



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

REGION X
ALASKA
AMERICAN SAMOA
GUAM
HAWAII
IDAHO
MONTANA
NEVADA
NORTHERN MARIANA
ISLANDS
OREGON
WASHINGTON

April 5, 2018

Dr. Robin E. Baker
President
George Fox University
414 N. Meridian Street
Newberg, Oregon 97132-2697

Re: George Fox University
OCR Reference No. 10172304

Dear Dr. Baker:

This letter is to inform you of the disposition of the above-referenced complaint filed against the George Fox University (university) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that the university discriminates against female athletes in the assignment and compensation of coaches for the female sports teams as compared to the male sports teams.

As explained below, prior to completion of OCR's investigation, the university expressed an interest in voluntarily resolving the complaint and signed the enclosed Resolution Agreement (agreement) to address the complaint allegation.

OCR investigated this case under the authority of Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation. This statute prohibits discrimination on the basis of sex in programs and activities that receive federal financial assistance from the Department. The university is a recipient of federal financial assistance from this Department and is therefore subject to Title IX.

The regulation implementing Title IX at 34 C.F.R. § 106.41(c) states that a recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available OCR will consider, among other factors, the assignment and compensation of coaches.

OCR's investigation to date indicated that discrepancies in pay existed for the male and female cross country coaches based on budget data provided by the university. The data provided by the university also showed that in 2017, there were two part time coaches for the male golf program

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

www.ed.gov

but only one part time coach for the female golf program. OCR's review of the university website as of March 3, 2018, showed that the men's tennis team has three coaches, the women's tennis team has two coaches, the men's baseball team has nine coaches, and women's softball team has six coaches. Three of the six softball coaches were hired in 2017. At the time that the university requested the agreement, OCR had not completed factual findings necessary to determine if these discrepancies resulted in a denial of athletic opportunity for female athletes.

In accordance with Section 302 of the *OCR Case Processing Manual (CPM)*, a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint allegation and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. In this case, the university requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the university's willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the university resulted in the university signing the enclosed agreement.

The actions the university will take under the agreement include completing a review of the current assignment and compensation of coaches for the university's male and female intercollegiate athletic teams. Based on this review, the university will submit to OCR an assessment as to whether the university believes its assignment and compensation of coaches provides equivalent benefits and treatment to both sexes participating in its intercollegiate athletic programs. Finally, based on the review and assessment conducted above, if the university is not providing equivalent benefits and treatment to members of both sexes with respect to the assignment and compensation of coaches for intercollegiate athletic teams, the university will develop and submit to OCR an action plan that details specific steps the university will take to address the inequities that were identified as a result of the review and assessment of the assignment and compensation of coaches. The action plan will include a timeline for the implementation and completion of the action plan.

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.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

Please be advised that the university may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the harmed individual may file another complaint alleging such treatment.

Page 3 – OCR Reference No. 10172304

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, we 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.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by October 1, 2018.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Claudette Rushing, Attorney, by telephone at (206) 607-1606 or by e-mail at claudette.rushing@ed.gov.

Sincerely,

Paul Goodwin
Supervisory Attorney

Enclosure: Resolution Agreement