

Resolution Agreement
University of San Francisco
OCR Compliance Review #09-15-6001

The University of San Francisco (the University) enters into this Resolution Agreement (Agreement), as set forth below, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), to ensure its compliance with the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 (Title IX), and its implementing regulations at 34 C.F.R. Part 106. This Agreement is submitted to resolve OCR compliance review #09-15-6001, which was initiated to examine whether the University is providing equal athletic opportunities to members of both sexes in its intercollegiate athletics program.

Accordingly, the University agrees to take the following actions:

ACTION ITEMS AND REPORTING REQUIREMENTS

TECHNICAL ASSISTANCE

By May 19, 2017, key administrators from the University, including the University's Title IX Coordinator, Athletic Director, and other relevant administrators, including but not limited to the Executive Senior Associate Athletic Director, Vice President of Business and Finance, faculty athletics representative, and coaches, will attend a training conducted by OCR. The training will cover the University's general responsibilities under Title IX and its application to athletics.

STUDENT INTERESTS AND ABILITIES (I&A)

I. ACTIONS TO INCREASE ATHLETIC OPPORTUNITIES AND DEMONSTRATE COMPLIANCE

The University has reviewed and understands the Three-Part Test and has proposed to seek compliance under Part I. The University will provide equal opportunity in its intercollegiate athletic program through substantial proportionality in participation rates no later than the 2020-21 academic year, consistent with the requirements of Title IX and its implementing regulation at 34 C.F.R. § 106.41(c)(1). The University will submit a report that includes a description of interim steps that will be taken by the University during the 2017-18, 2018-19, 2019-20 and 2020-21 academic years to increase intercollegiate athletic participation opportunities for women. The University will begin implementation of this Agreement within 30 days of signature of the Agreement.

A. Substantial proportionality in participation rates in intercollegiate athletics program

The University has compared the enrollment rates of its female and male students with their rates of participation in the University's intercollegiate athletics program

during the 2016-17 academic year as a baseline for providing opportunities that are substantially proportionate.

Enrollment rates were calculated using the full-time undergraduate enrollment numbers, by sex.

The participation rates of female and male students reflect the total number of females and males listed on the NCAA varsity squad or eligibility list for each intercollegiate varsity sport on the date of the first competition for each sport. The participation rates do not include participants in intramural, club or non-competitive athletic activities. Students, who participate in more than one intercollegiate sport, were counted in each intercollegiate sport in which they participate. The University intends the information provided here to be sufficient to allow OCR to determine the number of students, by sex, who were participating on each intercollegiate team on the date of the team's first competition and to identify any changes to the participation numbers that occurred after the first competition.

B. Sports currently offered

The University has instituted a squad size policy providing for increased participation opportunities for women 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. The policy applies to each sport currently offered and does not call for limiting or reducing intercollegiate athletic participation opportunities for men.

C. Sports not currently offered

The University will determine what women's sports not currently offered by the University as intercollegiate sports, in which there is sufficient competition within the University's normal competitive regions, will be added to provide for substantial proportionality. The University will add a team in those sports and will hire a coaching staff, recruit student athletes and provide sufficient resources to the coaching staff, beginning during the 2017-18 academic year, to ensure that one team begins competition during each of the 2017-18, 2019-20 and 2020-21 academic years, consistent with the above determination. The University projects these additions and changes will occur as follows:

<u>Year</u>	<u>Enrollment M/F %%</u>	<u>M Athlete %</u>	<u>F Athlete %</u>
2016-17	38 – 62	118/50+	117/50
2017-18	38 – 62	125/45	155/55
2018-19	38 – 62	125/42	171/58
2019-20	38 – 62	125/40	190/60
2020-21	38 – 62	125/38	200/62

D. Elimination of athletic teams

OCR has made clear to the University that OCR does not require or encourage the elimination of any University intercollegiate athletic teams and that it seeks action from the University 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. OCR has also made clear to the University 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 University adds any sports, the University will provide those team(s), in a manner comparable to other intercollegiate teams, with sufficient funds in its budget to cover expenses including, but not limited to: coaches, recruiting, equipment and supplies, travel, publicity and support services.

F. Reporting Requirements

1. By June 30, 2017, the University will provide OCR with a detailed report, with copies of supporting documents, reflecting the University's evaluation of the proportions of female and male students in athletics conducted pursuant to section I.A of this Agreement. The report will include, at a minimum, a copy of the enrollment and participation data that the University relied on in determining whether the University is providing intercollegiate athletic participation opportunities, a copy of team squad or eligibility lists for each sport showing students, by sex, and other information reflecting the basis for the University's evaluation. The information provided by the University will be sufficient to allow OCR to determine the number of students, by sex, who were participating on each intercollegiate team on the date of the team's first competition and to identify any changes to the participation numbers that occurred after the first competition.
2. By June 30, 2017, the University will provide OCR a report that includes information and supporting documentation demonstrating its plan will effectively accommodate the interests and abilities of members of both sexes. The report will include a description of interim steps that will be taken by the University during the 2017-18 and 2018-19 academic years to increase intercollegiate athletic participation opportunities for women.
3. By October 31, 2017, 2018, 2019, and 2020, the University will provide OCR status reports regarding its implementation of its plan to effectively accommodate

the interests and abilities of members of both sexes including as applicable, information demonstrating that a coaching staff has been hired for any new teams being added by the University, an update on the University's progress in recruiting student athletes for the added teams and a copy of the detailed budget provided to the teams to ensure they are able to begin competition during the 2017-18, 2018-19, 2019-20 or 2020-21 academic years. The status reports will also include documentation regarding the interim steps taken by the University to increase intercollegiate athletic participation opportunities for women during the 2017-18, 2018-19, 2019-20, and 2020-21 academic years.

4. By October 31, 2017, and by the same date annually thereafter, during the implementation of this Agreement, the University will provide OCR a report that includes information demonstrating that the University is fulfilling its commitments to have participation rates in its intercollegiate athletics program that are substantially proportionate to the enrollment of its male and female students.

II. ATHLETIC FINANCIAL ASSISTANCE (AFA)

A. Reasonable Opportunities for AFA

The University agrees 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, consistent with the requirements of Title IX and its implementing regulation at 34 C.F.R. § 106.37(c).

1. The University has compared 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.
2. The University has examined whether there are any legitimate, nondiscriminatory reasons/factors for any differences that exist, such as differences related to reasonable professional decisions appropriate for program development, and has adjusted the total amounts of aid to take those differences into account. After taking all legitimate, nondiscriminatory reasons/factors into account the University has compared 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.
3. In connection with the plan for squad size adjustments and new sports in accordance with this Agreement, the University will reallocate and add grants-in-aid such that the projected athletic financial assistance ratio for males and

females will be the same as the projected athletic participation ratio, 62% for females and 38% for males, in the academic year 2020-21, or in any earlier year in which “substantial proportionality” in athletic participation rates is achieved. In making these calculations, the University has used intercollegiate athletic participation numbers that take into account the increase in intercollegiate athletic participation opportunities the University is providing and plans to provide for female athletes.

B. Reporting Requirements

1. By October 31, 2017, 2018, 2019, and 2020, the University will provide OCR with reports that include information documenting the steps it has taken to implement the plan referenced in AFA section II.A of this Agreement 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 during those academic years.

MONITORING

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the University understands that during the monitoring of this Agreement, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with Title IX and its regulations at 34 C.F.R § 106.37(c) and 34 C.F.R. § 106.41(c)(1), which were at issue in this compliance review.

The University understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with Title IX and its regulations at 34 C.F.R § 106.37(c) and 34 C.F.R. § 106.41(c)(1), which were at issue in this compliance review.

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

Executed on March 10, 2017

/s/

Fr. Paul Fitzgerald, S.J., President, University of San Francisco