

## **RESOLUTION AGREEMENT**

### **Box Elder School District OCR Case Number 08-21-1304**

Box Elder School District (District) enters into this Agreement to resolve allegations in the above-referenced case. The District assures the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions at Bear River High School (School) in order to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department.

The District agree to resolve this complaint prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

### **PROVISION OF LOCKER ROOMS, PRACTICE, AND COMPETITIVE FACILITIES**

1. The District agrees to ensure that it provides equivalent (i.e., equal or equal in effect) treatment, benefits, and opportunities to female and male student athletes with respect to the provision of locker rooms, practice, and competitive facilities. The District may reallocate or upgrade existing facilities, or it may reconstruct new facilities. Specifically, the District agrees to the following regarding the School:
  - A. The District will complete the following renovations to the softball field at the School:
    - a. installation of bleachers on concrete pads;
    - b. replace existing bleachers with metal bleachers;
    - c. installation of a new scoreboard;
    - d. renovation of the pitching bullpen, to include a pitching mound and allowing space for at least two pitchers to warm up concurrently;
    - e. renovation of the backstop area; and
    - f. create additional space in the Bear Center for storage of softball equipment.
  - B. **Locker Rooms.** The District will develop a written plan for OCR's review and approval that ensures the District provides equivalent availability, quality, and exclusive use of locker rooms for all girls' sports teams. The plan will contain the following information:
    - a. Written review and evaluation of the current state of compliance for the facilities at the School in regard to the locker rooms;
    - b. Documentation of actions previously or currently being taken to address this issue;

- c. A plan of specific steps the District will take to ensure that the District provides equivalent availability, quality, and exclusive use of locker rooms for all girls' sports teams; and
- d. A method of dissemination of the approved plan to appropriate District administrators that include the Athletic Director, School administrators and staff, all School principals, all athletic coaches, and all student athletes.

**Reporting Requirement 1:** Within 60 calendar days of the date of this Agreement, the District will:

- A. Submit to OCR documentation (copies of work orders, purchase orders, and photographs) confirming that the renovations and measures described in Item 1(A) of this Agreement are underway. Thereafter, the District will provide further documentation at OCR's direction until the renovations and measures described in Item 1(A) are completed. The District and School will promptly and fully address OCR's feedback, if any, until the District and School receive notice from OCR that no further reporting is required for Item 1(A). OCR may determine that an on-site visit is necessary to adequately review the District's remedial measures under Item 1(A).
- B. Submit to OCR a draft of the plan required by Item 1(B). The District and School will promptly and fully address OCR's feedback, if any, until the District and School receive notice from OCR that no further reporting is required for Reporting Requirement 1(B).

**Reporting Requirement 2:** Within 30 calendar days of the District receiving OCR's approval of the plan described in Item 1(B), the District will: (i) disseminate notice of the approved plan as required by Item 1; and (ii) submit to OCR documentation demonstrating that the approved plan was disseminated as required by Item 1. (*e.g.*, screenshots or print outs of emails showing recipients and attachments; etc.) The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement 2.

**Reporting Requirement 3:** Within 60 calendar days of the District receiving notice that no further reporting is required for Reporting Requirement 2, the District will provide OCR with documentation showing that it has fully implemented the plan described in Item 1(B). (*e.g.*, budget line items for locker room materials and installation; photographs of locker room spaces listed by sport, or other demonstrative documentation) The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement 3 of this Agreement.

## **SCHEDULING OF GAME TIMES**

- 2. The District agrees to ensure that it provides equivalent (*i.e.*, equal or equal in effect) treatment, benefits, and opportunities to female and male student athletes with respect to the scheduling of game times. Specifically, the District agrees to send a written request to the Region XI Board of Managers (Board) that, at minimum, includes:

- a. Request that the Board reconsiders the competition dates for the School's girls basketball team beginning with the 2022-23 basketball season; and
- b. Proposals/solutions to ensure the School's girls and boys basketball competition dates are spread equitably across each day of the week beginning with the 2022-23 basketball season.

**Reporting Requirement 4:** Within 30 calendar days of the date of this Agreement, the District will submit to OCR for review and approval a draft letter to the Board that includes the provisions discussed in Item 2. The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that it may send the letter to the Board and no further reporting is required for Reporting Requirement 4.

**Reporting Requirement 5:** Within 10 calendar days of sending the request to the Board, the District will provide OCR with documentation showing that it has sent the request to the Board. (*e.g.*, copy of the written request).

**Reporting Requirement 6:** The District will forward to OCR the Board's response within 10 calendar days of the District's receipt of the Board's response. The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Item 2 and Reporting Requirement 6.

## **PUBLICITY**

3. The District agrees to ensure that it provides equivalent (*i.e.*, equal or equal in effect) treatment, benefits, and opportunities to female and male student athletes with respect to publicity. Specifically, the District agrees to ensure that "HUDL" is available for each boys and girls team sponsored by the School. The District will draft and disseminate a memorandum to all coaches at the School explaining that the School has provided access to HUDL for each team and further explaining how to gain access to the HUDL account. Each coach will then disseminate a letter to each of their athletes' families that a HUDL account exists for that sport and explain how to gain access to the HUDL account.

**Reporting Requirement 7:** Within 30 calendar days of the date of this Agreement, the District will submit to OCR for review and approval a draft memorandum to all coaches at the School explaining the provisions discussed in Item 3. The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement 7.

**Reporting Requirement 8:** Within 30 calendar days of the District receiving notice that no further reporting is required for Reporting Requirement 6, the District will disseminate the memorandum to all coaches at the School and submit to OCR for review and approval a draft letter to all athletes' families addressing the provisions discussed in Item 3. The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement 8.

**Reporting Requirement 9:** Within 30 calendar days of the District receiving notice that no further reporting is required for Reporting Requirement 7, the District will provide OCR with documentation showing that it has disseminated the memorandum and letter as described in Item 3. (e.g., copies of the memorandum and letter, etc.)

## **TITLE IX COMPLAINTS**

4. The District will provide Title IX athletics training to the School's Title IX Coordinator and Athletic Director. The training will address, at minimum:
  - a. The District's obligation to comply with Title IX, which prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department;
  - b. A discussion of Other Program Benefits (the "Laundry List") when determining Title IX Athletic compliance. The training will further include, but not necessarily be limited to, a discussion of the following Laundry List components:
    - i. Publicity;
    - ii. Locker rooms, practice, and competitive facilities; and
    - iii. The scheduling of games and practice times
  - c. The District's obligation to promptly and equitably respond to all allegations of violations of Title IX, including athletics-based allegations, pursuant to 34 C.F.R. § 106.8; and
  - d. The District's obligation to provide written notification to the parties of the outcome of its investigations.

**Reporting Requirement 10:** Within 30 calendar days of the date of this Agreement, the District will submit the following:

1. proposed training materials including the provisions discussed Item 4, above; and
2. the name(s), title(s) or position(s), and qualifications of one or more proposed individuals to provide the training.

**Reporting Requirement 11:** Within thirty (30) calendar days of receiving OCR's final approval of the materials and trainer(s), the District will provide the training discussed in Item 4, above.

**Reporting Requirement 12:** Within fifteen (15) calendar days of the training being provided, the District will provide to OCR:

1. the date, time, and location of the training;
2. written confirmation that the approved trainer(s) delivered the training;
3. the agenda and materials from the training; and
4. the names and titles or positions of the individuals who attended the training.

## **IMPLEMENTATION AND ENFORCEMENT OF THIS AGREEMENT**

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. Sections 100.9-10) or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

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 School, 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 of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106. Upon completion of the obligations under this Agreement, OCR will close the case.

This agreement will become effective upon the signature of the representative for the District.

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Superintendent, Box Elder School District

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Date