



# Oregon

Kate Brown, Governor



**OREGON**  
**DEPARTMENT OF**  
**EDUCATION**

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**Colt Gill**

Director of the Oregon Department of Education

October 17, 2018

**BY EMAIL AND US MAIL**

[REDACTED]  
[REDACTED]  
Superintendent Gustavo Balderas  
Eugene School District 4J  
200 North Monroe St.  
Eugene, Oregon 97402

Case Reference Number 2018-006-KM

Dear [REDACTED] and Superintendent Balderas:

This letter is the investigatory determination on the appeal of a complaint filed with Eugene School District (District), regarding possible violations of ORS 659.850 (prohibiting discrimination in an education program or service financed in whole or in part by moneys appropriated by the Legislative Assembly), OAR 581-021-0045 (prohibiting discrimination in certain educational agencies, programs, or services under the jurisdiction of the State Board of Education), and OAR 581-029-0049 (requiring school districts to adopt written procedures for the prompt resolution of complaints of discrimination).<sup>1</sup>

## **I. APPELLATE PROCEDURES FOR COMPLAINTS ALLEGING DISCRIMINATION**

[REDACTED] (Parent) alleges that the District discriminates against female students at South Eugene High School. Specifically, Parent asserts that, because the school maintains a male gendered team name, the district treats her daughter (Student) and other female students at South Eugene High School differently from male students at the school. In support of her allegation, Parent provided several examples of other events that she alleged arose from or were the result of the school maintaining a gender specific team name. Parent further alleges that the District failed to remedy the issues identified in her complaint.

The Oregon Department of Education (Department) has jurisdiction to resolve this complaint under OAR 581-021-0049. When a complainant files an appeal of a complaint alleging discrimination, the Department initiates an investigation to determine whether discrimination may have occurred.<sup>2</sup> The Department reviews the school district's procedures and findings of fact to determine whether the proper

<sup>1</sup> Case Reference No. 2018-006-KM.

<sup>2</sup> OAR 581-021-0049(1).

procedures were followed and what action, if any, should be taken.<sup>3</sup> If the Department finds that discrimination may have occurred, it issues an investigatory determination and requires the school district that is the subject of the appeal to attempt to reach an agreement with the complainant through conciliation.<sup>4</sup> If the school district cannot reach an agreement with the complainant through conciliation within 30 days, the Department schedules a hearing to determine whether the school district is in compliance with ORS 659.850.<sup>5</sup> If the Department determines that the school district is not in compliance with ORS 659.850, it issues an order requiring compliance.<sup>6</sup> If the school district fails to comply with the order within 30 days, the Department issues an order imposing an appropriate remedy.<sup>7</sup> Appropriate remedies include: (1) withholding all or part of one or more quarterly payments that otherwise would be paid to a school district under ORS 327.095, (2) assessing a daily fine against the school district, (3) forbidding the school district from participation in interschool activities, and (4) any other appropriate remedy.<sup>8</sup>

On appeal, the Department has completed its investigation. This letter constitutes the Department's investigatory determination as to whether discrimination may have occurred.

## II. PROCEDURAL BACKGROUND

On October 2, 2017, Parent raised concerns about the school's male-gendered team name at a Parent Club meeting attended by the Principal of South Eugene High School (Principal). On October 19, 2017, Parent met with the principal to further discuss her concerns about the team name.

On October 26, 2017, Parent filed her complaint with the District. In that complaint, Parent alleged that the use of a male-gendered team name caused female students to be treated differently than male students at the school. In her complaint and supporting documents submitted to the District, Parent provided several examples of other events that she alleged were the result of the school maintaining a male-gendered team name: 1) an incident at an away game where male athletes yelled "get the bitches off the field" at female athletes of South Eugene High School after they took a knee during the national anthem, 2) the male athletes at the school were using a storage shed to change clothes for practice, to the exclusion of the female athletes, 3) the lack of female representation in the school's style guide, and 4) "[l]ocker room use issues[,] involving female athletes being displaced from their locker room by visiting teams during football games.

On November 30, 2017, the District reported the results of its investigation and responded to Parent's complaint. Dissatisfied with the District's response, Parent filed this appeal with the Department on January 2, 2018. On January 3, 2018, Parent sent the Department additional information in support of the appeal.

On February 5, 2018, the Department notified the District of the appeal. On April 4, 2018, the District timely responded to the Department. The District's response included documents requested by the

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<sup>3</sup> *Id.*

<sup>4</sup> OAR 581-021-0049(1)(b).

<sup>5</sup> OAR 581-021-0049(2).

<sup>6</sup> OAR 581-021-0049(3).

<sup>7</sup> *Id.*

<sup>8</sup> OAR 581-021-0049(3)(a) to (d).

Department in the February 5<sup>th</sup> notice, copies of relevant District policies, and supporting documents. The Department reviewed the District's response.

On May 5, 2018, the Department interviewed Parent and Student and collected additional materials related to the appeal. The Department reviewed online postings to social media highlighted by Parent and Student and relevant news coverage regarding the issues in the complaint. The Department also toured the school grounds and athletic fields. Finally, the Department interviewed several members of the District Staff, including the Federal Programs Administrator, the principal of the school, and the Eugene School District Superintendent (Superintendent).

### III. FINDINGS OF FACT

After conducting its investigation, the Department makes the following findings of fact:

1. Parent and the Principal of South Eugene High School attended the October 2, 2018, Parent Club meeting. At the meeting, Parent raised concerns that the male-gendered team name was discriminatory and suggested the team name be changed. After the meeting Parent and the principal scheduled a meeting to further discuss the team name.
2. On October 6, 2017, Parent wrote a letter to the school board, in which she again raised concerns that the gender specific team name was discriminatory. In that letter, Parent provided examples of other events that she alleged had occurred at the school as a result of the gender specific team name:
  - a. An episode at a different high school where male athletes allegedly yelled at female athletes "get the bitches off the field[;]"
  - b. The lack of female representation in the South Eugene High School style guide; and
  - c. Female students at South Eugene High School were being "expelled from their own locker rooms during football games because they are used by the visiting football teams."
3. On October 19, 2017, Parent met with the principal to discuss her concerns surrounding the team name. During the meeting, they discussed some of the issues relevant to changing the team name, such as the rationale behind a team name change, what the process of changing the name would entail, and the type of community involvement that should be included in the process.
4. On October 26, 2017, Parent filed a complaint with the District. In her complaint, Parent reiterated that the continued use of a male-gendered team name was discriminatory. Parent also reiterated her examples of other events that she alleged were the result of the school maintaining a gender specific team name.

5. The District subsequently tasked the District's Title IX Coordinator to investigate the following concerns:
  - a. South Eugene High School's continued use of the team name "Axemen;"
  - b. An incident at a different high school where male athletes allegedly yelled at female athletes "get the bitches off the field[;]"
  - c. Male student use of a storage shed at South Eugene High School to change clothes during practices, which resulted in female students not having the same access;
  - d. The lack of female representation in the South Eugene High School style guide; and
  - e. Female student athletes being displaced from their locker room during certain male sporting events as their locker room was assigned to a visiting team.
  
6. On November 30, 2017, the District issued its written response to Parent's complaint. The District made the following findings and conclusions:
  - a. The District determined that the team name, "Axemen," "does not, in and of itself, constitute sex-based harassment or discrimination under Title IX." The District noted that the team name "is not intended as a sex-stereotype or slur," and that the District had "not been presented with sufficient evidence that it is received as such, or that its use as a team name has caused differential treatment of female students or resulted in a hostile educational environment." Although the District did not find the team name to be discriminatory, the District agreed to examine whether the team name should be changed, because the team name could potentially "be viewed as less inclusive[.]" The District invited Parent to collaborate with the principal on the possibility of making a name change.
  - b. Regarding the incident at the away game, the District reported that the District, including the administration from the high school where the away game had taken place, had investigated the allegation that someone had shouted obscenities toward the female athletes from South Eugene High School. The investigation revealed that the conduct did not involve any South Eugene High School students and the matter had been fully addressed by the other school's administration.
  - c. Regarding the use of the storage shed, the District acknowledged that, occasionally, student athletes (both male and female) would use a storage shed to change clothes, typically when arriving late to practice. The District determined during its investigation that coaches at the school were aware of the practice, but were not aware that anyone had concerns about a lack of equity regarding the unofficial use of the shed. The District directed the athletic director to instruct coaches that students were only to use locker rooms (and not the storage shed) for changing. That message was communicated to the students of South Eugene High School.

- d. Regarding the style guide, the District determined that the document was not a District-created publication, it was created by an outside designer. The District further found that the document was intended for internal use by school administration only and was not generally available to students or parents. Parent only received a copy of the guide because she had requested to propose a new shirt design. The District determined that a change to the school's team name would render the existing style guide obsolete.
  - e. Regarding locker room access, the District determined that Parent was correct that, during certain football games, the visiting team had exclusive use of the girls' locker room, leaving female soccer and cross-country team members without locker room access. The District's investigation found that this schedule conflict affected four days during the fall sports calendar. Because the only schedule conflicts occurred during the fall sports season, the District proposed to find a solution to the scheduling problem before the 2018 fall sports season. The District informed Parent that it would notify her of its solution by August 15, 2018.
7. On December 14, 2017, Parent met with the Eugene School District Superintendent, the district legal counsel, and the principal to discuss the continued use of the male-gendered team name.
  8. On December 18, 2017, the superintendent sent a letter to Parent regarding their December 14<sup>th</sup> meeting. In that letter, the superintendent indicated that he shared Parent's "interest in considering whether the team name should be changed in light of the district's commitment to gender equity." The letter outlined the process that the District would undertake, noting that the principal was to "move forward with discussing the issues with [South Eugene High School] faculty, site council, parent council and some students, and to prepare a fiscal impact statement." The superintendent proposed to have a resolution to the matter no later than the end of January 2018 to allow the District to plan for the 2018/2019 school year.
  9. On December 19, 2017, the principal sent an email to the staff of South Eugene High School acknowledging the request to change the team name, providing an overview of the history of the team name, and informing staff that the school would begin a conversation regarding the team name after winter break.
  10. On December 26, 2017, the principal sent an email to the school community regarding the proposed changes and informing the community of the coming conversation regarding a possible name change.
  11. On January 2, 2018, Parent filed this appeal with the Department. Parent alleged that, on October 2, 2017, the District was placed on notice regarding the concerns about the lack of inclusivity fostered by the team name. Parent alleged that the team name "The Axemen' discriminates against women and girls and has created a culture of harm within

the school.” Parent further alleged that the District was not taking swift action on her complaint.

12. In January 2018, the District conducted a survey of school and community members regarding the team name. Several questions were posed including whether the person taking the survey agreed with the following statements:
  - a. “The Axemen accurately represents me.”
  - b. “The Axemen accurately represents all teams at South Eugene.”
  - c. “The Axemen accurately represents all students at South Eugene.”
  - d. “It is important for team names to represent all students.”
  - e. “The Axemen is an appropriate name for South Eugene High School teams today.”
  - f. “It is important to maintain a connection to South Eugene’s history and traditions.”
  - g. “The team name The Axemen is an important issue for South Eugene High School.”
13. The survey results showed that most respondents did not favor changing the team name. The majority of students, both male and female and current and former students, felt that the team name represented them and all students at the school.
14. On February 7, 2018, the principal sent the superintendent a letter summarizing the fiscal impact associated with a potential team name change. That letter provided figures regarding uniform changes for affected sports, including: football, cross country, men’s basketball, wrestling, baseball, track, and tennis. The letter also summarized the other costs to the District, such as printing new stationary, school certificates, diplomas, and other material on which the team name appeared.
15. On that same date, the principal submitted his recommendation regarding whether the team name should be changed. He recommended that the school’s team name be changed to “Axe” and be represented on uniforms and logos by either “South Eugene” or “Axe.” As part of that recommendation, the principal:
  - a. Acknowledged that there were competing perspectives on the team name and indicated that a name change would foster an environment of inclusivity for both female students and those students who felt that a male-gendered team name did not represent them.
  - b. Recognized the history of the team name. South Eugene High School opened in 1897 and began using the Axemen team name in 1926.
  - c. Gathered information through a survey that showed a distinct difference of opinion about the team name across multiple demographics. Most staff felt the team name did not accurately represent all students, while most students felt that the team name accurately represented them as individuals.

- d. Noted that the Axe name and symbol had the longest history with sports at South Eugene High School and that they were more inclusive than the existing team name.
  - e. Acknowledged that the fiscal impact of a name change would be minimal when considering normal updates, replenishing stationary stock, and replacing uniforms.
  - f. Concluded that the name change would be more unifying and inclusive of all students.
16. On February 12, 2018, the superintendent sent Parent a letter announcing the team name change and informing Parent that the school would develop a plan to implement the change.
17. By August 2018, the school had completed the process of making the name change from “The Axemen” to “Axe.” The change was widely reported in local media.
18. On August 15, 2018, the District notified Parent of its decision regarding the locker room access issue that was occurring during some fall football games. The District decided to enhance the female athletic facilities to address this issue. It added three team rooms for female athletes and an additional meeting room for female teams. By making those changes, the school will be able to: 1) assign all female athletic teams to team rooms for changing and storage of belongings, and 2) assign visiting teams to the general locker rooms (male or female) without impacting any school athletes.

#### **IV. ANALYSIS**

##### **A. Scope of this appeal**

In its response to Parent’s appeal of the District’s decision, the District asserts that the only allegations that were raised in Parent’s complaint before the District were: 1) that the male-gendered team name was discriminatory, and 2) that the storage shed was being used by male athletes as a make-shift changing area to the exclusion of female athletes. The District asserts that any other issues are outside the scope of what the Department has authority to consider on appeal.

The Department rejects the District’s argument. First, the evidence substantiates that Parent’s allegations were raised before the District. As part of her complaint, Parent submitted supporting documents. Parent submitted a letter to the Eugene School District Superintendent, dated October 26, 2017, in which she listed several examples of “sexist events” that, she alleged, had occurred as a result of the male-gendered team name. In those examples, Parent mentioned the episode at another school where male athletes yelled “get the bitches off the field” at the female athletes of South Eugene High School. She also mentioned the style guide, which she asserted promoted men and not women. Parent also submitted a copy of the style guide, on which she made handwritten notes about “locker room use issues” and the promotion of men over women in the style guide. In her earlier letter to the school board, dated October 6, 2017, Parent had indicated that her concern around locker room use stemmed from the fact that female

students were expelled from their locker room during football games because the locker rooms were being used by visiting teams.

Second, the District's November 30<sup>th</sup> response to Parent's complaint demonstrates that the District understood that those issues were part of Parent's complaint and the District fully investigated and addressed each of those issues in its response.

For those reasons, the Department finds that the above allegations (the style guide, the locker room access issue, and the away game incident) were sufficiently raised before the District.

**B. Whether the District treated students differently on the basis of sex**

Parent alleged that the District treated students differently on the basis of sex because South Eugene High School maintained a male gendered team name, "The Axemen." Parent identified several examples of "sexist events" that she alleged were the result of the school maintaining a gender specific team name:

- 1) An incident at a different high school where male athletes yelled "get the bitches off the field" at female athletes from South Eugene High School after they took a knee during the national anthem.
- 2) Male student use of a storage shed to change before and after practice, generally to the exclusion of female students.
- 3) The South Eugene High School style guide, which depicted only men.

Parent also asserted that there were "locker room use issues." Parent elaborated on that issue in a letter to the school board, in which she expressed that female sports teams sometimes did not have locker room access during male football games because visiting teams were provided use of the female locker rooms during the games.

Under Oregon law,

A person may not be subjected to discrimination in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.<sup>[9]</sup>

For purposes of this prohibition, "discrimination" means "any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either

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<sup>9</sup> ORS 659.850(2). OAR 581-021-0045(2) applies this prohibition specifically to the types of schools regulated by the Department: "No person in Oregon shall be subjected to discrimination in any public elementary or secondary school, educational program or service, or interschool activity where the program, service, school, or activity is financed in whole or part by monies appropriated by the Legislative Assembly."



of which is based on race, color, religion, sex, sexual orientation, national origin, marital status, age or disability.”<sup>10</sup>

In applying this prohibition to school districts, OAR 581-021-0045(3) specifically states that a school district may not:

(b) Provide different aid, benefits, or services; or provide aids, benefits, or services in a different manner;

(c) Deny any person such aid, benefit, or service;

(d) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

\* \* \* \* \*

(f) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.<sup>[11]</sup>

As explained above, in her October 26<sup>th</sup> complaint to the District, Parent alleged that South Eugene High School was discriminating against Student and other similarly situated students at the school by having a male-gendered team name. In support of that allegation, Parent identified several examples of events that she alleged occurred as a result of the school maintaining a gender specific team name. Parent’s allegation concerns whether, by maintaining a male-gendered team name at South Eugene High School, the District provided Student with “different aid, benefits, or services,” denied Student “such aid, benefit, or service,” subjected Student to “separate or different \* \* \* treatment,” or otherwise limited Student’s “enjoyment of \* \* \* [a] right [or] privilege” because of Student’s sex.

The District maintains policies prohibiting discrimination<sup>12</sup> and providing for the investigation of complaints alleging discrimination.<sup>13</sup> In accordance with its policy, the District sent parent a letter acknowledging receipt of parent’s complaint on October 30<sup>th</sup>. That letter informed Parent that the allegations in her complaint would be investigated and specified that the results of the investigation would be reported by November 30, 2017.

The District subsequently investigated Parent’s complaint. In a letter dated November 30, 2017, the District informed Parent of the outcome of its investigation. The District determined that the team name, “The Axemen,” “does not, in and of itself, constitute sex-based harassment or discrimination[.]” The District noted that the team name “is not intended as a sex-stereotype or slur,” and that the District had “not been presented with sufficient evidence that it is received as such, or that its use as a team name has caused differential treatment of female students or resulted in a hostile educational environment.” While the District did not find the team name to be discriminatory, it agreed to further examine a possible

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<sup>10</sup> ORS 659.850(1). OAR 581-021-0045(1)(a) uses an identical definition for “discrimination” for purposes of the Department’s regulatory authority over public elementary and secondary schools.

<sup>11</sup> OAR 581-021-0045(3)(b)-(d) and (f).

<sup>12</sup> Eugene School District 4J, Nondiscrimination, Policy AC and Harassment, Intimidation, Bullying, Cyberbullying, Hazing and Teen Dating Violence, Policy JB

<sup>13</sup> Eugene School District 4J, Bullying, harassment & discrimination: Step-by-Step complaint process.

team name change because the existing team name could potentially “be viewed as less inclusive” than it had been in the past. The District ultimately determined that changing the team name was appropriate and decided to change the name from “The Axemen” to “Axe.” The District completed the process of making that name change before the commencement of the following school year.

The Department finds that the District followed its policies and procedures in investigating and addressing Parent’s complaint. For purposes of this appeal, the Department does not find it necessary to determine whether the team name “The Axemen” provided Student with “different aid, benefits, or services,” denied Student “such aid, benefit, or service,” subjected Student to “separate or different \* \* \* treatment,” or otherwise limited Student’s “enjoyment of \* \* \* [a] right [or] privilege” because of Student’s sex. The Department finds that Parent’s complaint that South Eugene High School was discriminating against Student and other similarly situated students by using a male-gendered team name was resolved by the District’s decision to change the team name to “Axe” and its subsequent implementation of that change.

As explained above, Parent raised four other allegations related to the male-gendered team name. Specifically, Parent expressed concern about: 1) an away game incident, during which someone yelled “get the bitches off the field” at female athletes after they took a knee during the national anthem, 2) the male student misuse of a storage shed as a changing facility to the exclusion of female students, 3) the lack of female representation in the style guide, and 4) the lack of locker room access for female students during football games.

The Department was not provided with, nor did it find, any information linking the team name to any of those above described concerns. In addition, regarding the away game incident, the Department finds that no South Eugene High School student or staff person was involved. Because the individual(s) involved in the incident were members of a different school community, the Department finds that the incident was not a consequence of an environment that was created by the use of a male-gendered team name, as Parent suggests.

To the extent that Parent’s additional concerns could be considered separate or additional complaints of discrimination, the Department finds that those issues were explained or remedied by the District for the reasons explained below.

Away game incident: In September 26, 2017, during an away game at another high school, members of the female soccer team knelt during the national anthem. This incident followed closely in time with members of the National Football League kneeling during the national anthem in protest of police brutality against African Americans. The national protests drew significant reactions nationwide. The student protests drew similar reactions. Members of the crowd reportedly could be heard yelling profanity and sexist comments at the female students who chose to kneel during the national anthem. Specifically, they yelled “get the bitches off the field.” In its letter responding to Parent’s concerns regarding this incident, the District noted that the administration of the high school where the incident occurred and the District Title IX coordinator had investigated the incident and found that no South Eugene High School students were involved. The District also noted that the matter was fully addressed by the administration of the away school where the incident occurred.

As explained above, the Department finds that no South Eugene High School students or staff were involved in this incident. The Department also finds that incident was addressed by the school where the incident actually occurred.<sup>14</sup>

Storage Shed: Parent expressed concern that a soccer supply storage shed was often utilized by male athletes as a changing area when the athletes were running late to practice. When male students utilized the soccer shed in this manner, female students were often excluded. The District's investigation found that the student use of the shed was impromptu rather than a practice encouraged or sanctioned by coaches or the District. Upon bringing the issue to the District's attention, the District directed the athletic director to instruct coaches that students were to discontinue use of the shed as a changing facility and only use the locker rooms for that purpose. That message also was communicated to the students of South Eugene High School.

The Department finds that the District remedied any potential issue regarding the storage shed by directing both coaches and students that the shed was not to be used as a changing facility.

Style Guide: Parent asserted that there was a lack of female representation in the South Eugene High School style guide. Specifically, she asserted that the style guide promoted only men in its imagery and language. Parent obtained a copy of the style guide in the context of requesting to propose a new shirt design.

The Department finds that the style guide is not generally accessible to parents or students, nor is it promoted by the District. If students do not have access to the style guide, then the guide cannot be contributing to a hostile environment for female students. In any event, given the team name change to "Axe," the style guide about which Parent complains is now obsolete.

Locker room access: Finally, Parent brought to the District's attention that, during football season, visiting football teams were assigned to the female locker room and this resulted in female athletic teams being displaced. The District acknowledged the issue and initially pledged to address the concern by adjusting sports schedules for the fall 2018/2019 school year so there would not be a conflict between female team practice times and home football games, during which visiting teams would need locker space. As part of that commitment, the District promised to inform Parent of the solution it had reached to address that concern by August 15, 2018.

On August 15, 2018, the District informed Parent, via email, that it had decided to enhance the female athletic facilities at the school to address the issue. Specifically, the District added three additional team rooms for female athletes and an additional meeting room for female teams. With these additions, all female teams at the high school could be assigned to team rooms for changing and secure storage of belongings. The enhancement to the sports facilities allows the school to assign visiting teams to the general locker rooms (either male or female) without impacting the school's athletes/teams of either gender.

To the extent, if any, that the District was treating students differently on the basis of sex in displacing female student athletes from locker room access during home football games, the District remedied that

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<sup>14</sup> It should be noted that the District might view this incident as a teaching opportunity and reinforce within the District what behavior is expected at school events.

issue by adding the additional team and meeting rooms for female athletes, which ensured that female athletes would not be displaced by any team visiting South Eugene High School.

**C. Whether the District failed to provide a remedy after complaints were made alleging sexual discrimination**

Complainants may,

after exhausting local grievance procedures or 90 days (whichever occurs first) appeal in writing to the Superintendent of Public Instruction. The Superintendent shall review the local school district procedures and finding of fact to determine if proper procedures were followed and what action if any shall be taken.<sup>15</sup>

School districts in Oregon are required to “adopt written procedures for the prompt resolution of complaints of discrimination.”<sup>16</sup> As explained above, the District maintains policies that prohibit discrimination and that set forth the complaint process.<sup>17</sup>

For the reasons explained in Section B, the Department finds that the District followed its policies and procedures in investigating and addressing Parent’s complaint. On appeal, Parent alleged that the District was “not taking swift action” on her complaint.

As part of the appeal, the Department interviewed Parent and Student, toured the school grounds, acquired additional information, and interviewed District staff. Following the submission of the appeal to the Department, the District announced a change in the team name. Parent remained dissatisfied because the District had not immediately discontinued use of the “Axemen” team name. She provided evidence that the school continued to display the male-gendered team name on school facilities and uniforms.

During the Department’s interview with District officials, they were asked about the perceived lack of action in changing signage, uniforms, and other materials bearing the team name “Axemen.” The Department noted that some team uniforms had “South Eugene” displayed on them, while others bore the team name “Axemen.” The District had prepared a fiscal impact statement that detailed the financial costs of changing the team name to “Axe.” Before an order for uniforms with the new team name could be placed, the District needed to contract for the design of updated art and logos for the school. Once that process was completed, the new art and logos would need to be sent to the District’s uniform contractor for production. Giving consideration to the process involved in changing the team name, the District reported that it would be impossible to get uniforms with the new name in time for spring sports that year. However, the District indicated that the new uniforms would be ready for the fall 2018 season.

The District also was asked about the signage and historical markers bearing the name “Axemen.” The District’s plan included moving the legacy signage to a part of the school that historically celebrated the

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<sup>15</sup> OAR 581-021-0049(1)

<sup>16</sup> *Id.*

<sup>17</sup> Eugene School District 4J, Nondiscrimination, Policy AC, Eugene School District 4J, Harassment, Intimidation, Bullying, Cyberbullying, Hazing and Teen Dating Violence, Policy JB, and Eugene School District 4J, Bullying, harassment & discrimination: Step-by-Step complaint process.

school's sports history. With that move, the memorabilia would be placed in the proper historical context. The District also planned to change signage around the school to the new team name, including the signage on the building and sports fields. Those changes also carried the same delays associated with contracting for the design of a new logo and signage contractors creating and installing the appropriate signs. The District expected to have that work completed by the start of the 2018/2019 school year.

The Department finds that the District appropriately responded to Parent's concerns regarding the team name. The Department further finds that the District's decisions regarding the implementation of the new team name were reasonable, given the circumstances. Finally, the Department finds that the District completed the changes in the time frame that it indicated it would, before the commencement of the following school year.

#### **V. ADDITIONAL CONCERNS WERE NOT RAISED BEFORE THE DISTRICT**

Parent raised several additional concerns with the Department that she alleged fell under the "umbrella" of the male-gendered team name. Parent alleged that:

- 1) The locker rooms for female students at South Eugene High School were not equal to what was provided for the male students;
- 2) Female students received unequal field and court time;
- 3) Female teams were assigned to fields with inferior surfaces;
- 4) The Junior Varsity coach subjected female athletes to an "angry rant" after they took a knee during the national anthem;
- 5) Various teachers made comments that reinforced gender stereotypes;
- 6) Male students were rating female students based on their appearance;
- 7) The signage associated with South Eugene High School's cooking classes included a sexualized depiction of a female cooking club student; and
- 8) There were not enough female coaches at South Eugene High School.

The evidence suggests that those issues were not caused by the "Axemen" team name. In any event, it is outside the scope of the Department's authority to review those issues as they were not first raised with the District.<sup>18</sup>

#### **VI. CONCLUSION**

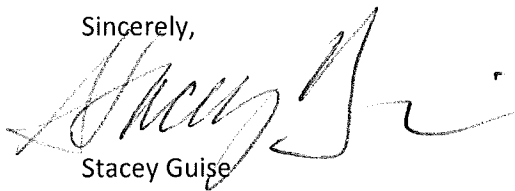
In conclusion, the Department finds that the District appropriately investigated and responded to Parent's concerns in conformity with the District's policies. In most areas of concern, the District affirmed Parent's observations and changes were made to address the concern. Additional concerns raised with the

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<sup>18</sup> OAR 581-021-0049(1)

Department on appeal were not included in Parent's complaint to the District. The Department finds that discrimination did not occur in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey Guise", with a stylized flourish extending to the right.

Stacey Guise  
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