



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

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

March 30, 2018

Dr. Edward J. Ray  
President  
Oregon State University  
Kerr Administration Building  
Corvallis, Oregon 97331

Re: Oregon State University  
OCR Reference No. 10182045

Dear Dr. Ray:

This is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) has resolved the referenced complaint against Oregon State University (the university). OCR investigated whether the university discriminates against female students in the provision of locker rooms, and practice and competitive facilities for the university's intercollegiate women's teams as compared to the men's 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 Voluntary Resolution Agreement (agreement).

OCR accepted this complaint for resolution under the authority of Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulation at 34 C.F.R. Part 106. This federal civil rights law prohibits discrimination based on sex in educational programs and activities receiving federal financial assistance. The university receives federal financial assistance from this Department and is therefore required to comply with Title IX.

The regulation implementing Title IX at 34 C.F.R. § 106.41 prohibits any person from being excluded from participation in, being denied the benefits of, being treated differently from another person or otherwise being discriminated against in any intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis. Additionally, a recipient which operates or sponsors 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 provision of

locker rooms, and practice and competitive facilities. The regulation that implements Title IX at 34 C.F.R. § 106.33 states that a recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

To date, OCR's investigation has included reviewing information provided by the complainant. The complainant identified specific elements of the women's intercollegiate athletic program facilities that are not comparable to the facilities used by the men's intercollegiate athletic programs. OCR used the information provided by the complainant to conduct a preliminary review of information available on the university's public website.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, prior to the point a final determination is issued, 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. 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 complaint allegation 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, which when fully, implemented will address the allegation raised in this complaint.

Under the agreement, the university will: (1) conduct a review of all locker rooms, and practice and competitive facilities used by female and male intercollegiate athletic teams at the university, including any facilities used but not owned by the university; (2) submit to OCR an assessment as to whether the university believes the facilities provide equivalent benefits and treatment to both sexes participating in intercollegiate athletic programs; (3) if, based on the assessment, the university is not providing equivalent benefits and treatment to members of both sexes with respect to the provisions of facilities for intercollegiate athletic teams, develop an action plan that details specific steps the university will take to address the inequities identified in the assessment; and (4) complete its implementation of the action plan.

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 September 15, 2018.

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. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

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 complainant may file another complaint alleging such treatment.

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.

Thank you for the cooperation that you and your staff extended to OCR in resolving this complaint. If you have any questions, please contact Steve Riley, the OCR staff member assigned to this complaint. You can reach Mr. Riley at (206) 607-1635 or at [steven.m.riley@ed.gov](mailto:steven.m.riley@ed.gov).

Sincerely,

Kelli Lydon Medak  
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement