

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The Montana High School Association (Association) enters into this agreement to resolve the allegations in a complaint (Reference No. 10164016) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX).

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10164016.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10164016 based upon the Association's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. The Association understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR shall give the Association written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.
- D. The Association understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the Association understands that during the monitoring of this agreement, OCR may visit the Association's place of business, interview staff and members, and request such additional reports or data as are necessary for OCR to determine whether the Association has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. 106.41(c)(3) and 106.41(c)(7), which was at issue in this case.
- E. The Association understands that OCR will not close the monitoring of this agreement until OCR determines that the Association has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. 106.41(c)(3) and 106.41(c)(7).

III. RESOLUTION PROVISIONS

- A. The Association agrees to provide girls and boys equal opportunities to participate in post-season tournaments.
- B. In selecting and assigning venues for state post-season basketball tournaments, the Association will ensure that they provide equitable tournament facilities for boys and girls that meet the requirements of Title IX.
- C. In assessing whether the venues are equitable, the Association will consider, among other things, the equivalence for boys and girls of the overall quality of the facilities, whether the teams have exclusive use of the facilities during the tournament, the availability and quality of locker rooms, and whether the facilities are comparably maintained and prepared. In selecting the venues, the Association will also consider equivalency with regard to the seating capacities at the venues and whether the venues are located in communities that afford adequate lodging and other essential services so that boys' and girls' teams can equally accommodate those who seek to travel to and attend their tournaments.
- D. In selecting venues, the Association agrees, to the extent possible, to schedule boys' and girls' basketball tournaments in the same facility.
- E. In scheduling the dates of the post-season girls' and boys' basketball tournaments, the Association agrees that if the boys' and girls' tournaments are not scheduled on the same dates, that they will schedule the tournaments in a manner that is equitable and consistent with the requirements of the Title IX regulation at 34 C.F.R. 106.41(c)(3), including annually rotating which of the tournaments occurs first.
- F. The Association agrees that nothing in this agreement modifies the terms and provision of the Settlement Agreement entered into by the Association to resolve *Ridgeway v. MHSAA (Ridgeway)*, under which the Association agreed to consider and make reasonable efforts to schedule tournaments or statewide meets at the same location during the same week or appropriate time period. Further, MHSAA shall schedule the dates for the tournaments or statewide meets and determine their locations based upon gender-neutral factors and that the Association will continue to consider and make reasonable efforts to schedule post-season basketball tournaments for boys and girls during the same week in all of its classifications.

IV. REPORTING PROVISIONS

- A. By April 30, 2017, the Association will provide a report for OCR’s review and approval that reflects the specific actions taken to comply with section III.A - F, above. The report will include the dates, times and locations for all state post-season basketball tournaments scheduled by the Association for the 2018-2019 school year.

- B. By April 30, 2018, the Association will provide a report for OCR’s review and approval that reflects the specific actions taken to comply with section III.A - F, above. The report will include the dates, times and locations for all state post-season basketball tournaments scheduled by the Association for the 2019-2020 school year.

Signed:

_____/s/_____
Mark Beckman
Executive Director
Montana High School Association

September 16, 2016
Date