



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I

5 POST OFFICE SQUARE, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109-3921

October 26, 2012

Dr. Dorothy Galo, Superintendent
Hingham Public School District
220 Central Street
Hingham, Massachusetts 02043

Re: Compliance Rev. No. 01-10-5003

Dear Superintendent Galo:

I write to advise you of the resolution of the above-referenced compliance review that was initiated by the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 *et seq.* (Title IX).

This compliance review focused on several issues: OCR began by analyzing whether the Hingham Public School District (District) provided male and female students an equal opportunity to participate in its interscholastic athletics program by effectively accommodating their interests and abilities, in accordance with the Title IX regulations at 34 C.F.R. § 106.41(a) and (c)(1). OCR next analyzed whether the District provided equal opportunities to both sexes with regard to four components of its athletics program: first, the provision of locker rooms, practice facilities, and competition facilities, in accord with 34 C.F.R. § 106.41(a) and (c)(7); second, the scheduling of games and practice times, in accord with 34 C.F.R. § 106.41(a) and (c)(3); third, the opportunity to receive coaching; assignment and compensation of coaches, in accord with 34 C.F.R. § 106.41(a) and (c)(5) & (c)(6); and fourth, the provision of equipment and supplies, in accord with 34 C.F.R. § 106.41(a) and (c)(2). As will be discussed below, before OCR completed its investigation, the District indicated an interest in voluntarily resolving the interest and abilities element of our review. In addition, OCR identified compliance concerns in each of the four components analyzed, and the District has agreed to remedy these concerns as set forth in the enclosed Resolution Agreement.

I. JURISDICTION

OCR undertook this compliance review pursuant to Title IX and its implementing regulation at 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX. In addition to the language from the Title IX regulations, OCR also uses as a means of assessing compliance the Intercollegiate Athletics Policy Interpretation issued on December 11, 1979 in the Federal Register (Policy Interpretation); the Clarification of Intercollegiate Athletics Policy Guidance: The Three Part Test, issued on January 16,

1996; and the Intercollegiate Athletics Policy Clarification: The Three Part Test – Part Three, issued on April 20, 2010. The provisions of these policy documents are generally applicable to interscholastic athletics programs.

II. ISSUES INVESTIGATED

As referenced above, OCR investigated the following issues during this compliance review:

- A. Whether the District provided female students an equal opportunity to participate in its interscholastic athletics program by effectively accommodating their interests and abilities, in accordance with 34 C.F.R. § 106.41(a) and (c)(1).
- B. Whether the District provided female athletes an equal opportunity in the following areas:
 - 1) Provision of locker rooms, practice facilities, and competition facilities, in accord with 34 C.F.R. § 106.41(a) and (c)(7).
 - 2) Scheduling of games and practice times, in accord with 34 C.F.R. § 106.41(a) and (c)(3).
 - 3) Opportunity to receive coaching; assignment and compensation of coaches, in accord with 34 C.F.R. § 106.41(a) and (c)(5) & (c)(6).
 - 4) The provision of equipment and supplies, in accord with 34 C.F.R. § 106.41(a) and (c)(2).

III. BACKGROUND

Upon commencing this compliance review in May 2010, OCR traveled to the District to meet with the Superintendent, the High School Principal, and the Athletic Director to discuss the scope of the review and the ensuing investigation. OCR returned to the District several times in May-June and September of 2010 to interview student athletes, coaches, grounds crew staff, and other individuals relevant to the compliance review, as well as to inspect the District's facilities. Finally, OCR returned to the District on several occasions during the 2011-12 academic year to meet with parent groups, re-interview coaches, and discuss its findings with the District's administrative leaders. OCR also gathered statistical, budgetary, and historical data from the District on a rolling basis throughout the compliance review.

According to statistics provided by the District, during the 2010-11 academic year Hingham High School's student population consisted of 1,133 students, of which there

were 575 males and 558 females. Its interscholastic athletics program included every state sanctioned sport allowed and consisted of 29 sports, of which there were 13 female teams competing at the varsity level, 12 male teams competing at the varsity level, and 4 teams classified as co-ed that competed at the varsity level.¹ For most of these teams, the District has additional levels of athletic opportunities available, *i.e.*, junior varsity and freshman teams, although in certain sports, *e.g.*, golf and tennis, the athletes are listed on one team and certain members competed formally in varsity matches while others competed in informal junior varsity level matches.

IV. ISSUE ONE: EQUAL ATHLETIC OPPORTUNITIES

The Title IX provision addressing equal opportunities in interscholastic programs is addressed in the Title IX implementing regulation at 34 C.F.R. § 106.41(c)(1). The implementing regulation states that in determining whether equal opportunities are provided for boys and girls, OCR considers whether the selection of sports effectively accommodates the interests and abilities of members of both sexes to the extent necessary to provide equal opportunity.

In assessing whether the interests and abilities of the members of both sexes are being effectively accommodated to the extent necessary to provide equal opportunity to participate in interscholastic athletics, OCR uses the “Three Part Test” first established in the Policy Interpretation and also refers to the policy guidance that was issued in 1996 and 2010. Each part of the Three Part Test is an equally sufficient and separate method of complying with the Title IX regulatory requirement to provide nondiscriminatory athletic participation opportunities.

An institution is in compliance if it has met any one of the following three parts of the Test: 1) the athletic participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or 2) there is a showing by the institution of a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the underrepresented sex; or (3) it is demonstrated that the interests and abilities of the underrepresented sex are fully and effectively accommodated by the present program. 44 *Fed. Reg.* at 71416.

¹ Boys’ sports included cross country, football, golf, soccer, basketball, hockey, indoor track, wrestling, baseball, lacrosse, tennis, and outdoor track. Girls’ sports included cross country, field hockey, soccer, volleyball, basketball, gymnastics, hockey, outdoor track, golf, lacrosse, softball, tennis, and spring track. The co-ed sports included skiing, swimming, rowing, and sailing. Wrestling was described as co-ed because girls had participated in the past, but there were no female participants during the years examined in OCR’s review.

PART ONE: PARTICIPATION IN PROPORTION TO ENROLLMENT

The Title IX Policy Interpretation, in relevant part, defines athletic participants as those athletes: “(a) [w]ho are receiving the institutionally-sponsored support normally provided to athletes competing at the institution involved, *e.g.*, coaching, equipment, medical and training room services, on a regular basis during a sport’s season; and (b) [w]ho are participating in organized practice sessions and other team meetings and activities on a regular basis during a sport’s season; and (c) [w]ho are listed on the eligibility or squad lists maintained for each sport...” Using this definition as a guide, OCR reviewed team rosters from the 2009-10 and 2010-11 seasons and interviewed every head coach employed by the District, as well as a number of assistant coaches, athletes, and the Athletic Director.

Based on our investigation, OCR determined that the District was not providing participation opportunities for female students in numbers substantially proportionate to their 2010-11 enrollment. OCR learned that there were 1,133 students enrolled during the 2010-11 academic year. Boys accounted for 575 of those students, or 50.75% of the student body; girls accounted for 558 students, or 49.25% of the student body. During that same academic year, OCR determined that there were 782 boys and 688 girls participating in its athletics program (many participating in multiple sports), for a total of 1,470 athletic opportunities during the 2010-11 academic year. Boys constituted 53.20% of participants in those athletic opportunities and girls constituted 46.80%. Accordingly, there was a disparity of 2.45% between the girls’ representation in the overall student body and their athletic participation rate. This constituted approximately 70 athletic opportunities needed for girls to achieve parity without cutting any athletic opportunities for boys.

Accordingly, OCR concluded that the District was not providing participation opportunities to male and female student-athletes in numbers substantially proportionate to their respective enrollments. Girls are underrepresented in the high school athletics program.

PART TWO: HISTORY OF PROGRAM EXPANSION

OCR next analyzed whether the District demonstrated a history and continuing practice of program expansion that is demonstrably responsive to the developing interests and abilities of the under-represented sex. This part of the Test looks at a district’s past and continuing efforts to provide non-discriminatory participation opportunities through program expansion. OCR first considers a district’s historical record of adding interscholastic teams for the under-represented sex. If a district can demonstrate a consistent effort to add interscholastic teams for the underrepresented sex over time, OCR then looks at other factors that demonstrate a district’s commitment to providing equal athletic opportunities to both sexes, for example, its implementation of a

nondiscriminatory policy or procedure for requesting the addition of sports and the effective communication of the policy or procedure to students.

OCR began by reviewing the District's criteria and process for starting new sports, which allowed students to make requests to add sports directly to the Athletic Director, who would then assess the suitability of the addition and make a determination. OCR noted favorably that the policy appeared non-discriminatory on its face and included explicit language to allow the District to make decisions about new programs in the context of the requirements of Title IX. OCR did determine, however, that the process was not well publicized, and virtually all of the students that OCR spoke with did not know about its existence or how to utilize it.

OCR next looked at the District's history of adding sports. OCR reviewed the start date (or best estimate) for each sport offered by the District.² We were informed, for example, that the majority of the boys' athletics programs began prior to 1980. The Athletic Director, who had only been with the District for three years at the time of this review, informed OCR that the District did add several girls' teams approximately nine years ago, including girls' ice hockey, golf, and volleyball, as well as girls' and boys' swimming. Since that time, a coed crew team was added three years ago.³ The District has not eliminated any girls' teams in the last ten years.

Based on this information, and despite the addition of girls' sports years ago, OCR concluded that the District could not demonstrate both a "history" and "continuing practice" of program expansion for girls. While there were periods of time in the District's history where it increased participation opportunities for girls, there were significant periods of time – including the past nine year gap – when little or no expansion occurred. Accordingly, OCR determined that the District did not meet part two of the Three Part Test.

PART THREE: INTERESTS AND ABILITIES

Even when a district cannot demonstrate compliance with either parts one or two, OCR may find the district in compliance through part three of the Three Part Test if it can be shown that the underrepresented sex's interests and abilities are met by the current athletics program. To make this determination, OCR considers an institution's assessment of any unmet interest and ability in its athletics program. OCR also

² OCR attempted to further examine the history of program expansion by interviewing the current athletic director, the former athletic director, and the Superintendent. With regard to the former athletic director and the Superintendent, they were interviewed because of their long history with the District. OCR also reviewed yearbooks since the late 1960s in hopes that it would shed light on the dates that certain sports were added. The results achieved were still far from exact, with many of the responses anecdotal or estimates on when sports were added or at least remembered.

³ The District has not fully funded the crew team. The District pays the coach's salary but the rest of the team budget is funded by parents.

considers other indicators of possible interest and ability such as developing sports on a regional or national level, as well as local youth and feeder programs in the areas from which a district draws its students.

The District has not conducted an athletic interest survey during the tenure of the new Athletic Director, which began during the 2009-10 academic year. There was also no evidence of any other evaluations or assessments that were conducted to effectively gauge athletic interest and ability. It was unclear when the last formal assessment was conducted or what other outreach efforts were conducted to assess athletic interest of the girls in the District.

OCR also interviewed several athletes from each sport in the District, as well as virtually all of the coaches. During those interviews there was evidence of potential interest in establishing an additional level of softball. OCR also learned that softball was one of the few sports in the District where the boys' equivalent (baseball) competed at additional levels (varsity, junior varsity, and freshman) than the girls' team (varsity and junior varsity). At the same time, it was not clear that individuals in the District – including students, parents and coaches – knew the process to start these teams. Before OCR completed its investigation and determined whether the District met the third part of the Three Part Test, the District expressed an interest in voluntarily ensuring that girls had an equal opportunity to compete.

EQUAL LEVELS OF COMPETITION

The determination of whether equal athletic opportunities existed in the District also led OCR to examine the level and quality of competitive opportunities provided to the athletes. In making this determination, OCR considers whether the competitive schedules for boys' and girls' teams, on a program-wide basis, afford proportionally similar numbers of male and female athletes equivalently advanced competitive opportunities. OCR compares the competitive events for each team at the institution's declared competitive level(s) and determines whether any of the teams compete below the declared level.

In this case, the District is a member of the Massachusetts Interscholastic Athletic Association (MIAA) and competes primarily against teams at the same level in the Patriot League. The girls' and boys' lacrosse and hockey teams are an exception to this, as they both use weighted and/or independent schedules to ensure appropriate competition levels. OCR also reviewed the schedules and spoke with the coaches of each team (including all varsity coaches) and the captains of virtually every sport offered by the District. OCR asked each individual whether they felt that their teams played at the appropriate competitive level and against appropriate teams, and in each instance this was confirmed. Many coaches also stated that they further bolstered the strength of their team's competitive schedule by scheduling out of league games or

scrimmages to the extent allowed by the MIAA. There were no instances where a District team did not compete against the same level team.

OCR also noted that, within the individual sports, virtually all of the teams in the District provided equivalent levels of competition for boys and girls. For example, both the boys' and girls' hockey teams competed only at the varsity and junior varsity levels; the boys' and girls' lacrosse teams participated at the varsity, junior varsity, and freshman levels. For the teams that had no analog for another gender, OCR determined that the levels of opportunity balanced across the program. For example, three teams – football, field hockey, and volleyball – participated at varsity, junior varsity, and freshman levels. Even though wrestling participated at varsity and junior varsity while gymnastics only participated at the varsity level, this was balanced by the extra girls' teams that competed at all three levels (field hockey and volleyball) and the fact that the gymnastics team did not make cuts.

The only sports in which OCR found different levels of competition were baseball and softball, with boys' baseball fielding varsity, junior varsity, and freshman teams, while the girls' softball team only fielded varsity and junior varsity teams.

As a result of these findings, OCR determined that the levels of competition for boys' and girls' teams, on a program-wide basis, afforded male and female athletes relatively equivalent competitive opportunities.

Because the District voluntarily agreed to take steps to ensure compliance by providing girls with an equal opportunity to compete, OCR did not complete the investigation and determine whether the District had fully and effectively accommodated the interests and abilities of the girls. Discussions with District officials resulted in the District signing the enclosed Agreement which, when fully implemented, will resolve the compliance review. The provisions of the Agreement are aligned with the information obtained during OCR's investigation and are consistent with the applicable regulations.

The District has chosen to come into compliance with the applicable Title IX regulation by taking specific steps to demonstrate that the interests and abilities of female athletes are fully and effectively accommodated by its interscholastic athletics high school programs.

Under the terms of the enclosed Resolution Agreement, the District will conduct a comprehensive assessment by January 15, 2013 to determine whether female students (who are the underrepresented sex in the District's athletics program) have unmet athletic interests and abilities. The assessment will include a survey, whose terms and methodology will be reviewed and approved by OCR, administered to all high school and eighth grade female students. By this same date, the District is required to report to

OCR on its assessment. OCR will notify the District of any deficiencies with respect to the District's implementation of the Agreement requirements relating to the assessment and work with the District to address these deficiencies. The District is also required to report to OCR by March 1, 2013 if it concludes, through its assessment, that it is fully and effectively accommodating the athletic interests of its female high school students. Otherwise, the District will be obligated to offer additional athletic opportunities to female students. These steps are to be taken by the next competitive season for the particular sport during the 2013-2014 school year. Such additional athletic opportunities may include creating new sports teams for girls, adding levels to existing teams, or increasing the squad size of existing teams to a reasonable number given coaching and other support available to that sport. For any sport that is not currently offered by the District and where there is a minimum number of female students to field a team who have sufficient interest and ability in that sport, but where the District determines that there is not sufficient competition within the normal competitive region, the District will take ongoing steps to develop students' interest and ability. These steps may include establishing club sports, exploring the feasibility of establishing competition in the District's normal competitive region and geographic area, and elevating such sports to interscholastic status when competition becomes available. The District will also revise and better publicize its procedure for students or other interested parties, such as coaches or parents, to use in requesting the addition of new sports or levels of sports at the District's high school. The District will provide notice each year to students, coaches, and other District staff of all of the sports offered at the high school.

V. ISSUE TWO: COMPARABLE ATHLETIC BENEFITS

The Title IX regulation at 34 C.F.R. §106.41(a) provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person, or otherwise be discriminated against in any interscholastic athletics offered by a recipient district. In ensuring compliance with this section of Title IX, OCR examined several aspects of the District's program to ensure that it was providing female students an equal opportunity to benefit from its interscholastic athletics program, in accord with 34 C.F.R. § 106.41(a) and (c), as well as the Policy Interpretation mentioned above. OCR specifically examined the following areas:

- A. Locker rooms, practice facilities, and competition facilities, in accord with 34 C.F.R. § 106.41(a) and (c)(7).
- B. Scheduling of games and practice times, in accord with 34 C.F.R. § 106.41(a) and (c)(3).
- C. Provision and compensation of coaches, in accord with 34 C.F.R. § 106.41(a) and (c)(5) & (c)(6).

D. Equipment and supplies, in accord with 34 C.F.R. § 106.41(a) and (c)(2).

INVESTIGATIVE APPROACH

In considering each of these areas in the District's athletics program, OCR conducted an overall review of the boys' and girls' teams. In other words, OCR compared the facilities, scheduling, coaches, and equipment provided to the teams in the girls' programs to the facilities, scheduling, coaches, and equipment provided to the teams in the boys' programs. When disparities were identified between the girls' and the boys' teams, *e.g.*, if a boys' team received a superior benefit in some way, OCR considered whether the benefit provided to the boys' program was offset by an unmatched benefit to any of the teams in the girls' program. In making this "program-wide" comparison, and before OCR concluded that a benefit to one of the teams in the girls' program offset a benefit provided to one of the teams in the boys' program, OCR considered whether the offsetting benefits were equivalent or equal in effect. In other words, OCR only found the benefit offsetting if it had the same or a similar effect on the student-athlete(s) or team within this program component.

Once OCR identified disparities and found no evidence of offsetting, we considered whether the differences between the benefits provided to the boys' and girls' programs were negligible. Where the disparities were not negligible, OCR examined whether they were the result of legitimate, nondiscriminatory factors. If OCR found no legitimate, nondiscriminatory reasons for the disparities, OCR then determined whether the identified disparities resulted in the denial of equal opportunity to male or female athletes, either because the disparities collectively were of a substantial and unjustified nature or because the disparities in the program component were substantial enough by themselves to deny equal athletic opportunity. The result of this comparison was not to ensure identical benefits, opportunities, or treatment, but rather, to ensure that, overall, the athletics program provided equivalent benefits to boys and girls.

School districts have a responsibility under Title IX to ensure that equivalent benefits and services are provided to members of both sexes in its athletics programs, regardless of their funding source(s) for these benefits and services. Thus, OCR considers benefits and services provided through the use of private funds, including booster club funding, in combination with all other benefits and services. Where booster clubs provide benefits or services that assist only teams of one sex, the district must ensure that teams of the other sex receive equivalent benefits and services. If booster clubs provide benefits and services to athletes of one sex that are greater than what the institution is capable of providing to athletes of the other sex, then the institution shall take action to ensure that benefits and services are equivalent for both sexes.

THE DISTRICT’S FUNDING OF INTERSCHOLASTIC TEAMS

In this case, OCR learned that all athletic teams are primarily supported by a centralized budget provided by the District. While most athletes and coaches OCR interviewed agreed that the District’s athletic budget was significant, OCR also learned that every team in the District received additional support through organized – and sometimes significant – fundraising done by booster clubs. These booster clubs then purchased many items that benefitted the teams. These benefits often amounted to tens of thousands of dollars for some teams and included announcers, videographers, banquets, meals, chartered buses, advertising books and other resources. Most sports in the District have booster clubs for each team, *i.e.*, there are separate and independent booster clubs for the girls’ and the boys’ teams. Sports that follow this model of separate booster clubs by sex include soccer, golf, basketball, swimming, hockey, softball/baseball, tennis, and lacrosse. The teams that have no analog (football, wrestling, field hockey, gymnastics, and volleyball) also have sex-specific booster clubs.

There are also some teams that follow different booster club models. The girls’ hockey team, for example, does not have a specific booster club and instead they partner with the Hingham Youth Hockey Program to receive benefits and funding that are not otherwise included in the District’s athletic budget. The ski, sailing, and crew teams also operate under different models because much of the support these teams receive is paid out-of-pocket by the athletes and their parents. Finally, boys’ and girls’ cross country, indoor track, and outdoor track receive support from one unified booster club. This booster club, which is comprised of the parents of the captains on all six teams, holds fundraisers together, and shares funds equally across all six programs.

Regardless of the chosen model for the individual booster clubs, each of the clubs is organized in roughly the same way: at the end of every season, the team selects student captains for the next season. Upon selection, the parents of the captains become the head of that team’s booster club for the coming year. Each team typically selects anywhere from two to four captains; accordingly, each booster club may have between two and four parents leading them and soliciting support from all other parents of players. Despite the changing leadership in the booster clubs, OCR found there was continuity from year-to-year based on the parents doing “what had been done before.” However, OCR also found that there was wide variance in the formality of the booster clubs and their relationship with the coaching staff of each individual team. The District did not monitor booster club funding, or implement other measures, to ensure that the District was fulfilling its obligation to provide equivalent benefits and services for both sexes.

A. LOCKER ROOMS, PRACTICE FACILITIES & COMPETITIVE FACILITIES

The regulation at 34 C.F.R. §106.41(c)(7) states that, in determining whether equal opportunities are provided to both sexes in an athletics program, OCR will consider the

provision of locker rooms, practice facilities, and competitive facilities. The Policy Interpretation discusses a number of factors to be considered in determining whether a district is providing equal opportunity in this area, including the quality and availability of locker rooms, practice facilities, and competitive facilities, and the exclusivity, maintenance and preparation of practice and competitive facilities.

In conducting its review, OCR visited each of the District's practice and competitive facilities, as well as its locker rooms and storage facilities to inspect them for each of these attributes. OCR also interviewed the Athletic Director, the grounds crew chief, and coaches and athletes from virtually all of the District's sports to ask them about the quality and exclusivity of their facilities. With regard to each area, OCR analyzed whether there were differences between boys' and girls' facilities, schedules, etc. In the event that there were differences, OCR looked to determine the overall effect of these differences on a program-wide level. After completing this review, OCR determined that there were inequities in favor of the boys' program.

1. THE QUALITY, AVAILABILITY, AND EXCLUSIVITY OF USE OF THE FACILITIES PROVIDED FOR PRACTICE AND COMPETITIVE EVENTS

As an initial matter, OCR was informed that, given the limited space available, boys' and girls' sports teams often shared facilities, either by switching times that they used that facility, *e.g.*, the boys' and girls' basketballs teams both used the same gymnasium but alternating practice and game times, or by playing on fields next to one another, *e.g.*, the boys' and girls' soccer teams using parallel fields on the "Far Field." Other teams that shared facilities included the cross country track teams, the indoor and outdoor track teams, and the hockey teams. OCR also examined the practice and competition schedules – and questioned the coaches and athletes regarding the same – to ensure that the teams shared the facilities fairly.⁴ Finally, even if a sport was classified as co-ed, OCR still asked if there were any distinctions based on sex, *e.g.*, were available facilities of different or lesser quality.

Based on this review, OCR determined that, with regard to the teams that shared a facility with another team of a different sex, for the most part both teams used the same facilities for the same purposes, the fields were the same quality for both users, *i.e.*, no additional maintenance was done with respect to the sex that was playing, and the use of the facility was scheduled fairly. For practices, the teams primarily adopted a rotating schedule, and for games the teams adopted a home/away schedule, *e.g.*, when the boys' basketball team was playing at home, the girls' team would be away and vice versa. In either case, the facilities were prepared identically.

⁴ This focus on practice and competition schedules was slightly different than the questions asked in examining the practice/competition component in Section B, below, where OCR's focus was more specific to when each sex was allowed to use each locker room, practice facility, and game facility.

Regarding the teams that practiced and/or competed in different facilities from the same team of the opposite sex, OCR found inequities. For example, though both the girls' and boys' lacrosse teams practice on the Far Field, only the boys' lacrosse team has games in the Stadium because, according to the coaches, the players and the Athletic Director, the field is too narrow to provide a regulation field for girls' lacrosse.⁵ In the Stadium where the boys' lacrosse team plays many of their home games, there is a permanent scoreboard and permanent stands for the fans around the field. Without access to the Stadium, the girls' team plays its home games on Far Field and the team has to carry equipment, such as a scorer's table, a portable scoreboard, and collapsing benches, from the school about 500 yards to this area on game days.

The baseball and softball teams also share fields, using the fields at the High School as well as the town-owned Cronin (baseball) and Carlson (softball) Fields. Although the town-owned fields have better amenities, *e.g.*, a scoreboard and better dugouts, they are a short drive from the High School and the District does not provide transportation to either team. Both the boys' and girls' teams were offered equal use of the town-owned fields, but only the varsity baseball team uses Cronin Field as their home field, with the softball team informing OCR that they would only use the Carlson Field when absolutely necessary and would rather use the field that is on the High School campus. OCR asked several softball coaches and athletes this same question – would you rather use a better field or a local field – to ensure its accuracy, and the answers remained consistent.

During its review, OCR learned that the mutual outfields used by both the softball and baseball fields (spring) and the field hockey teams (fall) at the High School suffered from several drainage and flooding issues last season, which affected the conditions of the field during both the spring and fall seasons. Although it affected both the boys' baseball and girls' softball teams equally, OCR learned that the flooding had a substantial negative impact on the practice and game scheduling for the field hockey team in the fall. For example, over the past two seasons the field hockey team had to cancel at least three games due to the condition of the field, and even had to forfeit a home field advantage during an MIAA tournament game because the flooding rendered the field unplayable. In accord with the enclosed Resolution Agreement, the District has agreed to remedy this problem by the 2013-14 athletic season.

The only remaining teams that practice and compete in different locations are the boys' and girls' tennis teams. The boys' tennis team practices and competes on the High School tennis courts, while the girls' tennis team uses town-owned courts at the town's Recreation Center. OCR observed that the courts at the High School were in extremely

⁵ OCR compared the Stadium, with its space limitations, with the Far Field, which is basically an open field that can be configured to any lengths. Although the playing surfaces were equivalent, there is a benefit to the boys' lacrosse team being able to play at the District's Stadium, and the female athletes OCR spoke with expressed a desire to play there but understood the limitations.

poor condition, with cracks on the surface measuring almost an inch in some locations. The Recreation Center courts, where the girls practice, are relatively new and are in excellent playing condition. As with the town-owned baseball fields mentioned above, the drawback to the Recreation Center is that it is a short drive from the High School campus and the only bathroom facilities that are *occasionally* available are port-a-potties. Accordingly, OCR determined that the poor quality of the boys' courts was offset by the distance the girls' had to travel to reach their courts. The girls were additionally impacted, however, by the fact that there were not consistent restroom facilities available. Again, the District recognized this problem and has already reconstructed its tennis courts at the High School; the boys' and girls' tennis teams are now both playing on the same courts with equal access to the same amenities, *i.e.*, locker rooms and bathroom facilities.

There were also several teams that do not have analog teams for the opposite sex. While some of these teams asserted that they were co-ed based on isolated participation of the opposite sex in the past, during OCR's review, these teams were comprised of only one sex. In analyzing these teams, OCR determined that the inequities remained in favor of the boys. The football team used the Stadium and received all of the inherent benefits described above. The wrestling team had a dedicated wrestling room which was high quality. On the other hand, the girls' field hockey team had to contend with the flooded fields described above. As set forth in the enclosed Resolution Agreement, the District is in the process of building a new multi-purpose field that it anticipates will remedy these disparities for the girls' teams. The new field will be appropriately sized for girls' field hockey and girls' lacrosse, will include accessible bleachers, a press box, and a permanent scoreboard.

2. THE QUALITY, AVAILABILITY & EXCLUSIVITY OF USE OF THE LOCKER ROOM FACILITIES

Although the District does not have written policies for team locker room use, the teams generally share what is available. There is a set of team locker rooms for each sex that is located on either side of the High School gymnasium. These locker rooms are virtually identical in quality, availability, and exclusivity of use: there are three separate team locker rooms for girls and three separate team locker rooms for boys, each with the same amount of usable locker and bench space.

There are also "upstairs" team locker rooms above the boys' and girls' general locker areas. Both the boys and the girls have one "upstairs" team locker room that is accessible from the locker room below it, *i.e.*, the boys' upstairs team locker room is accessible from the boys' general locker room and the girls' upstairs locker room is accessible from the girls' general locker room. However, while the boys' upstairs team locker room is of older quality and did not contain as many lockers, it was situated in a way to provide a team meeting area and a white board. The girls' upstairs team locker room, on the other hand, is situated so that the white board is in an entryway to the

locker room and there would not be a clear focal point for a team meeting. The quality of the girls' locker room was noticeably better, however, with more lockers of better quality. OCR determined that the better quality of the girls' upstairs lockers was offset by the better set up that the boys had.

The only teams that have dedicated locker rooms at an off-site location are the boys' and girls' hockey teams. Both teams have identical locker rooms at the Pilgrim Ice Arena. (The girls' locker room was actually used by a neighboring boys' varsity team until three years ago, when it opened up and the District rented it for the girls' hockey team.) The locker rooms are comparable in size and quality, and both teams have exclusive use that allows them to leave their gear in their lockers during the season.

3. THE MAINTENANCE AND PREPARATION OF PRACTICE AND COMPETITIVE FACILITIES

Finally, OCR also examined the quality of each athletic facility and locker room. As discussed above, most of the practice and competitive facilities were used jointly by both the girls' and boys' teams and were scheduled in accord with the teams' needs and without regard to sex. Thus, in the instances where certain fields had specific problems, *i.e.*, poor field conditions, the problems were shared equally between the sexes and did not adversely affect one sex over another with the exceptions noted above. In the instances where facilities were not jointly used, OCR determined that there were no discrepancies between facility maintenance and preparation and, overall, the benefits provided to girls and boys were equivalent.

In conclusion, OCR's review demonstrated that there were inequities in favor of the boys in regard to this locker room, practice facility, and game facility component. Specifically, the girls' lacrosse team did not have the same opportunities as the boys with regard to playing in the Stadium or an otherwise equivalent competitive facility, and the field hockey field was not adequate and had a negative impact on competitive events. OCR anticipates that both of these remaining problems will be remedied with the implementation of the enclosed Resolution Agreement, which anticipates the construction of a new multi-purpose game field during the summer of 2013 and expected use in the fall of 2013.

B. SCHEDULING OF GAMES AND PRACTICES

The regulation at 34 C.F.R. §106.41(c)(3) states that, in determining whether equal opportunities are provided to both sexes in an athletics program, OCR will consider the equivalent provision of scheduling with regard to competitions and practice times. The Policy Interpretation discusses a number of factors to be considered in determining whether a district is providing equal opportunity in this area, including:

1. The number of competitive events per sport;

2. The time of day that competitive events are scheduled;
3. The number and length of practice opportunities; and
4. Opportunities to engage in pre-season and post-season competition.

In conducting this analysis, OCR interviewed the Athletic Director, as well as coaches, assistant coaches, and players from virtually all of the teams at the High School. OCR also reviewed game and practice schedules for each team, paying attention to the timing and location of games and practices, the number and length of games and practice opportunities, and the locations to which teams travel to compete.

1. GENERAL SCHEDULING

OCR learned that, as a general matter, the Athletic Director was responsible for the scheduling of games and practice times. Most coaches indicated that their involvement in scheduling was limited to instances in which there were conflicts caused by weather cancellations. Both the coaches and the Athletic Director also indicated that much of the scheduling is done by the Patriot League and in accord with MIAA rules regarding maximum number of games, start dates, etc. The Athletic Director showed OCR a copy of the standard schedule that she received from the Patriot League and it did, in fact, outline when most of her teams would be competing and against whom.

OCR also found that almost all of the teams in the District participated in the maximum number of games or competitive events allowed by the League and/or by the MIAA. OCR determined that the number of competitive opportunities were comparable between boys' and girls' teams. Specifically, of the 29 different sports programs offered at the High School, 4 of them are coed teams that have identical practice and competition schedules. The boys' and girls' cross country, indoor track, and outdoor track teams also maintain identical practice and competition scheduling.

For many of the other sports, although the schedules were not identical, OCR determined that where there was both a boys' and a girls' program, the practice and competition schedules were very close to identical. For example, the respective practice schedules for the boys' and girls' soccer, basketball, lacrosse, and tennis teams allowed the teams either to practice at the same time or alternate practice times on a weekly basis, *i.e.*, the boys would practice after school on Monday, Wednesday, and Friday with the girls practicing later, and the girls would practice after school on Tuesday and Thursday with the boys practicing later, and then they would swap the following week. Both the boys' and girls' teams would then compete against the same towns that week, with one playing at home and one playing away. The teams would flip flop the scheduling so that the boys' and the girls' teams both had the opportunity to play each opposing team once at home and once away each season. (The exception to this rule

were the teams that only played each opponent once per season, in which case the flip-flopping schedule occurred annually, *i.e.*, home this year and away next year.)

With regard to the teams where there was no equivalent for the other sex, all of the teams competed primarily within the Patriot League or against nearby districts and participated in the maximum number of events permitted by the MIAA and/or felt that their competitive schedules were sufficient.

2. “WEIGHTED” AND “INDEPENDENT” SCHEDULING

The exception to this general scheduling model were the girls’ and boys’ lacrosse and hockey teams, which did not rely as heavily on the Athletic Director to schedule their competitions and did not compete primarily in the Patriot League. With regard to the boys’ and girls’ lacrosse teams, OCR learned that they play a “weighted” schedule, meaning that they play each team in the Patriot League one time in the season (instead of playing each team twice) and then have greater flexibility in deciding which teams, either league or non-league, to play in the remaining spots. The rationale for this was that there was a broad disparity in the league in competitive levels, and rather than playing much stronger or weaker teams twice, each team could modify its schedule to provide an appropriate challenge.

Regardless, OCR determined that the boys’ and girls’ lacrosse competition and practice schedules were comparable both in number and in level of competition. The boys’ and girls’ varsity lacrosse teams each played in twenty-two games in the season, the boys’ junior varsity lacrosse team played in 18 games while the girls played in 17 games, and both the boys’ and girls’ freshman team played in 20 games.

The boys’ and girls’ hockey teams also operated outside of the general scheduling model, being designated as “Independent” from a league affiliation, according to the MIAA. Not belonging to a league affords an individual team more flexibility in the teams that they choose to play in season. This also resulted in more inconsistencies between the boys’ and the girls’ hockey schedules than there are in the other sports. While the boys’ and girls’ hockey teams compete against a wider variety of teams, including private schools, OCR found that the number and quality of competitive opportunities between the varsity teams were comparable. Boys’ varsity hockey played a total of four scrimmages and twenty-two games, while the girls’ varsity hockey team played a total of three scrimmages and twenty-three games. While the boys’ and girls’ hockey teams did not compete against the same districts, both teams did compete at similarly high levels of competition. For example, while the boys played teams like regional hockey powerhouse Catholic Memorial School, the girls played defending state champion St. Mary’s, of Lynn.

OCR did note that the boys’ junior varsity hockey team played scrimmages and twenty-two games, the girls’ junior varsity team played only fifteen games for the season. OCR

learned from the girls' junior varsity coach and the Athletic Director that scheduling girls' junior varsity hockey games was challenging because there were few surrounding districts that could field a junior varsity girls' hockey team. The coach explained that the junior varsity girls' team already traveled up to an hour-and-a-half to schools such as Barnstable and Lynn to compete. OCR viewed the junior varsity schedules of some of these other programs and confirmed that they had approximately the same amount of games scheduled as the girls' junior varsity team in the District.

OCR determined, however, that although the boys' and girls' hockey teams were afforded roughly equivalent competition opportunities, the girls' hockey teams were not provided with equal practice opportunity. Specifically, OCR found that while the school provides comparable in-season ice time for both the boys' and the girls' teams at the Pilgrim Arena, the boys' teams benefitted from additional ice time at the Massachusetts Department of Conservation and Recreation (MDC) rink in Weymouth during the season. Much of the extra ice time was purchased by the boys' hockey team's booster club. The girls' hockey team received occasional additional ice time at the MDC rink during the season, but it was not as consistent or provided as often as the boys' hockey team.

3. TEAM TRIPS

OCR also found that a select few teams received training trips, either from their own savings or through their booster clubs. For example, OCR was informed that the girls' lacrosse team had the opportunity to travel to Florida during the season to train and play additional teams. While the team did not travel to Florida every year, OCR was informed that past trips were to Vermont and Cape Cod, and they occurred annually. The trip to Florida was paid for with a fundraising effort, including babysitting and holding car washes, as well as by players paying \$300 out-of-pocket for the trip. The boys' lacrosse teams did not have a similar opportunity.

The varsity baseball team had a similar opportunity to travel to Florida for three games that counted as formal in-season competition. In discussions with the captains and the coaches of the varsity baseball team, OCR learned that the team funds the trip annually by allowing the players to pay for the trip out-of-pocket or choosing, on an individual basis, to work at a baseball themed youth clinic and using their savings for the trip. The softball teams did not have a similar opportunity. Although these trips were not equal between the boys' and girls' teams of the same sport, OCR determined that the girls' lacrosse trip to Florida offset the boys' baseball trip to Florida.

Finally, in talking with the varsity football coach, OCR learned that the football team took a trip to New York City for a football game. Given the expenses of that trip, including food and charter bus, OCR could not find a similar opportunity provided to any of the girls' teams.

In conclusion, OCR's review demonstrated that there were inequities in favor of the boys in regard to the scheduling of practice and games component. Specifically, the girls' hockey team did not receive equal practice or training opportunities, and the boys' football team benefitted from a training trip that did not have an equal with any girls' team. Under the terms of the enclosed Resolution Agreement, the District has agreed to conduct a self-assessment by January 15, 2013 and to ensure that, moving forward, they are providing equal athletic opportunities for both sexes with regard to the scheduling of games and practices, including additional opportunities, as needed, to compete and train.

C. OPPORTUNITY TO RECEIVE COACHING AND ASSIGNMENT AND COMPENSATION OF COACHES

The regulation at 34 C.F.R. §106.41(c)(5) and (6) states that, in determining whether equal opportunities are provided to both sexes in an athletics program, OCR will consider the equivalent provision of coaches, including the opportunity to receive coaching and the assignment and compensation of coaches. The Interpretation discusses several considerations to take into account in assessing compliance with 106.41(c)(5) and (6) regarding coaching, including the relative availability of full-time coaches, the relative availability of part-time and assistant coaches, as well as the training, experience, other professional qualifications and professional standing. The Policy Interpretation states that a violation will be found where compensation or assignment policies or practices deny male and female athletes coaching of equivalent quality, nature or availability.

Compliance with regard to the compensation of coaches will be assessed by examining, among other factors, the equivalence for boys' and girls' coaches of the rate of compensation, duration of contracts, conditions relating to contract renewal, experience, the nature of coaching duties involved, working conditions, and other terms and conditions of employment. OCR's analysis focuses on the benefits and opportunities provided to the student-athletes.

In reviewing this component, OCR again met with the Athletic Director, the coaches and assistant coaches, as well as the players, to determine the nature of coaching assignments for each team. OCR determined that the District primarily follows a model that assigns a head coach to each varsity, junior varsity, and freshman team. Additionally, OCR determined that the District's athletic budget allowed for four assistant coaches. One Assistant Coach was assigned to the boys' varsity hockey team, one was assigned to the varsity football team, one was assigned to the junior varsity football team, and one was assigned to the freshman football team. There were no assistant coaches who were budgeted for any girls' teams. With regard to training, experience, other professional qualifications and professional standing, we found that the coaches were equivalent and there were no instances where a boys' team received superior coaches in this regard.

With regard to compensation, OCR learned that coaches were paid using a step system that relied solely on the length of the season. OCR also noted that boys' and girls' coaches were paid identically, *e.g.*, the boys' and girls' hockey coaches were both paid \$6,104; the boys' and girls' lacrosse coaches were both paid \$5,168. The Athletic Director and several coaches informed OCR that the difference in amount was because the hockey season was longer than the lacrosse season, but there was no inequality by sexes. There were no distinctions or additional compensation provided based on level of training or experience. Instead, compensation was based solely on the position. There was also no evidence that either sex received less or worse coaching opportunities as a result of compensation. With regard to duration of contracts, conditions relating to contract renewal, experience, the nature of coaching duties involved, working conditions, and other terms and conditions of employment, contracts are year to year, and no one gave us an example of non-renewal unless by the choice of the coach. The nature of the coaching duties, working conditions, terms of employment appeared roughly equivalent for all coaches. Most coaches are teachers or have other jobs, and all coach on a stipend, part time basis.

In talking with coaches and students, OCR learned that most teams also have volunteer coaches, regardless of what the District's budget would seem to indicate. Many volunteer coaches are compensated by the various booster clubs at that end of the season in "gifts" that vary in type and formality depending on the booster club. For example, OCR learned that the varsity softball, varsity baseball, boys' varsity lacrosse, and boys' varsity and junior varsity hockey teams all have "volunteer" assistant coaches who are given "gifts" by the booster clubs at the end of the season. Varsity softball had one such volunteer coach, while varsity baseball had two coaches, boys' varsity lacrosse had two coaches, boys' varsity hockey had four coaches, and boys' junior varsity hockey had another two coaches. Some booster clubs even refer to these "gifts" as "salaries" in their budgets.

When OCR compared the teams to each other, again it became evident that the boys' teams receive the primary benefit from the paid volunteer coaching system that exists in the District. For example, while the boys' and girls' basketball teams have an equal number of paid head coaches, the boys' have an additional paid assistant coach and have a scouting budget. The boys' baseball, lacrosse, and hockey teams, also have several more coaches than the girls' equivalent. Even comparing the teams that have no analog (football, wrestling, field hockey, gymnastics, and volleyball), the boys' teams (football and wrestling) had more assistant coaches and coaching budgets than any combination of girls' teams.

In conclusion, OCR's review demonstrated that there were inequities in favor of the boys in regard to the provision of coaching. Largely due to unmatched and unmanaged benefits provided by boosters, OCR found substantial inequities in the availability of

coaching support, for which the District offered no nondiscriminatory justification. Specifically, although there was no difference in the compensation of coaches, several boys' teams received additional coaching opportunities that were not provided to the girls. Under the terms of the enclosed Resolution Agreement, the District has agreed to undertake a comprehensive review of the assignment of all coaches, as well as the booster funding that is used to support volunteer coaches. The District will report back on January 15, 2013, with their results, as well as their plan to remedy the situation.

D. EQUIPMENT AND SUPPLIES

Finally, the regulation at 34 C.F.R. §106.41(c)(2) states that, in determining whether equal opportunities are provided to both sexes in an athletics program, OCR will consider the equivalent provision of equipment and supplies. The Policy Interpretation states that the definition of equipment and supplies include, but is not limited to, uniforms, other apparel, sport-specific equipment and supplies, instructional devices, and conditioning and weight training equipment. The Policy Interpretation also states that compliance with 106.41(c)(2) regarding the provision of equipment and supplies should depend, in part, on the quality (including maintenance and replacement when necessary), amount, suitability, and availability of equipment and supplies.

As with the other sections of this review, OCR interviewed the coaches and captains of each team at the High School regarding equipment, including whether it was purchased by the District or by a booster club. OCR also inquired as to the types of equipment used, the amount used by each player and team, the quality of the equipment, and the source of the equipment. The interviews included questions regarding the mandatory equipment and "extra" equipment, supplies, and gifts that a team might receive over the course of the season. OCR also reviewed the District's budgets for several years and discussed these budgets with the Athletic Director. Finally, OCR also spoke with members of various booster clubs and reviewed booster club budgets to determine the level of equipment and supplies provided both by the District and by the boosters. Not all of the booster clubs kept clear records of their fundraising and spending, but OCR used the information in the budgets, in addition to the athlete and coach interviews, to draw its conclusions on booster club spending.

As a general matter, OCR found that, with a few exceptions, the benefits provided by the District were generally equivalent between teams and programs. All the teams received relatively equal caliber equipment and there were no real concerns from athletes or coaches that equipment or supplies were purchased or distributed by the District in an unequal manner between the boys' and girls' teams in any sport. However, when benefits provided by booster clubs were taken into account, OCR determined that there was an unequal distribution of benefits that heavily favored the boys' programs in the District.

In terms of the equipment and supplies that the athletes receive, OCR determined that the District provided the necessities required by each team, *e.g.*, home and away uniforms, basic equipment (balls, field paint, etc.), and protective gear. Beyond that, however, each team received a wide variety of equipment and supplies, depending on their booster clubs. For example, many teams receive monogrammed varsity jackets, warm up outfits, travel bags, cleats/sneakers, and trophies. After completing its review, OCR determined that four boys' teams received benefits that could not be offset by any benefits provided to the opposite sex.

1. FOOTBALL

As referenced above, the District's budgets were relatively equivalent across sports and sexes. The exception was football, a boys' team that received a larger chunk of the District's budget than virtually any other team. (The hockey program did receive more money than the football team when the ice packages of the boys' and girls' teams are taken into account. However, the girls' hockey team actually received slightly more money for ice time to balance out some of the extra time provided by the boys' boosters.)

Not only did the football program receive the necessary equipment, it also received additional benefits – like an LCD screen for film breakdown, video equipment for practices and games, a DVD/CD duplicating machine to provide DVDs to players, bound playbooks, varsity jackets, helmet decals, and warm up attire. The booster club also supported a fundraising golf tournament that raised funds for future team activities. In sum, the boys' football booster club provided over \$28,000 to the football teams.

Regardless of the fact that there is no girls' analog for the football team, the equipment and supplies provided to the team are unparalleled in the District's athletics program.

2. BOYS' HOCKEY

The boys' hockey team also received many benefits that the girls' hockey team did not and that were not otherwise matched within the girls' athletics program. The boys received approximately \$57,000 from their booster club, while the girls received less than a quarter of that amount from their booster club, which raised approximately \$13,600. Like the football team, the boys' hockey team booster club supported a fundraising golf tournament that raised funds for future team activities. As discussed above, not only did the boys' hockey team receive extra practice and training time (both on ice and off-ice training), but they also received an LCD projector to watch game films in their locker room, jackets and warm-up outfits at the end of the season, and trophies.

3. BOYS' BASKETBALL

The boys' and girls' basketball team received equal equipment and supplies directly from the District, but the boys' booster club provided numerous benefits that the girls' team did not enjoy. For example, the boys' team received varsity jackets, sneakers, a shoot-away machine, warm up gear, travel bags, game photos, and advertising books to bolster fundraising efforts. The boys received approximately \$11,700; the girls received less than half that amount, at \$4,100.

4. BOYS' LACROSSE

Like the basketball teams, the boys' and girls' lacrosse programs received equal benefits directly from the District. The boys' lacrosse team also receives a substantial clothing budget from the booster club, game films and other miscellaneous items that are not defined in the budgets. The boys' received approximately \$20,470; the girls' received roughly half that amount, at \$10,300.

In conclusion, OCR's review demonstrated that there were inequities in favor of the boys in regard to the equipment and supplies component. Specifically, the girls' teams did not receive the same quality of equipment and did not have the same availability of equipment as did the boys' teams. Under the terms of the enclosed Resolution Agreement, the District has agreed to conduct a comprehensive review of its athletics program. Once this review is complete in January 2013, the District has agreed to remedy any inequities and ensure the equitable provision of equipment and supplies.

E. BOOSTER CLUB SUPPORT

As detailed above, booster clubs provided support for the high school athletics program in most of the components examined by OCR. In the area of coaching, booster club funds supported several boys' teams by providing gifts and stipends to compensate many additional "volunteer" coaches. In the area of practice and competitive opportunities, booster club funds included the purchase of additional practice time for the boys' hockey team and an unparalleled trip by the boys' football team. Finally, in the areas of equipment and supplies, booster club funds purchased additional equipment for several sports (*e.g.*, warm up outfits, sneakers), additional team apparel (*e.g.*, varsity jackets), and additional end of the year benefits (*e.g.*, trophies, gift certificates). There were instances in which the girls' teams did benefit from booster club funding, but OCR's investigation concluded that the benefits provided as a result of booster club funding resulted in inequitable benefits to the boys' teams. As noted above, the booster clubs did not consistently maintain records of fundraising and spending, but OCR determined that the football team alone received more than \$28,000 in booster club support, and the \$57,000 received by the boys' hockey team dwarfed the \$13,600 received by the girls' hockey team. The football and boys' hockey teams also

benefitted from fundraising golf tournaments organized by their booster clubs.

To address this booster club support, the Agreement requires the District to create and implement a comprehensive policy to regulate booster club funding and other private donations flowing into the athletics program. The policy will ensure that if booster club funding is used to provide benefits and services to athletes of one sex that are greater than the benefits provided to the other sex, the District will take action to ensure that the benefits and services are equivalent for both sexes.

VI. CONCLUSION

OCR will monitor the District's implementation of the enclosed Resolution Agreement. The Resolution Agreement, when fully implemented, will resolve the remaining issues covered by the review.

Please be advised that this letter and the enclosed agreement cover only the issues investigated as part of this compliance review and should not be construed to address any other Title IX issues not investigated at this time. Letters of findings contain fact-specific investigative findings and dispositions of individual cases. They are not formal statements 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.

We wish to thank you and especially Athletic Director Margaret Conaty for your ready cooperation in this matter, as well as your commitment to ensure your District's compliance with Title IX. Should you have any questions or concerns, you may contact Attorney Phil Catanzano by telephone at (617) 289-0038 or by e-mail at Philip.Catanzano@ed.gov; Senior Investigator Fred Dow by telephone at (617) 289-0025 or by e-mail at Fred.Dow@ed.gov; or Compliance Review Team Leader Anthony Cruthird by telephone at (617) 289-0037 or by e-mail at Anthony.Cruthird@ed.gov. You may also contact me directly at (617) 289-0011.

Sincerely,

/s/

Thomas J. Hibino
Regional Director

Enclosure