



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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SEATTLE, WA 98174-1099

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December 23, 2019

Dr. Marc Johnson
President
University of Nevada-Reno
1664 N. Virginia Street
Reno, Nevada 89557-0001

Re: University of Nevada Reno
OCR Reference No. 10192134

Dear Dr. Johnson:

This is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) has resolved the referenced complaint against the University of Nevada Reno (the university). The complainant alleged that the university discriminates, based on sex, against female student athletes by: (1) failing to provide them with locker rooms, and practice and competitive facilities that are comparable to those provided to male student athletes; and (2) failing to provide female student athletic teams with financial and other resources for recruitment that are comparable to that provided to male student athletic 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(a), 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. The regulation implementing Title IX, at 34 C.F.R. § 106.41(c), provides that a recipient which operates or sponsors intercollegiate, club or intramural athletics shall provide equal athletic

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

opportunity for members of both sexes. Section 106.41(c) also states that unequal expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Assistant Secretary may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.

OCR's investigation to date indicates that some practice and competitive facilities used by female athletic teams are not comparable to those used by male athletic teams, and that there may be unequal expenditures related to recruitment between female and male athletic teams.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, prior to the point when OCR issues a final determination, 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 allegations 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 allegations raised in this complaint.

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 April 18, 2020.

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.

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Thank you for the cooperation that you and your staff extended to OCR in resolving this complaint. If you have any questions, please contact Claudette Rushing, Attorney, the OCR staff member assigned to this complaint. You can reach Ms. Rushing at (206) 607-1606 or at claudette.rushing@ed.gov .

Sincerely,

Paul Goodwin
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement