

**Resolution Agreement**  
**Northwest Mississippi Community College**  
**OCR Complaint No. 06202136**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Northwest Mississippi Community College (NMCC) enter into this resolution agreement (Agreement) to resolve the issue opened for investigation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the NMCC. The NMCC assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance. The NMCC acknowledges that under Title IX, it has an obligation to provide equal athletic opportunity to members of both sexes.

Prior to the completion of OCR's investigation, the NMCC agreed to voluntarily resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the NMCC agrees to take the following actions:

**ACTION ITEM 1 – PROVISION OF LOCKER ROOM, PRACTICE AND COMPETITIVE FACILITIES**

The NMCC agrees to provide equal athletic opportunity to male and female student athletes with respect to the provision of locker rooms, practice and competitive facilities as required by Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c)(7).

The NMCC will complete a comprehensive assessment of all practice and competitive facilities and locker rooms assigned to each male and female athletic team. The assessment must include an evaluation of the following: quality and availability of the facilities provided for practice and competitive events; exclusivity of use of facilities provided to male and female teams for practice and competitive events; availability of locker rooms; quality of locker rooms; maintenance of practice and competitive facilities; and preparation of facilities for practice and competitive events. The assessment will include:

- A. Identification of all locker rooms, practice and competitive facilities, including their proximity to each other and to coaches' offices;
- B. Quality of each facility including, but not limited to, the quality of playing surfaces, field drainage and field lighting;
- C. Amenities for each locker room (seating, showers, laundry service, space available for trainers) and accommodations for visiting teams;
- D. Amenities for each practice and competitive field (concession facilities, public address systems, electronic scoreboards, special lighting on the field of play, wiring for television/online streaming coverage, seating, and housing at each field);
- E. Maintenance of each locker room, practice, and competitive facility;
- F. Preparation of each practice and competitive facility for events;
- G. The age of each locker room, practice, and competitive facility;
- H. Whether each locker room, practice, and competitive facility is on or off campus; and

- I. The availability of each locker room, practice and competitive facility, including whether certain teams or programs have exclusive use of the facility, and a schedule indicating when facilities are used for practices and competitions and how long the locker rooms are assigned for use by each team.

### **REPORTING REQUIREMENTS**

1. **By January 29, 2021**, the NMCC will provide OCR a report detailing the assessment, and results of the assessment, regarding its locker rooms, practice facilities and competitive facilities.
  - a. If the NMCC determines that the locker rooms, practice facilities and competitive facilities assigned to the male and female athletic programs are equivalent, the NMCC's report will outline that determination and the information upon which it is based. The NMCC will provide supporting documentation related to the report including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.
  - b. If the NMCC determines that the locker rooms, practice facilities, and competitive facilities assigned to the male and female athletic programs are not equivalent, the NMCC will submit to OCR, for its review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to the provision of locker rooms, practice facilities, and competitive facilities. The plan will also include a description of specific steps and timelines for construction of any new facility and/or remedial steps.
2. If Reporting Requirement 1(b) above is applicable, **within 365 days of OCR's approval of the plan**, the NMCC agrees to provide OCR with a report documenting the NMCC's efforts to implement the plan and any additional steps the NMCC intends to take in the future. The NMCC will continue to submit a report on the same date annually until the plan has been fully implemented, not to exceed five years from OCR's approval of the plan.

### **ACTION ITEM 2 – PUBLICITY**

The NMCC agrees to provide male and female student athletes equal athletic opportunity in the provision of publicity as required by 34 C.F.R. § 106.41(c)(10).

The NMCC will complete a comprehensive assessment of the provision of publicity during the 2018-2019 and 2019-2020 academic years for each male and female athletic team. The assessment will include:

- A. An inventory of all publicity provided to male and female athletes to determine whether men's and women's teams are provided equivalent publicity;

- B. An assessment of the availability and quality of services provided by sports information personnel;
- C. A determination of whether there is equivalent access to other publicity resources including the NMCC's broadcast, online streaming, and/or posting of video-on-demand home games for its men's and women's teams; and
- D. An assessment of the quantity and quality of publications and other promotional devices featuring men's and women's teams.

### **REPORTING REQUIREMENTS**

1. **By January 29, 2021**, the NMCC will provide OCR a report detailing the assessment and results of the assessment regarding publicity.
  - a. If the NMCC determines that provision of publicity to the male and female athletic programs are equivalent, the NMCC report will outline that determination and the information upon which it is based. The NMCC will provide supporting documentation related to the report, including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.
  - b. If the NMCC determines that the provision of publicity to the male and female athletic programs is not equivalent, the NMCC report will include, for OCR's review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to the provision of publicity.
2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the NMCC will provide OCR with documentation demonstrating the plan has been implemented, outlining the NMCC's steps to implement the plan.

### **ACTION ITEM 3 – SCHEDULING OF GAMES AND PRACTICE TIME**

The NMCC agrees to provide male and female student athletes equal athletic opportunity in the scheduling games and practice times as required by Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c)(3).

The NMCC will complete a comprehensive assessment of the scheduling of games and practice time during the 2018-2019 and 2019-2020 academic years for each male and female athletic team. The assessment will include the following:

- A. The number of competitive events per sport;
- B. The number and length of practice opportunities;
- C. The time of day competitive events are scheduled;
- D. The time of day practice opportunities are scheduled; and
- E. Opportunities to engage in available pre-season competition.

## **REPORTING REQUIREMENTS**

1. **By January 29, 2021**, the NMCC will provide OCR a report detailing the assessment, and results of the assessment regarding the scheduling of games and practice time.
  - a. If the NMCC determines that the scheduling of games and practice time for the male and female athletic programs are equivalent, the NMCC's report will outline that determination and the information upon which it is based. The NMCC will provide supporting documentation related to the report, including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.
  - b. If the NMCC determines that the scheduling of games and practice time for male and female athletic programs are not equivalent, the NMCC will submit to OCR, for its review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to the scheduling of games and practice time. The plan will also include a description of specific steps and timelines for completion of construction of any new facility and/or remedial steps.
2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the NMCC will provide OCR with documentation demonstrating the plan has been implemented, outlining the NMCC's steps to implement the plan.

## **ACTION ITEM 4 – TRAVEL AND PER DIEM ALLOWANCES**

The NMCC agrees to provide male and female student athletes equal athletic opportunity with respect to travel and per diem allowances and housing when traveling as required by 34 C.F.R. § 106.41(c)(4).

The NMCC will complete a comprehensive assessment of travel, per diem allowances, and housing provided during the 2018-2019 and 2019-2020 academic years for male and female student athletes. The assessment will include:

- A. A review of the modes or methods of transportation used by each team for each competition, such as institutionally owned, privately owned, or commercial vehicles. Specify the type transportation used, e.g., car, van, bus, or plane;
- B. The total per diem or amount spent for each trip for each team and the per diem allowance or amount spent for meals for each athlete for each team;
- C. For each team, the number of student athletes on the travel squad for each away game or competition, the location of the game or competition, the names and positions of additional personnel (including coaches, trainers, and student assistants/managers) who traveled with the team to each game or competition, the vehicle(s) used and the capacity of the vehicle(s) used; and
- D. The role played by booster clubs and any other outside entities in the provision of transportation and per diem allowances.

### **REPORTING REQUIREMENTS**

1. **By January 29, 2021**, the NMCC will provide OCR a report detailing the assessment and results of the assessment regarding travel, per diem allowances, and housing when traveling.
  - a. If the NMCC determines that travel, per diem allowances, and housing when traveling provided to the male and female athletic programs are equivalent, the NMCC report will outline that determination and the information upon which it is based. The NMCC will provide supporting documentation related to the report, including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.
  - b. If the NMCC determines that the travel, per diem allowances, and housing when traveling provided to the male and female athletic programs are not equivalent, the NMCC report will include, for OCR's review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes in its intercollegiate athletics program with respect to travel, per diem allowances, and housing when traveling.
2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the NMCC will provide OCR with documentation demonstrating the plan has been implemented, outlining the NMCC's steps to implement the plan.

### **ACTION ITEM 5 – PROVISION OF HOUSING AND DINING FACILITIES AND SERVICES**

The NMCC agrees to provide male and female student athletes equal athletic opportunity with respect to with respect to the provision of housing and dining facilities and services as required by Title IX and its implementing regulation, at 34 C.F.R. § 106.41(c)(9).

The NMCC will complete a comprehensive assessment of the provision of housing and dining facilities and services during the 2018-2019 and 2019-2020 academic years for male and female student athletes. The assessment will include:

- A. Housing provided;
- B. Special services as a part of housing arrangements (e.g., laundry facilities, parking space, maid service); and
- C. Dining and/or meal plans provided to men's and women's teams including any special meal supplements provided to athletic teams.

### **REPORTING REQUIREMENTS**

1. **By January 29, 2021**, the NMCC will provide OCR a report detailing the assessment, and results of the assessment regarding housing and dining facilities and services.

- a. If the NMCC determines that the provision of housing and dining facilities and services to the male and female athletic programs are equivalent, the NMCC report will outline that determination and the information upon which it is based. The NMCC will provide supporting documentation related to the report, including: a description of the process followed in each area of the assessment; a list of the individuals involved in the assessment process; and the results of the assessment.
  - b. If the NMCC determines that the provision of housing and dining facilities and services to the male and female athletic programs are not equivalent, the NMCC report will include, for OCR's review and approval, a plan to ensure the provision of equal athletic opportunities to participants of both sexes regarding the provision of housing and dining facilities and services.
2. If Reporting Requirement 1(b) above is applicable, **within 180 days of OCR's approval of the plan**, the NMCC will provide OCR with documentation demonstrating the plan has been implemented, outlining the NMCC's steps to implement the plan.

The NMCC understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the NMCC understands that during the monitoring of the Agreement, if necessary, OCR may visit the NMCC, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement. Upon the NMCC's satisfaction of the commitments made under the Agreement, OCR will close the case.

The NMCC further understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the NMCC written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the NMCC's representative below.

---

Dr. Michael J. Heindl, President  
Northwest Mississippi Community College

---

Date