 34 C.F.R. § 106.41(c)(8). OCR will determine compliance based on the equivalency of benefits and services for members of both sexes with regard to the availability of medical personnel and assistance; health, accident and injury insurance coverage for athletic participants; weight and conditioning facilities; availability and qualifications of athletic trainers; and quality and availability of athletic training facilities.

- A. Commitment 1:** By January 13, 2017, the College will conduct an assessment of athletic training support (strength and conditioning and access to trainers) and develop a written plan to ensure that men’s and women’s teams have comparable opportunity to receive athletic training support.
- B. Commitment 2:** By January 13, 2017, the College will conduct an assessment of the availability and equipment of the weight room and develop a written plan to ensure that men’s and women’s teams have comparable access to the weight room and appropriate weight equipment.
- C. Commitment 3:** By January 13, 2017, the College will develop a policy for use of the athletic training and weight facilities and services so that men’s and women’s teams have comparable opportunity to receive athletic training and weight facilities and services.

**D. Reporting Requirement:**

- i. By February 10, 2017, the College will submit to OCR, for review and approval, the results of its assessments, the written plans, and the policy required by Action Item 5.A, 5.B, and 5.C.
- ii. Within 60 days of OCR’s approval of the written plans, the College will implement the written plans and provide OCR documentation of the implementation.
- iii. Within 30 days of OCR’s approval of the policy, the College will implement the policy, publish the approved policy in the athletic department handbook, and provide written notification of the policy to athletic department administrators, coaches, trainers, and all athletes. The College will provide the policy to the individuals identified above annually.
- iv. Within 30 days of the completion of Action Item 5.D.iii above, the College will provide to OCR documentation of its completion of the required activities.

**Action Item 6: Equipment and Supplies – 34 C.F.R. § 106.41(c)(2)**

Beginning with academic year 2016-17, the College will take the following steps to ensure that it provides equal athletic opportunities for men’s and women’s teams in the maintenance of uniforms and equipment and supplies, including laundry, in accordance with 34 C.F.R. § 106.41(c)(2). OCR will determine compliance based on the equivalency of benefits and services for members of both sexes with regard to: a) quality; b) amount; c) suitability; d) maintenance and replacement; and e) availability of equipment and supplies.

- A. Commitment #1:** By February 10, 2017, the College will assess who conducts the maintenance of uniforms and equipment and supplies (including laundry services) and

what support staff (graduate assistants, student managers, etc.) are available to provide this service to the athletic teams.

**B. Commitment #2:** By February 10, 2017, the College will determine whether the availability of support staff is comparable for men's and women's teams and to ensure that men's and women's teams have comparable opportunity to receive support staff. In particular, the College will compare the provision of support staff services to the softball team with the support staff services provided to the baseball and other teams to provide maintenance of uniforms and equipment (including laundry services) and develop a written plan and policy to address any disparities.

**C. Reporting Requirement**

- i. By March 31, 2017, the College will submit to OCR for review and approval its assessment, written plan, and policy required by Action Items 6.A and 6.B.
- ii. Within 60 days of OCR's approval of the written plan, the College will implement the written plan and provide OCR documentation of the implementation.
- iii. Within 30 days of OCR's approval of the policy, the College will publish same in the athletic department handbook and provide written notification of the policy to athletic department administrators and coaches.
- iv. By December 31, 2017, the College will provide documentation demonstrating that the services called for in the implemented pursuant to Action Item C. ii are being provided during the 2017-2018 academic year.

**Action Item 7: Notice of Non-Discrimination**

Beginning with academic year 2016-17, the College will take steps to ensure the College has met the identification, notification, and publication requirements set forth in the OCR publication, Notice of Non-Discrimination (August 2010). The publication is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

**A. Commitment:** By January 1, 2017, the College will revise its notice of non-discrimination, which must include the name or title, address, and telephone number of the College employee(s) designated to coordinate efforts to comply with and carry out the College's responsibilities under:

- a. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance;
- b. Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131,

and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities;

- c. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance;
- d. Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance; and
- e. Age Discrimination Act of 1975, 42 U.S.C. § 6101, and its implementing regulation, 34 C.F.R. Part 110. The Age Act prohibits discrimination on the basis of age by recipients of Federal financial assistance.

The individual(s) identified to coordinate compliance with the civil rights statutes enforced by OCR shall be knowledgeable of the law for which s/he is responsible. OCR is available to provide technical assistance to the College upon request.

**B. Commitment #2:** Within two weeks of receiving approval from OCR of its revised notice of non-discrimination, the College will publish and prominently display its revised notice of non-discrimination in an easily visible location, including updating the College's website to more prominently direct access to the notice, and in student and employee hard copy and online publications, including, but not limited to, the following publications: a) student and employee handbooks; b) catalogs; c) employee application forms; d) appropriate policies and grievance procedures; and e) any other major general publications, including the College's website.

**C. Publication Requirement:** Within 30 calendar days of receiving approval of its revised notice of non-discrimination from OCR, the College will provide OCR with copies or links to the information (if it is available on the College's website) of the major publications identified above evidencing the dissemination and publication of the OCR approved notice of non-discrimination.

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with Title IX, Title VI, Section 504, Title II, and the Age Act and their implementing regulations at 34 C.F.R. Part 106, 34 C.F.R. Part 100, 34 C.F.R. Part 104, 28 C.F.R. Part 35, and 34 C.F.R. Part 110, which were at issue in this case.

The College 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 this Agreement and that all actions taken to comply with the requirements of the Agreement are subject to OCR's review and approval. Further, the College understands that during the monitoring of this Agreement, if necessary, OCR may visit the College, interview staff and students, and request

such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with Title IX, Title VI, Section 504, Title II, and the Age Act and their implementing regulations at 34 C.F.R. Part 106, 34 C.F.R. Part 100, 34 C.F.R. Part 104, 28 C.F.R. Part 35, and 34 C.F.R. Part 110, which were at issue in this case.

The College 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 College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

11/17/2016

\_\_\_\_\_  
Date

/s/ Marysz Rames

\_\_\_\_\_  
Dr. Marysz Rames

President

Wayne State College