

Tufts University
Complaint No. 01-10-2089

The U.S. Department of Education, Office for Civil Rights (OCR) investigated the above-referenced complaint filed in September of 2010 under 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 (Title IX). In order to resolve the compliance concerns OCR identified through its investigation, Tufts University (University) voluntarily agreed to take the following steps, in addition to a number of steps it has already taken since this investigation began, to ensure its Title IX compliance as set forth below. This Resolution Agreement has been entered into voluntarily by the University and does not constitute an admission by the University that it is not in compliance with Title IX and/or its implementing regulation.

I. Title IX Coordinator

Since the filing of the above-referenced complaint, the University has taken a number of steps in an effort to ensure its compliance with 34 C.F.R. Section 106.8(a) and 106.9(a) addressing the requirements for a Title IX Coordinator. Actions already taken by the University include the following:

- A. retaining a University-wide Title IX Coordinator and a Title IX Investigator;
- B. designating existing employees as Title IX Liaisons and Title IX Adjudicators across the University;
- C. training the Title IX Coordinator, Title IX Investigator, Title IX Liaisons and Adjudicators on Title IX on at least a bi-annual basis;
- D. widely publicizing in print and on-line the name, e-mail, and telephone contact information and duties of the Title IX Coordinator, Investigator and Liaisons;
- E. The University has provided a copy of the Title IX Coordinator's job description to OCR, and provided documentation of the Title IX Coordinator's system for coordinating campus entities' compliance with Title IX. The job description tasks the Title IX Coordinator with:
 1. ensuring appropriate coordination among her designees and appropriate student services, with the goal of streamlining and centralizing reports of sex and gender-based discrimination, harassment, and violence ("sexual misconduct");
 2. maintaining centralized records;
 3. examining trends and assessing campus climate;
 4. overseeing education and prevention efforts;
 5. meeting with students, staff and faculty about matters for which she has responsibility and oversees, including all aspects of Title IX compliance;
 7. conducting a semi-annual review of all formal and informal Title IX complaints and reports brought to the Title IX Coordinator and designees, processed under the University's Sexual Harassment Policy and Sexual Misconduct Policy, any other

Title IX grievance procedures, and/or independently investigated by the University in order to identify and address any patterns or systemic problems under Title IX;

8. conducting training for students and employees about Title IX; the role and responsibilities of the Title IX Coordinator and Title IX Liaisons; how to report sexual misconduct; the University's non-discrimination policies and procedures, including its policies prohibiting sexual misconduct; the investigation process for complaints filed under the Sexual Misconduct Adjudication Process, and the University's prohibition against retaliation;
9. coordination with any designees and appropriate student services on campus (*e.g.*, Residential Life, Judicial Affairs, Health and Counseling Services, and the University's Police Department (TUPD)). These coordination efforts are aimed at examining trends, assessing the climate on campus, and facilitating the implementation and efficacy of interim steps to provide for the safety of the complainants,¹ and the campus community during the investigation. The Coordinator facilitates communication among these components of campus life, in order to identify and address any patterns or systemic problems under Title IX and to assess and improve the overall efficacy of the coordination of information and responsibilities among these various offices as it relates to the University's Title IX response;
10. providing information to students and employees regarding their Title IX rights and responsibilities, including information about the resources available on and off campus, the University's formal and informal complaint processes, the availability of interim steps, and the ability to file a complaint with the University's Sexual Misconduct Adjudication Process and/or to pursue criminal charges with local law enforcement. The Coordinator, or a designee, coordinates the University's response to these individuals' concerns and follows up with these individuals to solicit feedback on the efficacy of the entire process;
11. overseeing the implementation of appropriate interim steps to provide for the safety of the Complainant and the campus community during an investigation, regardless of whether a formal or informal complaint has been filed with the University. The Title IX Coordinator, or a designee, coordinates the University's response to these individuals' cases with the appropriate offices on campus. The Title IX Coordinator, or a designee, follows-up with these individuals and the offices involved to solicit feedback on the efficacy of the interim steps;
12. communicating with TUPD regarding the University's obligations under Title IX and serving as a resource on Title IX issues. The Title IX Coordinator has been given access to TUPD records regarding Title IX investigations, so long as it does not

¹ The term "Complainant" used throughout this Agreement refers to an individual who is the subject of alleged sexual misconduct for which a complaint or report is made or an individual who is the subject of alleged sexual misconduct about which the University should have known.

compromise the criminal investigation and is otherwise permitted by law, including in cases in which the reported student has not consented to this access;

13. informing TUPD of the expectation, and thereafter confirming, that TUPD notifies complainants in potential criminal sexual violence/assault cases of their right to file a Title IX complaint with the University in addition to pursuing a criminal process. Instructing TUPD to report incidents of sexual violence directly to the Title IX Coordinator;
14. assessing periodically the efficacy of the University's overall Title IX compliance efforts, and taking appropriate action to address any patterns or problems identified.
15. coordinating and/or overseeing the development and implementation of annual assessments (*i.e.*, surveys) of campus climate with regard to sexual misconduct, as well as its policies and procedures to address sexual misconduct.

F. In addition to the above steps already taken:

1. The University agrees that any future revisions to the Title IX Coordinator's responsibilities shall retain the features above.
2. The University agrees to continue to assess and address any known or apparent conflict of interest in the roles and responsibilities of the Title IX Coordinator, Investigators, Adjudicators, and Liaisons.

Reporting Requirements:

By July 31, 2014, and by the same date annually during the monitoring of this Agreement, the University will provide a report to OCR showing that the Title IX Coordinator is carrying out her job responsibilities as set out above, including, but not limited to, completing the semi-annual review of the Title IX program as described above. This report will include any trends or patterns identified, the feedback provided to the Title IX Coordinator as addressed by Section III below, and any actions taken in response to trends or patterns identified. The University will also provide access to information about Title IX related reports and complaints received, the type of complaint (sex or gender discrimination, sexual harassment, sexual violence, pregnancy discrimination, etc.), and the outcome of the complaints (such as, referred to discipline, accused found responsible, accused found not responsible).

II. Task Force

- A.** The University commits to continuing the work of President Anthony Monaco’s Sexual Misconduct Prevention Task Force (Task Force), which was initially convened in fall 2013. With the University’s President as its chair, the Task Force is comprised of the Title IX Coordinator and other administrators, faculty, and student representatives. Its overall charge has been to seek out information from stakeholders such as students, faculty and staff for the purpose of continuously improving the University’s response and prevention efforts in the area of sexual misconduct.

In bringing together University community members, the Task Force has and will continuously assess the efficacy of, and propose revisions as necessary to, its policies and procedures, support services and resources available to students, educational and related prevention outreach efforts regarding sexual misconduct, including student orientation.

Specifically, the Task Force will continue to identify and refine strategies for ensuring that students understand their rights under Title IX, how to report possible violations of Title IX, and feel comfortable and confident that University officials will appropriately respond.

The Task Force will continue to identify and recommend strategies for the prevention of sexual harassment, sexual assault incidents, and other sexual misconduct as defined in University policy, including outreach and educational activities, such as providing orientation to incoming students that includes highlighting the connection between alcohol abuse and sexual misconduct including sexual harassment and sexual violence.

The Task Force will also continue to use information garnered from the student population at-large through community input, climate surveys, and other student feedback, to recommend future proactive steps to provide a safe educational environment in compliance with Title IX.

- B.** The University will submit for OCR review and prior approval any recommendations on revisions to the policies, procedures, outreach and training and/or other practices that are proposed by the Task Force and to be adopted by the University, and addressed by this Agreement, together with supporting information that explains the bases for the recommendations (such as climate checks), and the steps the University plans to take in response to those recommendations, including the timeframes for completing those steps.
- C.** The University will adopt and implement the recommendations described in item II.B. above in accordance with the timeframes set forth in the recommendations or as revised as a result of OCR’s review.

Reporting Requirements:

By December 31, 2014, and by the same date annually thereafter during the OCR’s monitoring period, the University will provide a report to OCR on the membership of the Task Force and the steps taken in response to the Task Force recommendations, including the University’s implementation of recommendations related to the policies, procedures, outreach and training and/or other practices that are addressed by this Agreement.

III. Feedback on Policies, Procedures and Practices from Students

As part of President Monaco’s Task Force, the Task Force’s report and recommendations will be widely published and disseminated to the community (including by e-mail), along with existing policies and procedures on sexual misconduct, by December 31, 2014. As part of this notice, all recipients – including but not limited to students who have reported, witnessed, or experienced sexual misconduct – will be encouraged to provide feedback to the Title IX Coordinator for her review within a thirty (30) day period relative to existing university sexual misconduct policies and procedures, as well as feedback on individual experiences accessing these policies, procedures and any related services and/or resources. The notice will make clear, however, that such feedback is welcome to be provided to the Title IX Coordinator at any time. The Title IX Coordinator will review and consider all feedback in as part of the Title IX Coordinator’s responsibility to assess periodically the efficacy of the University’s overall Title IX compliance efforts, and take appropriate action to address any patterns or problems identified, including by improving the policies, procedures and responses of the University on sexual misconduct.

Reporting Requirement:

Within two weeks of issuance, the University will provide a copy of the notice referenced in Item III, directly above. The University will also provide OCR access to review any responses and/or recommendations received in response to the publication of the Task Force’s Report.

IV. Title IX Grievance Policies and Procedures

A. Since the filing of the above-referenced complaint in 2010, the University has revised its grievance policies and procedures designed to address complaints of sexual misconduct, in order to respond promptly and effectively in each case. Specifically, the University revised the following policies on several occasions since 2010: Sexual Harassment Policy (most recently revised July 2012), Sexual Misconduct/Sexual Assault Policy (most recently revised September 2013) and Sexual Misconduct Adjudication Process (“SMAP”) (most recently revised September 2013).² The University has posted these current policies and processes (along with a process summary) on its website.³ The University’s Sexual Harassment Policy, Sexual Misconduct/Sexual Assault and/or SMAP include:

²<http://oeo.tufts.edu/policies-and-procedures/sexual-harassment-policy/>

<http://oeo.tufts.edu/policies-and-procedures/sexual-misconduct-policy/>

³<http://oeo.tufts.edu/policies-and-procedures/oeo-policies-and-procedures-handbook/>

- notice that the procedures apply to complaints alleging sex discrimination (including complaints relating to sexual misconduct) by employees, students, and third parties⁴;
- definitions and examples of the types of actions that may constitute sex discrimination (including sexual misconduct);
- a requirement in its sexual harassment policy that responsible employees promptly report sexual harassment that they observe or learn about;
- a statement that alleged misconduct does not have to be “directed at” a specific person or persons to constitute harassment;
- information about the option to make anonymous reports of sexual misconduct and access information about resources through, respectively, the University’s anonymous reporting hotline and counselor-on-call;
- omission of mediation from options to address complaints relating to sexual assault;
- a description of available resources and reporting options, including confidential resources, support resources, university disciplinary options, and criminal reporting options;
- an explanation of the University’s confidentiality policy which includes an assurance that the University will keep the complainant and investigation confidential to the extent possible and explains what type of information will be shared with the accused if a complaint is filed;
- description of the availability of interim measures to provide for the safety of the complainant(s) and the campus community and the avoidance of retaliation, including:
 - examples of the types of interim measures available, such as housing matters, academic adjustments or other academic assistance, counseling, and stay away orders; and
 - the prohibition of retaliation or threats of retaliation, and that there will be disciplinary consequences for such acts.
- a description of the process for investigating complaints, including:
 - an explanation that investigations will be conducted by an impartial investigator;

⁴ The University’s policies and procedures refer to “third parties” as “community members,” “affiliates” and similar. The University has committed in Section IV(B)(1) below to further clarify the scope of its policies and procedures by expressly referring to those individuals as “third parties.”

- designated and reasonably prompt timeframes for some of the major stages of the investigation and complaint resolution process that apply equally to both parties of the complaint;
 - an explanation about how disciplinary actions, if any, relating to the complainant (e.g., underage drinking before a sexual assault) will be handled in the complaint procedure;
 - a statement that the past sexual history of the Complainant and/or Accused or either party's sexual history with others will not be used in determining whether sexual misconduct occurred; that prior consensual activity between the two parties will not be determinative of the issue of consent; and that consent to one sexual act does not constitute consent for another sexual act;
 - a statement that medical and counseling records are privileged and confidential documents that students will never be required to disclose;
 - an equal opportunity for the parties to present witnesses and other evidence, to access information being considered in the grievance process (consistent with FERPA), and to be interviewed by the fact-finder;
 - a statement that the preponderance of the evidence standard will be used for investigating alleged sexual discrimination and harassment;
 - A process for producing a final decision in an investigation, including:
 - written notification to the parties of the outcome of the complaint and
 - notice of the opportunity for the parties to appeal the findings.
- B. By July 31, 2014, the University agrees to further review and revise its Title IX policies and procedures to ensure that they are fully consistent with Title IX and that the policies and procedures are also internally consistent. By the same date, the University will submit its Title IX policies and procedures to OCR for review and approval. Following these revisions, these policies and procedures, respectively, shall contain the following:
1. a clarification that the University's policies and procedures that Title IX rights and responsibilities will apply to "third parties" on campus including visitors and other community members;
 2. a designated and reasonably prompt timeframe for the University to process appeals by either party to a complaint;
 3. an explicit statement that the University will respond to complaints or reports or information about incidents of sexual harassment to stop prohibited conduct, eliminate

- any hostile environment, take steps to prevent the recurrence of sexual misconduct and address any effects on campus from such conduct;
4. an explicit statement that the University will respond to incidents of sexual misconduct that it knows or should know about;
 5. an explicit statement that Title IX covers all of the University's programs and activities;
 6. an explicit statement that under these policies and procedures, the University will consider the effects of off-campus conduct when evaluating whether there is a hostile environment on campus;
 7. revisions to the confidentiality provision in the procedures to clarify that, while discretion remains important, parties are not restricted from discussing and sharing information relating to their complaints with others that may support them or assist them in presenting their case;
 8. an explicit statement that mediation is not used in cases of sexual assault, and that students who report sexual misconduct will not be required to resolve the matter directly with the alleged perpetrator;
 9. a more comprehensive definition of what constitutes retaliation, including but not limited to clarification that the policy protects individuals who oppose, in a reasonable manner, an act or policy believed to constitute sex discrimination;
 10. a statement describing the confidentiality policy for individuals who may come forward but choose not to file a complaint;
 11. a more detailed description of what information is maintained if a formal or informal complaint is filed and how the information may be used;
 12. an explicit statement confirming that the University will comply with law enforcement requests for cooperation, that such cooperation may require the University to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence, and that the University will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process or that a University investigation would not otherwise directly impede law enforcement activities;
 13. an explicit statement that investigations will only be conducted by an investigator trained or otherwise knowledgeable about investigating and analyzing Title IX complaints;
 14. a clarification of the limited and rare circumstances, if any, where medical and counseling records would be considered by the investigator;

15. provisions relating to interim measures to provide for the safety of the Complainant and the campus community during the course of a complaint, or a University-initiated investigation, including:
 - a. an explicit assurance that the University provide interim measures during the course of a complaint, or a University-initiated investigation;
 - b. an explicit statement that interim measures are available even if the complainant does not file or continue to pursue a complaint;
 - c. revisions to the process relating to the provision of interim measures to provide that requests for interim measures may be made by or on behalf of the Complainant to any University official, including the Title IX Coordinator or the Dean's Office at each school, and, as described in Item I.E.11. above, the Title IX Coordinator will be responsible for ensuring the implementation of appropriate interim steps and coordinating the University's response to these individuals' cases with the appropriate offices on campus, including the Dean's Office at each school;
16. an explicit explanation that the responsibility is on the University, not the parties to the complaint, to gather the relevant evidence, to the extent reasonably possible, relating to a complaint, report or other incident of sexual harassment or violence of which the University has notice;
17. definitions of what constitutes sexual harassment in the University's policies and procedures that comport with Title IX and are made consistent throughout relevant policies and procedures,
18. clarification across all relevant policies and procedures that responsible employees are required to promptly report sexual harassment that they observe or learn about;
19. a more detailed explanation about how disciplinary actions, if any, relating to the complainant (e.g., underage drinking before a sexual assault) will be handled in the complaint procedure, and what, if any, disciplinary consequences the complainant could face;
20. removal of language in sexual harassment policy that suggests anonymous complaints may be "difficult if not impossible" to investigate, and clarifying language that the University does not expect complainants to confront harassers;
21. correction of contact information for OCR-Boston across all relevant policies and procedures, and replacing the reference to its "statute of limitations" with the following statement: "While OCR complaints should generally be filed within 180 days of the last date of alleged discrimination, OCR may extend this filing deadline in a variety of circumstances"; and

22. a clarification in the SMAP that:

- the Investigator will review all relevant evidence, and a mechanism to allow both parties to present information they designated that may not have been reviewed by the Investigator;
- the University will promptly proceed with the investigative and adjudicative process to the extent possible and appropriate under the circumstances, and provide the complainant with interim remedial measures even when a respondent's student status is unclear; and
- the processing of any related matters (i.e., other issues arising under the student judicial code such as theft, plagiarism, etc.) will not delay the prompt resolution of the underlying complaint of sexual misconduct.

B. Within 60 calendar days of written notification from OCR's approval of the University's revised Title IX policies and procedures, the University will adopt and implement the policies and procedures and will provide all students and employees with electronic or written notice regarding the new policies and procedures together with information on how to obtain a copy of the policies and procedures. At a minimum, the University will make this notification through the University's website, electronic mail messages to employees and students, as well as by any other additional means of notification the University deems effective to ensure that the information is widely disseminated.

C. The University will submit proposed future revisions to its Title IX policies and procedures to OCR for review and prior approval during the monitoring of this Agreement.

Reporting Requirements:

1. By July 31, 2014, the University will submit to OCR a copy of its revised Title IX policies and procedures.
2. Within 60 days of OCR's notice to the University of its approval of the revised Title IX policies and procedures, the University will provide documentation to OCR that it has adopted and implemented these policies and procedures and provided to students and employees.

V. Training

Since 2011, the University has provided on-going training for its Title IX Coordinator, Title IX Investigator, Adjudicators and Liaisons. This training has been provided on at least a bi-annual basis for all these persons who are directly involved in processing, investigating, adjudicating, and/or resolving complaints of sexual misconduct. This training has included the following topics: Title IX, Title VII and M.G.L. ch.151B, EEOC/MCAD Guidance on Sexual Harassment, OCR Guidance on sexual harassment (1997/2001), bullying (2010 Dear Colleague Letter),

sexual misconduct (2011 Dear Colleague Letter) and retaliation (2013 Dear Colleague letter), preponderance of the evidence, victim behavior, dynamics of power, implicit bias, scenarios for discussion, reporting responsibilities, confidentiality – limits and expectations, Campus SaVE and VAWA, University policies and procedures, and available resources for students, employees and other community members. These topics have been part of the University's existing training program which will continue to operate in its normal course.

- A. Following its implementation of the revised policies and procedures described above and by December 31, 2014, the University will provide annual Title IX training for its Title IX Coordinator, Title IX Investigator, Title IX Liaisons, and any other Investigator who will be involved in processing, investigating, adjudicating and/or resolving complaints of sex discrimination or who will otherwise coordinate the University's compliance with Title IX. The training will cover, at minimum, the University's obligations regarding the investigation of Title IX complaints filed by students, staff, and faculty; guidance from OCR; the revised grievance policies and procedures for Title IX complaints; and Title IX's prohibitions on retaliation. Additionally, the training will include instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations for those charged with investigative duties. The University will continue to provide this training on at least an annual basis.
- B. Following its implementation of the revised policies and procedures described above and by December 31, 2014, the University will schedule training for all administrators, professors, instructors, residential staff, coaches, and other staff who interact with students on a regular basis. The training will provide attendees with essential guidance and instruction on recognizing, appropriately addressing and reporting allegations and complaints of sex discrimination, including the differences between sex discrimination, sexual harassment, sexual misconduct (e.g., sexual assault, stalking, domestic and/or relationship or other sexual violence), the University's responsibilities under Title IX to address allegations of sexual misconduct, including the availability of interim steps and confidentiality. In addition, the training will cover the University's new grievance policy and procedure for Title IX complaints and information about the Title IX Coordinator as well as resources available to students and employees (including complainants and respondents) impacted by Title IX issues.
- C. By August 30, 2014, the University will develop a Title IX training program for new employees who interact with students on a regular basis that addresses the training information covered in IV.B above. This training shall be provided to all such new staff within 90 days of being hired for any such position.
- D. In addition to any training(s) designated above, the University shall re-train the personnel designated in this Section V.B. following any significant changes to the University's policies and procedures.

Reporting Requirements:

By December 31, 2015, and by the same date annually thereafter, the University will submit documentation of the training designed for and provided to the audiences set out in items IV, including dates and times of trainings, attendees, trainer bios, speakers and training material.

VI. Documentation - Investigations

- A. The University has provided a checklist to OCR that reflects the information the Title IX Investigator will include in the written reports of complaint investigations and/or in the investigative file. The checklist includes the following:
1. name and sex or gender of alleged complainant, and, if different, the name of the person reporting the allegation, and name and sex or gender of the respondent;
 2. a statement of allegation, a description of incident(s), and date(s) / time(s) (if known) of alleged incident(s);
 3. date that complaint or other report was made;
 4. date the complainant was interviewed;
 5. date the accused was interviewed;
 6. names of all persons alleged to have committed alleged sexual misconduct;
 7. names of all known witnesses to alleged incident(s);
 8. dates that any relevant documentary evidence was obtained (including medical, cell phone, social media, other records as appropriate);
 9. any written statements of the complainant (or subject of sex discrimination and/or misconduct, if different from complainant) and any written statements of the respondent; and
 10. if applicable, date on which the University temporarily suspended fact-finding while a law enforcement agency was in process of gathering evidence, and date on which the University resumed its investigation process.
 11. outcome of investigation and if any, disciplinary process;
 12. response of University or campus personnel, including any interim/permanent steps taken with respect to the complainant and the accused; and
 13. a narrative of all action taken to prevent recurrence of any harassing incident(s), including any related written documents.

Reporting Requirement:

The University agrees to provide access to its case files during OCR's monitoring of this matter to confirm, among other obligations enumerated in this Agreement, that the information above is being maintained as appropriate, and specifically that the University is continuing to maintain detailed records of each informal and formal complaint, including individuals involved,

investigative steps taken, documentation received, individuals interviewed, decisions reached, and reason(s) for decision(s) reached.

VII. Remedies for Student Complainant

The University agrees to reimburse the Student Complainant for educational and other reasonable expenses as incurred from January 2010 through June 2011 related to this matter and as identified by the Complainant prior to the execution of this Agreement.

Reporting Requirement:

By June 1, 2014, the University will provide to OCR access to documentation of the terms of its agreement with the Student Complainant and proof of the University's fulfillment of those terms.

VIII. Other University-Wide Remedies

In 2012, the University developed a pamphlet for its community on sexual misconduct that was made available in print and electronic form to the entire University community. See <http://oeo.tufts.edu/wp-content/uploads/Sexual-Misconduct-Brochure.pdf> The pamphlet contains information on what constitutes sexual misconduct, the contact information for on- and off-campus resources for Complainants and others who have experienced sexual misconduct, information on how and where to file a complaint of sexual misconduct, the name and contact information for the University's Title IX Coordinator(s), and information on what interim measures can be taken to protect a complainant. This pamphlet has been distributed during student orientation since 2012 and is readily available to community members in electronic and print form.

In addition, President Monaco's Task Force has begun to develop a website that, in addition to already existing sources, will be a central repository for information and resources available to students about sexual misconduct.

- A. By June 30, 2014, the University will amend its pamphlet on sexual misconduct to include: a description of how students may request interim remedies, a summary of its confidentiality policies, a more explicit description of how the University handles allegations that include the complainant violating other unrelated school policies (e.g., underage drinking before a sexual assault), and a more detailed description of the Title IX Coordinator's role.
- B. Within 60 calendar days of receipt of written notification from OCR that the above-referenced pamphlet complies with the requirements of the Agreement, the revised pamphlet will be distributed during student orientations, to a student and other relevant persons when a student alleges sexual misconduct, and at any sexual misconduct awareness events. If the pamphlet is not distributed as part of the student orientations conducted for students enrolling in the fall 2014 semester, the University will distribute the pamphlet separately to each of these students within 30 days of receipt of written notification from OCR. The pamphlet will be distributed in self-service receptacles throughout the University's campuses, in buildings,

residential facilities, athletic facilities, student unions, counseling centers, and the TUPD office.

- C. By June 30, 2014, the University will submit a link to OCR of its sexual misconduct information and resource website, which will be a comprehensive repository for resources related to sexual misconduct. Upon completion, a link to the webpage will be widely distributed through email and publicized on the University's website as a central location for resources on sexual harassment/violence. Feedback on the website as well as University policies and procedures will be made possible through a comment function on the website and through the University's anonymous reporting hotline, and provided to the University's Title IX Coordinator.
- D. The University will continue to provide informational sessions once a year for students, so that they are aware of the University's prohibition against sexual misconduct; can recognize sexual misconduct when it occurs; and understand how and with whom to report sexual misconduct. In addition, the sessions will cover a general overview of Title IX, the University grievance procedures for Title IX complaints, the resources available to students who believe they have been subjected to sexual misconduct (including access to a 24 hour hotline and interim remedies during the course of an investigation), and the existence of OCR and its authority to enforce Title IX. Although previously provided on a voluntary basis, in academic year 2013-2014 the University will require a mandatory session covering all of the topics listed above student orientation.
- E. The University will continue to provide annual training for its residential life advisors to include training on recognizing, appropriately addressing and reporting allegations of sexual misconduct; the University's Title IX obligations and its Title IX grievance procedures; and interim steps available for complainants. The training will continue to include discussions on confidentiality and information on the link between alcohol abuse and sexual misconduct and effective practices to address that link.
- F. By October 31, 2014, the University will submit for OCR review and approval a description of and underlying documentation of its tools for conducting a climate check or series of climate checks with students on campus to assess the effectiveness of steps taken by the University towards providing a campus free of sexual misconduct. The description will also include the University's strategy for implementing the climate check(s) and analyzing the results. To assist in these efforts, the University shall formulate a working group of students and staff to help gather and provide feedback on how the climate check or checks are conducted, and how to respond to its results. Information gathered during these climate checks will be used to inform future proactive steps taken by the University to provide an environment that is safe and supportive to all students and in compliance with Title IX. The University will submit proposed future revisions to its climate check tools to OCR for review and prior approval during the monitoring of this Agreement.
- G. Within 60 days of OCR's approval of the climate check(s) tools, the University will conduct a climate check or series of climate checks with students on campus. By December 31, 2015,

and by the same date annually thereafter during the monitoring period, the University will conduct a climate check or series of climate checks with students on campus.

- H. By December 31, 2014, the University will develop and implement a public awareness and bystander intervention campaign aimed at educating students on all three campuses about sexual misconduct and safe strategies for bystander intervention.

Reporting Requirements:

1. By June 30, 2014, the University will develop and submit for OCR's review and approval, a revised pamphlet on sexual misconduct. Within 60 days of OCR's approval, the University will provide documentation of its publication and dissemination.
2. By June 30, 2014, the University will provide copies of or links to the website to OCR.
3. By December 31, 2014 and by the same date annually thereafter during the monitoring period, the University will provide documentation of its materials for informational sessions to be held annually, including a description of audiences, speakers and related materials, as well as materials demonstrating information about the availability of a 24-hour hotline to community members.
4. By December 31, 2014, and by the same date annually thereafter during the monitoring period, the University will provide documentation of the training provided to its residential life advisors.
5. By March 1, 2015, and by the same date annually thereafter during the monitoring period, the University will provide documentation of its climate check efforts (including the systems used for collecting the information, analysis of the data collected and steps taken and planned to be taken to improve the effectiveness of its efforts to address sexual misconduct) for the academic year until the conclusion of the monitoring period associated with this Agreement.
6. By December 31, 2014, and by the same date annually thereafter during the monitoring period of this Agreement, the University will provide documentation of its public awareness and bystander intervention campaign.

IX. Complaint Reviews

- A. By December 31, 2014, the University will review all complaints of sex discrimination filed by students through the formal sexual misconduct adjudication process during academic years 2011-2012, 2012-2013, and 2013-2014. These reviews will carefully scrutinize whether the University investigated all complaints or reports of sex discrimination promptly and adequately; used the appropriate definitions of sexual harassment under Title IX; provided interim relief to protect the complainant during the pendency of the investigation; provided notice of the outcome of the complaint investigation to the alleged victim and the alleged harasser; took steps to prevent the recurrence of harassment and to address any hostile environment created by the harassment. Following its review, the University will take

action as appropriate and/or possible to address any concerns identified in the manner in which these complaints were handled; including providing appropriate remedies that may still be available for the parties in these cases, such as referrals to counseling or academic adjustments.

Reporting Requirement:

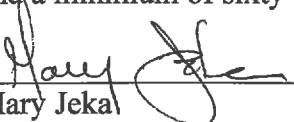
By March 1, 2015, the University will provide OCR with a report and access to the underlying case files and supporting materials on the University's review of all complaints of sex discrimination filed by students through the formal adjudication process by an individual complainant or group, or by the Dean's office, during academic years 2011-2012, 2012-2013, and 2013-2014, indicating any concerns identified with any cases as well as action taken to address any concerns.

X. Monitoring

The University understands that OCR will not close the monitoring of this agreement until OCR determines that the University has fulfilled its terms and is in compliance with 34 C.F.R. Sections 106.8(a) and 106.31(a) and (b), which were at issue in this case.

The University 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 this agreement. Further, the University understands that during the monitoring of this agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title IX which were at issue in this complaint.

The University understands and acknowledges 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. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.



Mary Jeka
Senior Vice President and General Counsel

4/17/14
Date