

On Mon, May 3, 2021 at 12:57 PM Hill, Jeff <[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org)> wrote:  
How would May 26th work for you, in the afternoon?

Jeffrey W. Hill, Ed.D  
Superintendent  
Morton Community Unit School District 709

On Mon, May 3, 2021 at 7:30 AM Gigi MacIntosh <[gigi.macintosh@gmail.com](mailto:gigi.macintosh@gmail.com)> wrote:

Hi Jeff,  
Thank you for responding. What dates/times do you have in mind?  
Thank you,

Gigi

On Fri, Apr 30, 2021 at 3:23 PM Hill, Jeff <[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org)> wrote:

Good afternoon Gigi,

I would like to set some time up for us to walk the facility and discuss the planned improvements. I was hoping to get through all of the end-of-year events first if that will work for you. The information you have provided will be helpful for our discussion.

Sincerely,

Jeffrey W. Hill, Ed.D  
Superintendent  
Morton Community Unit School District 709

On Thu, Apr 22, 2021 at 3:21 PM Gigi MacIntosh <[gigi.macintosh@gmail.com](mailto:gigi.macintosh@gmail.com)> wrote:

Hi Jeff,

Thank you for your communication. Yes, I would be able to meet with you and/or the Title IX coordinators to better understand the district's plan and Title IX interpretation. From your email, we may have a different interpretation of the law as it applies to equitable treatment between females and males. You stated that you were interested in my thoughts about why the district would still be out of compliance after implementing what you listed in your email, this will be better communicated in-person, but I have written some thoughts below.

In our correspondence, you keep referring to the amount of money that the district has spent on the girls' softball facility. This amount will not be taken into consideration to determine equity, as it is not the amount that is spent, it is the level of treatment given to boys and girls over the total athletic program. For example, if 100 boys are receiving elite treatment (in regard to: facility, equipment, uniforms, meals, travel, awards, recognition, promotion, etc.) then 100 girls have to be receiving this elite treatment as well. I was just comparing baseball and softball to make it easier, however the Office of Civil Rights (OCR) will not compare sport to sport or the Morton softball dugouts to other softball dugouts in the area, they will compare the overall treatment of boys and girls

in all of the sport programs at Morton Unit District #709. Is the treatment equitable - is the same number of girls receiving the same type of treatment as the same number of boys? In my opinion, even after what you have listed, they are not.

The solution to have an in-season use schedule for the indoor building at Westwood Park will not create equitable treatment as softball does not have their softball fields at Westwood Park which is located almost two miles away from their softball fields at Birchwood Park. This would also create a logistical nightmare with equipment (especially pitching machines) transportation/storage/time. My other concern would be the fallout for the girls due to the boys having the indoor facility less-possibly blaming the girls.

Unfortunately, the decision to move the on-campus softball fields from both the junior high and high school to Birchwood Park has affected the level of equitable treatment between boys and girls. I am unsure of the rationale that was used in deciding to move the softball fields off campus, but, if the move had to be done, it would have made more sense to put the softball fields at Westwood Park with the baseball fields, this would ensure equitable treatment by sharing amenities with baseball. Also, Westwood Park is a better setting for sports teams. It was common knowledge of the geese situation at Birchwood Park and there are still geese that roam the fields and leave their droppings everywhere, including the playing surface, this is not safe or aesthetic. The water table dilemma was known and still the school district pushed ahead with the development of the softball field at Birchwood Park, knowing in-ground dugouts may not be feasible.

The justification to not having a designated junior high field for softball was to state that junior high softball is in a different season than high school softball – this is also true for baseball, which has fall junior high and spring high school seasons - but the baseball facility still has a separate junior high field with press box, signage, and a shorter outfield fence than the high school diamond, so younger boys may hit the baseball over the outfield fence. This opportunity for a separate field, shorter outfield fence, and a press box with signage is not afforded for the junior high softball girls.

The statement to 'improve the outdoor cages at Birchwood Park' - does this mean adding a building next to the softball cages for easy access storage like the baseball cage? Adding lights, like the baseball cage? The softball cage frame is broken and there were too many holes in the netting to count. Just replacing the netting and fixing the frame will not make the treatment the same as the outdoor cages at Westwood Park - because Westwood Park's outdoor cages are an example of an elite amenity with their lights mounted on the cages and the attached storage building to the cages. (The cages are also wider at Westwood). I didn't notice that the Westwood Park outdoor cages had any holes in the netting, broken frame, or improvements to be done, so I am not sure what you meant by 'coincidentally the outdoor cages at Westwood Park are also in need of improvement.'

In looking at the past board minutes, there was a presentation of a 15-year budget plan summary for maintenance, capital improvements, and health/life safety repairs. Are Mr. Keach's plans/drawings for softball facility improvements available to view? Are these the improvements you would be sharing or just the improvements that are outlined in your email?

I can be in Morton any weekday after 4:00 PM and available on weekends as well.

Again, thank you for the communication.

Sincerely,

Gigi MacIntosh

309-369-7777

On Tue, Apr 20, 2021 at 6:48 PM Hill, Jeff <[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org)> wrote:

Good evening Gigi,

Thank you for your email. I am interested in your thoughts about why the District would be out of compliance with Title IX after completing the steps outlined in my prior email. To make sure you have a complete understanding, our planned softball facility improvements are part of a comprehensive facility plan that goes beyond the improvements that you have identified. They also involve working collaboratively with the Morton Park District, requiring some coordination between the two entities. As a former Varsity Girls Basketball coach at Hinsdale Central High School (for 8 years), I have a thorough understanding of issues of equity when it comes to athletic facilities and opportunities. Our plan will achieve that, and will honor the contributors to the success of the program, such as yourself, and as we do with other programs.

We ask that you give the District a reasonable opportunity to address the issues we outlined in prior correspondence. We will be completely transparent in our efforts so that you and others in the softball community will be able to monitor the District's progress. In that spirit, I would be happy to meet with you and go over the planned improvements in more detail. The seven hundred thousand dollar project completed a few years ago was the first step in this process. We expect to have the remaining improvements complete within the next year or so.

Should you desire to continue with the complaint process our designated Title IX coordinators are Mrs. Deidre Ripka, MHS principal, and Dr. Craig Smock, Assistant Superintendent.

Sincerely,

Jeffrey W. Hill, Ed.D  
Superintendent  
Morton Community Unit School District 709

On Thu, Apr 15, 2021 at 4:04 PM Gigi MacIntosh <[gigi.macintosh@gmail.com](mailto:gigi.macintosh@gmail.com)> wrote:

Jeff,

Thank you for your timely communication, responses, and statement that you are open for questions. I have been doing more research and realized I missed the outdoor batting cages and a fourth field at Birchwood Park. I also observed that the outdoor facilities that share both boys' and girls' teams (soccer, tennis, track, and golf), are all above average/elite (other than having only six lanes on the track curves) and obviously are equitable between boys and girls because they share the same facility but in different seasons (soccer, tennis) or simultaneously (track, golf). The football facility, which to my knowledge is not shared with girls' teams, is elite. However, the only facility that is not shared by both boys' and girls' teams and are sport similar are baseball and softball; and in my opinion, this puts Morton Unit District #709 out of compliance with the Title IX prong of equitable treatment due to the lack of amenities and poor field conditions at the softball complex.

#### Questions:

1.  
The quickest litmus test to determine equity is to ask the question, "Not including the field dimensions just the amenities, would the baseball program be willing to rotate facilities each year with the softball program?"
2.  
Have there been any follow-up meetings/plans/budgeting from the initial softball off campus build to plan for improvements? Was/is the softball coach involved in these follow-up meetings/plans?
3.  
In the attachment 'Girls Softball Inquiry' > 'next steps' statements, you mentioned in #1 'Establish an in season use schedule for the indoor facility at Birchwood Park'. Did you mean Westwood Park as Birchwood Park does not have an indoor facility?
4.  
The on-campus softball field had recognition signage on the press box, where is that signage now?
5.  
Who is the designated Title IX coordinator for the district?

My next steps:

1.  
File  
a Title IX complaint with the school district, because even with your listed solutions, Morton Unit District #709 will still not be in compliance with Title IX.

if needed,

2.  
File  
a Title IX complaint with the Department of Education, Office of Civil Rights.

Sincerely,  
Gigi MacIntosh  
309-369-7777

On Tue, Apr 13, 2021 at 2:51 PM Jeff Hill <[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org)> wrote:  
Good afternoon Gigi,

Please find attached our next steps regarding our girls softball facilities.

*This is a staff email account managed by Morton Community Unit School District 709. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.*

Please let me know if you have any further questions.

Sincerely,

Jeffrey W. Hill, Ed.D.  
Superintendent  
Morton Unit School District 709  
[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org)  
309-263-2581

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## Update

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**email: "jeff.hill@mcusd709.org Jeff Hill"**

To: email: "gigi.macintosh@gmail.com MacIntosh Gigi"

Bcc: email: "jwhil1@icloud.com"

Thursday, June 3, 2021 at 7:05:06 PM Central Daylight Time

Good afternoon Gigi,

Thanks for meeting with me last week. I again updated the Board of Education Tuesday evening about our on-going discussions. I am pleased to report that there is general consensus to make a number of improvements to our girls' softball facilities. Our board has charged me with identifying options and presenting those options to the board along with cost estimates that we receive from our architects. As you know, since our facilities are located on park district property, I will need to work with the Morton Park District on this matter. We will also likely include representatives of MGSA and MYBA as both a courtesy and also to solicit input from the other end users of the facilities. I am sure the process will take some time but wanted to give you this encouraging update. I hope to have at least preliminary information back to our board by the July board meeting.

I will keep you in the loop as these conversations progress.

Thanks!

Jeffrey W. Hill, Ed.D.  
Superintendent  
Morton Unit District 709

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**email: "gigi.macintosh@gmail.com Gigi MacIntosh"**

To: email: "jeff.hill@mcusd709.org Jeff Hill"

Thursday, June 3, 2021 at 7:06:49 PM Central Daylight Time

Hi Jeff. That is great news. Thanks for sharing and keeping me updated.

Gigi

On Thu, Jun 3, 2021 at 7:05 PM Jeff Hill <[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org)> wrote:

Good afternoon Gigi,

Thanks for meeting with me last week. I again updated the Board of Education Tuesday evening about our on-going discussions. I am pleased to report that there is general consensus to make a number of improvements to our girls' softball facilities. Our board has charged me with identifying options and presenting those options to the board along with cost estimates that we receive from our architects. As you know, since our facilities are located on park district property, I will need to work with the Morton Park District on this matter. We will also likely include representatives of MGSA and MYBA as both a courtesy and also to solicit input from the other end users of the facilities. I am sure the process will take some time but wanted to give you this encouraging update. I hope to have at least preliminary information back to our board by the July board meeting.

I will keep you in the loop as these conversations progress.

Thanks!

Jeffrey W. Hill, Ed.D.  
Superintendent  
Morton Unit District 709

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**email: "jeff.hill@mcusd709.org Jeff Hill"**

To: email: "jay.greening@mhtlaw.com Greening Jay"

Thursday, June 3, 2021 at 7:07:39 PM Central Daylight Time

FYI

Jeffrey W. Hill, Ed.D.  
Superintendent  
Morton Unit District 709

Begin forwarded message:

**From:** Gigi MacIntosh <[gigi.macintosh@gmail.com](mailto:gigi.macintosh@gmail.com)>  
**Date:** June 3, 2021 at 7:07:01 PM CDT  
**To:** Jeff Hill <[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org)>  
**Subject:** [EXTERNAL EMAIL] Re: Update

Hi Jeff. That is great news. Thanks for sharing and keeping me updated.  
Gigi

On Thu, Jun 3, 2021 at 7:05 PM Jeff Hill <[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org)> wrote:

Good afternoon Gigi,

Thanks for meeting with me last week. I again updated the Board of Education Tuesday evening about our on-going discussions. I am pleased to report that there is general consensus to make a number of improvements to our girls' softball facilities. Our board has charged me with identifying options and presenting those options to the board along with cost estimates that we receive from our architects. As you know, since our facilities are located on park district property, I will need to work with the Morton Park District on this matter. We will also likely include representatives of MGSA and MYBA as both a courtesy and also to solicit input from the other end users of the facilities. I am sure the process will take some time but wanted to give you this encouraging update. I hope to have at least preliminary information back to our board by the July board meeting.

I will keep you in the loop as these conversations progress.

Thanks!

Jeffrey W. Hill, Ed.D.  
Superintendent  
Morton Unit District 709

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email: "[gigi.macintosh@gmail.com](mailto:gigi.macintosh@gmail.com) Gigi MacIntosh"

Monday, July 26, 2021 at 12:47:36 PM Central Daylight Time

To: email: "[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org) Jeff Hill"

Cc: email: "[chris.carter@mcusd709.org](mailto:chris.carter@mcusd709.org) Christopher Carter", email: "[deidre.ripka@mcusd709.org](mailto:deidre.ripka@mcusd709.org) Deidre Ripka", email: "[lee.hoffman@mcusd709.org](mailto:lee.hoffman@mcusd709.org) Lee Hoffman", email: "[scott.jones@mcusd709.org](mailto:scott.jones@mcusd709.org) Scott Jones", email: "[craig.smock@mcusd709.org](mailto:craig.smock@mcusd709.org) Smock, Craig"

Administration Team:

This is a follow up email in regard to last week's phone conversation I had with Jeff, to checking board minutes, and from watching the board meeting via streaming.

Unless I am missing something or there are other plans/lists I am not aware of, It does not appear that there will be agreement on Title IX compliance or movement towards building an indoor building, designated junior high field with shorter fences, in-ground dugouts, storage building by the batting cages, and stadium seating at the softball facility which is located at Birchwood Park. The equitable solution that was stated at the board meeting was, "...we've established a practice rotation that gives both programs access to facilities on an equitable basis..." This solution is not equitable and places a burden on the softball program with storage and transportation issues along with not having a field available; even if you do assign a field at Westwood Park for softball use, this will now not afford the softball program to practice on their game fields. There is also the potential for fallout to happen in regard to

the softball coaching staff and players. The perception may be the boys are getting less because of the girls. There was also no mention of moving in the outfield fences for the underclass/junior high designated field, nor in-ground dugouts, storage building by the batting cages, and stadium seating. Will the mentioned field improvements (correct basepaths, infield dimension, grass removal, reconfigure bleachers/bullpens) be done before the 2022 high school softball season? Unfortunately it is too late for the MJHS IESA softball season, which started today, marking the 6th straight season the softball girls will play on a non-regulation field with no potential of hosting a postseason game.

I did notice that a new cage was recently installed and new nets were hung. Are there plans for a storage building connected to the cages with easy up roller doors? I also noticed recently installed signage and dugout amenities. My concern with the signage is that whoever designed the signs/emblems used the baseball logo, also does Morton use the 3rd base dugout as the visitor's? Visitor's sign was hung on the 3rd base dugout. There is a softball logo on the storage shed on the other side of the outfield fence. There is also another softball logo being used. (I've included both in this email). Going forward can the high school/junior high school softball programs have input/decide on the school softball logo that will be used instead of just slapping on the baseball emblem? To my knowledge, this emblem has never been used by the school softball programs and it definitely represents Morton Baseball not Morton Softball.

The other Title IX compliance issues I brought up to you on the phone have to do with participation numbers, cheerleading/dance being counted in participation numbers despite not being competitive cheer/dance just sideline (also having to buy their own uniforms), and co-op lacrosse - girls being denied to co-op because boys cannot co-op due to boys numbers already enough at opposing school. So if the boys can't, girls can't? The only way denying girls from co-op lacrosse or not adding girl's lacrosse would be equitable is if the girls' participation numbers were a higher participation than the boys, but that is not the case at Morton. In fact, there is a large gap between boys and girls participation as it relates to school enrollment. All of these Title IX compliance issues were brought to my attention after the initial email concern to you and the other administrators.

Steve Stein did contact me and I waited to respond until after the board meeting. I have since talked to him and shared pictures of the facilities. I gave him the back story and in my opinion, what it would take to meet Title IX compliance.

Thank you,  
Gigi MacIntosh

Thank you for the communication.

Gigi  
309-369-7777

On Wed, Apr 7, 2021 at 12:42 PM Jeff Hill <[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org)> wrote:

Good afternoon Gigi,

We have received your email. I will be pulling our team together to review the items you have listed and be back in contact with you next week.

Thanks,

Jeffrey W. Hill, Ed.D.  
Superintendent  
Morton Unit School District 709  
[jeff.hill@mcusd709.org](mailto:jeff.hill@mcusd709.org)  
309-263-2581

On Apr 6, 2021, at 5:09 PM, Gigi MacIntosh <[gigi.macintosh@gmail.com](mailto:gigi.macintosh@gmail.com)> wrote:

To:  
Chris Carter, MJHS Athletic Director  
Jeff Hill, MUSD #709 Superintendent  
Lee Hoffman, MJHS Principal  
Scott Jones, MHS Athletic Director  
Deidre Ripke, MHS Principal

Re:  
Title IX concern- inequities between the baseball and softball facilities

Administrative Team,

In searching the Morton 709 website, I could not locate an employee designated as the Title IX coordinator role or contact information for a Title IX issue, so I am emailing pertinent administrators the Title IX concern.

The recent 60 Minutes story, the school district's reaction, and the NCAA debacle reminded me of a Morton townspeople contacting me last summer to glean information and to understand a school district's responsibility to ensure equitable treatment for boys and girls.

The townspeople's concern was about the baseball facility having more amenities than the softball facility. The federal law is very clear about equitable treatment between boys and girls within the educational setting of entities that receive federal funds. If donations or other means of funding are provided to enhance treatment for one gender, the district must ensure these funds do not cause an inequitable treatment toward the other gender, and if it does, the district is responsible to offset those inequities.

Earlier last week, I drove out to both the baseball and softball off-campus facilities and saw first hand that the inequities are striking, vast, and far reaching.

Current 2021 facilities:

Baseball

1. indoor and outdoor batting cages, including a building next to the outdoor cages to store pitching machines, screens, baseballs, etc.
2. indoor practice facility building which houses the indoor batting cages and other amenities
3. designated junior high field with their own press box with signage
4. in-ground dugouts
5. stadium seating
6. advertisement on bleachers and stadium seating to generate funds
7. recognition of past teams' accomplishments and coaches' records with signs and inscriptions on the bricked press box
8. sign on the main field that determines the field is only for certain use
9. 6 diamonds

Softball

1. No batting cages, not outdoor or indoor
2. No indoor practice facility building
3. No designated junior high field with signage
4. No in-ground dugouts
5. No stadium seating
6. No advertisement opportunities on bleachers to generate funds
7. No recognition signs/inscriptions of past teams' accomplishments or coaches' records.
8. No sign on the main field to state only for certain use
9. 3 diamonds

My request is for the Morton School District #709 to ensure equitable treatment by providing the necessary resources to have the softball facility mirror the baseball facility; my hope is that this request will be met with the same urgency and timeliness in which the district's responses to the 60 Minutes story were.

Sincerely,  
Gigi MacIntosh  
309-369-7777