

**RESOLUTION AGREEMENT
OHIO STATE UNIVERSITY
OCR DOCKET #15-10-6002**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated this proactive compliance review of The Ohio State University (the University) on June 23, 2010, pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibits discrimination based upon sex in any education program or activity receiving Federal financial assistance.

The University has embarked on the development and revision of policies specifically designed to implement the statutory requirements and relevant guidance from governmental agencies, and to develop better practices in its processes of prevention and response to these issues. To date, actions already taken by the University have included the following:

- ❖ Appointment of a Title IX Coordinator with electronic and public forum communications about the appointment and role.
- ❖ Creation of the Office of University Compliance and Integrity, which addresses, among other things, Title IX compliance, and houses the Title IX Coordinator.
- ❖ Creation of a Title IX webpage with a collection of resources designed to be a “one-stop shop” for securing information about Title IX and sex discrimination.
- ❖ Creation of a University-wide Title IX notice of nondiscrimination, including web links to the statement on the footer banner of many of the University web pages, including the University’s Title IX web page.
- ❖ Appointment of Deputy Title IX Coordinators with electronic notification of their identity and contact information.
- ❖ Additions to the Student Conduct web page with links to various resources, including the Student Code of Conduct; information about sexual harassment; hearing procedures; information about sexual violence, including but not limited to information about Title IX compliance; definitions; the University’s sexual misconduct policy; consent; filing complaints; the standard of proof applied; victim resources; law enforcement; no contact orders; protection orders; accused’s rights; and victim’s rights.
- ❖ Appointment of the Sexual Violence Consultation Team (SVCT), a group of first responders who meet monthly to discuss all sexual harassment/violence complaints received to determine whether/not the correct responder is investigating the complaint; that the correct resources are being provided; to ensure that the correct referrals are being made, and to provide review and input on related issues and inquiries.
- ❖ Training on Title IX issues for segments of the University community, ranging from in-depth multi-session training for individuals with specific responsibilities under the policy,

to sessions for targeted departments or administrative groups; and training for new and returning students.

- ❖ A system of cooperation between the University police and University officials charged with investigating complaints of sexual harassment/violence.
- ❖ Demonstrated responsive and appropriate actions taken against students, faculty and staff who violate Title IX as it relates to sexual harassment and sexual violence.
- ❖ In response to a University finding of a sexually hostile environment in the University's marching band, issuance of a statement from the University president to the campus community assuring the community of the University's commitment to address violations of Title IX and to provide a safe campus.

The University agrees to take the following steps:

I. TITLE IX COORDINATOR

By November 15, 2014, the University will develop a statement of roles and responsibilities and mandatory training requirements for its Title IX Coordinator to, at a minimum, include:

- A. The Title IX Coordinator(s) will coordinate with appropriate administrative, student services, and law enforcement offices on campus (e.g., housing, academic deans, health and counseling services, University Police Department (UPD), Human Resources, and Student Judicial Affairs (SJA)) in order to identify and address any patterns or systemic problems under Title IX and to assess the overall efficacy of the coordination among these various offices.
- B. The Title IX Coordinator will have expert knowledge of the University's Title IX grievance procedure(s) and oversee all Title IX complaints received by the Title IX Coordinator and all other departments, offices, and individuals delegated the responsibility for receiving and/or investigating complaints of sex discrimination, including sexual harassment and sexual assault, and will address any patterns or systematic problems that arise during the review of such complaints and assess overall efficacy of coordination and of overall response by the University to sexual misconduct, including the implementation and efficacy of interim measures taken to protect the parties during the grievance process, steps taken to stop sex discrimination/harassment found to have occurred and prevent its recurrence, eliminate any hostile environment that has been created for students, and steps taken to remedy its discriminatory effects on the complainant and others, as appropriate.
- C. The Title IX Coordinator will be responsible for the prompt investigation of complaints alleging sexual harassment; making findings as to whether sexual harassment occurred or not; identifying remedies (including interim measures) necessary to address the sexual harassment, eliminate any hostile environment, and

prevent its reoccurrence; and serving as consultant to any disciplinary hearing panel where sexual harassment has been determined to have occurred to ensure the University's compliance with Title IX. To the extent that any of these duties will be delegated to other individuals at the University, the statement will clearly state what will be delegated to whom and how the Title IX Coordinator will retain oversight of any delegated responsibilities.

- D. The Title IX Coordinator will oversee the provision of initial and ongoing training on the substantive requirements of Title IX and how to investigate complaints under Title IX that allege sex discrimination, including sexual harassment and sexual violence, filed by students, staff, and faculty to any deputy coordinators and any other individuals from any University department or office delegated the responsibility for receiving and/or investigating complaints of sex discrimination, including sexual harassment and sexual assault.
- E. The Title IX Coordinator will have responsibility for the development, scheduling, and implementation of regular events hosted by or supported by the University leadership on campus to raise awareness in the campus community about all forms of sex discrimination (including sexual harassment and sexual assault) and the University's policies and procedures regarding such matters, so as to reinforce to the University community the importance of this issue to the University administration.
- F. The Title IX Coordinator will retain ultimate oversight responsibility for any deputy coordinators the University designates to assist the Title IX Coordinator. The University also will develop specific statements of roles and responsibilities for each deputy coordinator that clearly delineate the scope of each deputy coordinator's duties and their subordinate roles to the Title IX Coordinator.
- G. The Title IX Coordinator will be responsible for providing information to students and employees regarding their Title IX rights and responsibilities, including information about the resources available on and off campus, the formal and informal complaint processes, the availability of interim measures, and the ability to file a complaint with local law enforcement and complaint with the University simultaneously.
- H. The Title IX Coordinator will be responsible for the development, scheduling, and implementation of necessary periodic Title IX training for the University community (i.e., staff, faculty, resident assistants, coaches, students, etc.).
- I. The Title IX Coordinator will be responsible for periodic review and assessment of the University's Title IX procedures, and any related policies and procedures, to ensure that they are consolidated to the maximum extent possible to provide an efficient resource for students, faculty, and staff.

- J. Neither the Title IX Coordinator nor any deputy coordinators should have other job responsibilities that create a conflict of interest with regard to their duties and responsibilities under Title IX.
- K. The Title IX Coordinator will be responsible for communicating with the UPD regarding the University's obligations under Title IX and serving as a resource on Title IX issues. The Title IX Coordinator will be given access to UPD records regarding Title IX investigations, so long as it does not compromise the criminal investigation or is otherwise prohibited by law.
- L. The Title IX Coordinator will be responsible for coordinating the development and implementation of annual assessments (i.e. surveys) of campus climate with regard to sexual harassment and sexual violence.

REPORTING REQUIREMENT:

By November 15, 2014, the University will provide OCR with the statement drafted pursuant to Item I above, and copies of any University publications, website links, or other materials where the statement has been published.

II. DOCUMENT MAINTENANCE

The University will maintain comprehensive documentation of its receipt, investigation, and resolution of all oral and written complaints, reports or other notice of sexual harassment. Effective immediately, in addition to the documentation it already maintains, the University will also maintain documentation fully detailing any interim measures afforded to complainants pending the completion of an investigation and, where sexual harassment is found to have occurred, documentation fully detailing all the steps, individual and systemic, the University took to stop the harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects on the complainant and any others as appropriate.

REPORTING REQUIREMENT:

- 1. By December 15, 2014, the University will provide to OCR verification that it is implementing the documentation system described in Item II.

III. TITLE IX POLICIES, PROCEDURES, AND RELATED WRITTEN MATERIALS

- A. By October 15, 2014, the University will submit for OCR review and approval a revised general notice of nondiscrimination to comply with the applicable requirements of the Title IX regulation at 34 C.F.R. § 106.9 regarding notice of nondiscrimination. As part of its revisions, the University will re-title its notice of nondiscrimination "Notice of Nondiscrimination" and remove "Title IX" from the title; revise the document to make clear it is the University's, and not solely Human Resources,' notice; and add notice and contact information of the University's other

civil rights coordinators in every place the notice of nondiscrimination is published, including the University's Title IX web page.

- B. To address sexual harassment, including sexual violence, the University currently has in place a number of policies, procedures, guidelines, and other related documents, including, but not limited to: sexual harassment policies and procedures published on the Title IX web page of the Office of University Compliance and Integrity; the Sexual Violence Response Guidelines; Policy Guidelines: Sexual Harassment by Students in the Non-Employment Context; Code of Student Conduct; OSU's Sexual Misconduct Policy; Human Resources Policy 1.15: Sexual Harassment Policy; Human Resources Guidelines for Investigating Complaints of Discrimination and Harassment; Human Resources Policy 1.10: Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment Policy; resource materials published by the Student Wellness Center; and resource materials published by the Office of Diversity and Inclusion.

By October 15, 2014, the University will conduct a comprehensive review of all of the documents listed above, and any additional relevant published University materials through any University department or office, and submit for OCR review and approval revised sexual harassment policies and procedures and other related documents for complaints and reports of harassment involving students, faculty, staff, and third parties. The University will revise or eliminate the policies and procedures as appropriate, including revising or adding cross-references and links between the various documents, to ensure, at a minimum:

1. All University policies, procedures, guidelines, and other documents are internally consistent and do not contain conflicting/contradictory information.
2. The documents clearly and consistently state the University's commitment to respond to all complaints and reports of sexual harassment as well as any other incidents of sexual harassment of which it knows or should know about.
3. The documents clearly and consistently state the specific University employees and/or offices that are responsible for accepting, investigating, and resolving complaints of sexual harassment, including sexual violence. If this varies depending on the type of complaint, they will clearly and consistently state where each specific type of complaint is to be filed, investigated, and resolved.
4. The documents clearly and consistently explain how complaints of sexual harassment by third parties can be made.
5. The documents clearly and consistently explain the specific University policy and/or procedure that applies to each type of complaint investigation.

6. The documents provide consistent definitions of and guidance about the University terms “sexual harassment,” “consent,” “sexual violence,” “sexual assault,” and “sexual misconduct.”
7. Complainant’s rights in the sexual harassment grievance process are consistently stated and are equitable to the rights afforded the alleged perpetrator of the harassment.
8. The alleged perpetrator of harassment’s rights in the sexual harassment grievance process are consistently stated and are equitable to the rights afforded the complainant.
9. The documents clarify that, in determining whether sexual harassment against a student resulted in a sexually hostile environment, the University will also consider the conduct in question from both a subjective and objective perspective.
10. The documents clearly describe the protections afforded against retaliatory harassment.
11. With regard to mandatory reporting of sexual harassment by employees, the documents clearly and consistently state who the specific “appropriate university officer” to whom the report should be made is for each type of harassment to be reported.
12. The documents provide clear and consistent assurance that, regardless of which University employee or entity processes the complaint, the Title IX Coordinator will maintain oversight of the complaint investigation and resolution, will be provided written notice of the complaint and the investigation determination, and, where sexual harassment is found to have occurred, will oversee the steps the University will take in response. These steps will not just include discipline against the harasser or steps to stop the harassment, but will also include all steps necessary, individual and systemic, to prevent recurrence, to eliminate any hostile environment and to remedy the discriminatory effects of the harassment on the complainant and others, as appropriate. The documents will provide description of the various steps and remedies that might be provided depending on the investigation findings.
13. The documents, especially but not limited to the documents provided by the Student Wellness Center, the Office of Diversity and Inclusion, and Human Resources, clearly state the existence of, contact information for, and roles of the Title IX Coordinator and deputy Title IX coordinators.
14. The documents clearly and consistently explain the availability of interim measures (e.g., no contact order; change in academic or living situations as appropriate with minimum burden on the complainant; counseling; health and mental services; escort services; academic support; the ability to retake a course or

withdraw without penalty) before the final outcome of an investigation to ensure equal access to the University’s education programs and activities and protect the complainant as necessary. Information about interim measures will be made easy to locate and understand (e.g., with corresponding, obvious content titles instead of potentially confusing titles such as “Accommodations”). The documents will make clear that the Title IX Coordinator or other specifically designated University employee will coordinate the provision of interim measures, and that complainants will not be required to arrange such measures by themselves through multiple University departments and offices. The documents will also ensure that, when taking interim measures, the University will minimize the burden on the complainant.

15. All procedures and guidelines used to investigate sexual harassment complaints (e.g., the Human Resources Guidelines, the Student Conduct Policy Guidelines, etc.) state provisions for adequate and reliable investigation of complaints, including the opportunity for both the complainant and the alleged perpetrator of the harassment to identify witnesses and other evidence; designated and reasonably prompt timeframes for the major stages of the investigation (i.e., conducting the fact-finding investigation, completing the decision-making process to determine whether the alleged sexual harassment occurred and created a hostile environment, issuing written notice of the outcome of the investigation, and determining the actions the University will take to stop the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its discriminatory effects.
 16. The documents clearly and consistently state that any informal mechanisms for resolving sexual harassment complaints are only to be used if the parties agree to them; that it is not appropriate for a student who is complaining of harassment to be required to work out the problem directly with the alleged harasser, and certainly not without appropriate involvement by the University (e.g., participation by a counselor, trained mediator, or, if appropriate, administrator); that in some cases, such as alleged sexual assaults, mediation will not be appropriate even on a voluntary basis; and that the complainant must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process.
 17. The documents provide clear assurance that, for circumstances in which there is a preponderance of the evidence that sexual harassment in violation of Title IX occurred but insufficient evidence that a particular student or employee violated the University’s conduct codes, the University will still take other necessary steps to stop the harassment, prevent its recurrence, eliminate any hostile environment, and remedy the discriminatory effects of the harassment on the complainant and others, as appropriate.
- C. Within 60 calendar days of receipt of the OCR-approved nondiscrimination notice, Title IX grievance procedures for complaints of sex discrimination, and revised sexual harassment policies, procedures, and other related documents, the University will certify to OCR that the University has formally adopted the revised documents;

updated all printed publications and online publications with the revised documents (inserts may be used pending reprinting of any printed publications); and electronically disseminated the revised grievance procedures to students and employees.

- D. By October 15, 2014, the University will revise the information on its Campus Police web page under the “Reporting Sexual Assault” link, to clarify that interim measures taken during an investigation of a complaint of sexual harassment or assault should minimize the burden being placed on alleged victims of sexual assault. The University will also revise the information on its Campus Police webpage to indicate that the campus police will ensure that complaints of sexual harassment/violence are forwarded to the Title IX Coordinator for appropriate action.
- E. If OCR has any objections to the documents provided by the University for review under Item III (A-B), OCR will notify the University of its objections promptly, no later than 60 calendar days after receiving the draft documents.

REPORTING REQUIREMENTS:

1. By October 15, 2014, the University will submit the revised nondiscrimination notice, Title IX grievance procedures for complaints of sex discrimination other than harassment, and revised sexual harassment policies, procedures, and other related documents drafted under Item III (A-B) to OCR for review and approval. The University will also submit links to the revised portions of the Campus Police web page pursuant to Item III.D.
2. Within 60 calendar days of receipt of the OCR-approved statement, policies, procedures, and other documents, the University will submit documentation verifying its implementation of Item III.C. This documentation will include evidence of the electronic dissemination of the revised grievance procedures to students and employees, a list of the titles of the publications in which the information appears (e.g. college catalog, Title IX web page, student handbook) as well as a copy any such publications, which may include either a printout or a link to an online publication containing the revised grievance procedures or, if not yet finalized, a copy of the insert for printed publications. The University will also provide documentation of how the revised procedures were distributed and that University police, the Title IX Coordinator, students, employee union leaders, Human Resources personnel, Student Conduct personnel, and other appropriate University community members.
3. By June 15, 2015, and by the same date annually thereafter through June 15, 2017, the University will submit to OCR copies of all Title IX complaints filed with the University that allege sexual harassment, including sexual violence or sexual assault, during the previous year, and the University’s notice to the parties of the final outcome of the grievance. Pursuant to this requirement, the University will provide OCR upon request additional documentation related to the investigation of each

complaint, such as witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, documentation regarding interim measures provided or offered, any final disposition letters, hearing records, disciplinary records, documentation regarding any appeals, and documentation regarding additional steps taken to stop harassment found to have occurred, eliminate any hostile environment, prevent recurrence of the harassment, and remedy its effects on complainants and others as appropriate.

IV. TRAINING

- A. The University will provide periodic, comprehensive training, overseen by the Title IX Coordinator, to deputy coordinators and any other University officials and administrators from any office or department (e.g., Human Resources, Student Conduct, etc.) who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual harassment and sexual assault) or who will otherwise play a role in coordinating the University's compliance with Title IX. By December 15, 2014, the University will revise and submit to OCR for approval its existing training materials as necessary to incorporate the clarifications and changes outlined in Item III (A-B). This training will cover, at a minimum: the University's obligations regarding the investigation of Title IX complaints filed by students, staff, and faculty; instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation; and confidentiality requirements; the identity and responsibilities of the Title IX Coordinator and deputies; the University's revised Title IX policies and grievance procedures; the student conduct hearing process; the University's proactive efforts to prevent sexual violence; and available resources for the complainant and the respondent.
- B. Within sixty (60) days, OCR will review and approve the training materials to ensure they cover the items outlined in Item IV(A), above.
- C. By June 15, 2015, and by the same date annually thereafter, the University will provide training on Title IX sex discrimination, including sexual harassment, to administrators, professors, instructors, residential assistants, coaches, University police, all of its housing (including any student employees) staff and other staff who interact with students on a regular basis. By December 15, 2014, the University will revise its training materials, including any online training modules, as necessary to incorporate the clarifications and changes outlined in Item III (A-B). Within sixty (60) days, OCR will review and approve the training materials to cover the information outlined. The training will provide essential guidance and instruction on recognizing and appropriately addressing allegations and complaints of sex harassment; an understanding of the University's responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature; and the employees' obligations for reporting sexual harassment that they observe or are otherwise aware of. In addition, the training will cover the University's revised Title IX grievance procedures for Title IX.

- D. By December 15, 2014, the University will review and revise its existing freshman orientation programs and materials (including information that is sent to students after acceptance of their offer of admission to the University by the University President) to include information specifically targeted to effectively raise awareness among its student population of Title IX and what it prohibits and the rights it confers on students; the University's prohibition against all forms of sex discrimination prohibited by Title IX, including sexual harassment and sexual violence, including how to recognize sex discrimination and sexual harassment when it occurs; how and with whom to report any incidents of sex discrimination (including sexual harassment and sexual assault); the University's policies on underage alcohol consumption as well as the connection between alcohol abuse and sexual harassment and sexual violence, who to speak with if they are concerned about issues of sexual harassment and/or sexual assault; and the identity and role of the Title IX Coordinator(s) and delegates with regard to ensuring the University's compliance with Title IX, including investigating complaints of sex discrimination, including sexual harassment and assault, and her contact information. In addition, the orientation sessions will cover the University's updated grievance procedures for Title IX complaints, incorporating all of the clarifications and changes described in Item III (A-B) above. Within sixty (60) days, OCR will review and approve the training materials to ensure they cover the items outlined above.
- E. By December 15, 2014, the University will revise its existing orientation sessions held for returning students, and any annual residence life orientation for students residing in campus housing, to include a series of required informational session(s) to ensure that students are aware of Title IX and what it prohibits and the rights it confers on students; the University's prohibition against sex discrimination (including sexual harassment and sexual assault); how to recognize such sex discrimination and sexual harassment when it occurs; how and with whom to report any incidents of sex discrimination (including sexual harassment and sexual assault), which would include increasing their awareness of the identity and role of the University's Title IX Coordinator and delegates, and contact information. The orientation sessions will be consistent with the clarifications and changes outlined in Item III (A-B) above. Within sixty (60) days, OCR will review and approve the training materials to ensure they cover the items outlined above.
- F. By December 15, 2014, the University's Title IX Coordinator will work with the Student Wellness Center to ensure that all of the Student Wellness Center's offered presentations for sexual violence education and support are consistent with the University's Title IX policies and procedures, including the clarifications and changes outlined in Item III (A-B) above.
- G. By December 15, 2015, the University will identify any additional training needed for specific groups, including but not limited to, fraternities, sororities, band, cheerleaders, and athletes based on assessments made by the Title IX Coordinator based on actions outlined in Item V (A-D).

- H. By January 1, 2015, and by the same date annually thereafter, the University will provide training on Title IX sex discrimination to groups identified in Item V (G).

REPORTING REQUIREMENT:

By December 15, 2014, the University will submit to OCR all of the training materials revised in accordance with Item IV above. By January 31, 2015, and by the same date annually thereafter through January 31, 2017 the University will submit to OCR documentation verifying all of the Title IX training it has conducted during the previous academic years, respectively, identifying which specific groups were trained using which materials, the date(s) of the training, and the name and position title of the trainer(s).

V. CLIMATE ASSESSMENTS AND RESPONSE

- A. By December 15, 2014, the Title IX Coordinator will oversee a comprehensive review of all reports and complaints of sexual harassment, including sexual violence, made to the University through any office or department (e.g., Student Conduct, housing, Human Resources, Compliance and Integrity, etc.), and the University's response during the 2012-2013 and 2013-2014 academic years. The Title IX Coordinator will determine whether the information, when reviewed as a whole, indicates any potential patterns or particular programs, activities, offices, departments, or areas at the University in need of further University action to respond to a sexually hostile environment or prevent a hostile environment from occurring. The Title IX Coordinator will develop written recommendations for further actions to be taken and will coordinate their implementation.
- B. Effective immediately, to the extent that Human Resources staff will continue to be responsible for the receipt, investigation, and/or resolution of any reports of sexual harassment at the University, the University will add a representative from Human Resources to its Sexual Violence Consultation Team.
- C. By June 15, 2015, and by the same date annually thereafter, the University, under the oversight of the Title IX Coordinator, will conduct a climate check or series of climate checks with students to assess the effectiveness of steps taken pursuant to this Agreement, or otherwise by the University, to achieve its goal of a campus free of sexual harassment, in particular sexual violence. 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. The climate check will be completed in part by sending a survey to each University student, including all regional, graduate, and professional school students. The climate check will contain questions about the student's awareness of incidents of sex discrimination (including sexual harassment and sexual violence – personal or against third parties) and any experiences with sex discrimination while attending the University, identifying any particular programs, activities, or geographical locations where the discrimination occurred, and the student's awareness of the University's Title IX policies and procedures. The

ongoing climate checks will also include ensuring students know to whom they can report concerns about sex discrimination, such as the Title IX Coordinator, as described in other provisions of this Agreement. The University will first submit its climate check tools, including the student survey, and any subsequent revisions to OCR for review and approval prior to its implementation. The climate checks will also include a review of reports and complaints of sexual harassment received by the University during the year. The University will use the information gathered through the climate checks to determine if additional action and/or Title IX training for faculty, staff, and/or students is required to maintain an environment in each University program, activity, school, and department free from sex discrimination and sexual harassment.

- D. By September 30, 2014, the University will establish a campus focus group consisting of representative leaders from the student community (e.g., women’s groups, athletes, residential assistants, student government leaders, fraternity and sorority leaders, etc.) and University officials to provide input regarding strategies for ensuring that students understand their rights under Title IX, how to report possible violations of Title IX, and the University’s obligation to promptly and equitably respond to Title IX complaints. The campus focus group will provide input to a designated University official regarding the strategies identified.

REPORTING REQUIREMENTS:

1. By January 15, 2015, the University will submit documentation to OCR showing its progress in implementing Item V for the 2014-2015 academic year, including: the report of the review of the 2012-2013 and 2013-2014 reports and complaints of sexual harassment and written recommendations; and documents showing the inclusion and regular participation of Human Resources in the University’s Sexual Violence Consultation Team.
2. By January 15, 2015, the University will submit its proposed climate check tools, including the student survey, to OCR for review and approval.
3. By June 15, 2015, and by the same date annually thereafter, through June 15, 2017, the University will submit to OCR: the results of the climate assessment and written recommendations for any further action determined necessary; and documentation verifying that it implemented the recommendations from the previous year’s assessment.
4. By June 30, 2015, and by the same date annually thereafter, through June 15, 2017, the University will provide documentation to OCR demonstrating its implementation of Item V.E., including any resulting summaries of the information obtained and any proposed and/or completed actions based on that information.

VI. STUDENT-FOCUSED REMEDIES

By January 1, 2015, in accordance with its revised grievance procedures, the University will review the sexual harassment/violence complaints filed and reports made of sexual harassment/violence during and since academic year 2011-2012 to determine whether the University investigated each complaint or report promptly and equitably, including but not limited to, specifically determining whether the University used the appropriate definitions and analyses of sexual harassment and hostile environment under Title IX; provided interim relief to protect the complainant during the pendency of the investigation; provided written notice of the outcome (including any appeal) and appeal rights to the complainant and the respondent; and took steps to prevent the recurrence of harassment and to address any hostile environment created by the harassment. The University will take appropriate action to address any problems identified in the manner in which these complaints were handled; including providing appropriate remedies that may still be available for the complainants in these cases, such as counseling or academic adjustments.

REPORTING REQUIREMENTS:

1. By February 28, 2015, the University will submit to OCR for review and approval the results of its review conducted pursuant to Item VI, specifically identifying any complaints or reports that were not handled promptly and equitably, all supporting materials relating to the University's review, and the University's planned action(s) to address any problems identified in the review. Within 30 days of OCR's approval, the University will take appropriate action to address any problems identified in its review.

VII. UNIVERSITY'S INVESTIGATION OF MARCHING BAND

A. During the course of OCR's investigation, the University conducted a comprehensive investigation of alleged sexual harassment of members of its Marching Band. On July 22, 2014, the University issued its investigative report and recommendations for corrective action. The University's report found that there was a sexually hostile environment for students in the Marching Band and that the Band's Director "failed to eliminate the sexual harassment, prevent its recurrence, and address its effects." The University report included specific corrective action steps to be taken by the University. This Agreement incorporates and includes the University's corrective action steps, as set forth below, as requirements in this Agreement:

1. Evaluate and Strengthen Marching Band Leadership
 - Realign the values of the Marching Band to the university's academic mission.
 - Assess the effectiveness of Marching Band staff's leadership and management.
 - Take appropriate personnel action to address all concerns.
 - Review the organizational oversight of the Marching Band, clarify accountability for its operations and activities, and establish

expectations for an independent view of the Band's activities.

- Create a committee of Marching Band members, staff, and alumni to identify strategies for changing the Band's culture (based on an anonymous benchmark survey discussed below) and ensuring that its members:
 - Understand the university's prohibition against sex discrimination, including sexual harassment and violence, and retaliation;
 - Recognize sex discrimination, sexual harassment, and sexual violence when they occur;
 - Understand how and to whom to report any incidents;
 - Understand the connection between alcohol and drug abuse and sexual harassment or violence; and
 - Feel comfortable that university officials will respond promptly and equitably to reports of sexual harassment, sexual violence, and retaliation

2. Policies and Procedures

- Review and revise as necessary all Marching Band policies and procedures to ensure compliance with Title IX and university policies; highlight expectations and options for concern reporting; and align Band values to the university's academic mission.
- Communicate regularly that the Marching Band will not tolerate sexual harassment and violence and will respond to any incidents and to any student who reports such incidents.

3. Counseling and Training

- Continue to offer counseling, health, mental health, or other holistic and comprehensive victim services to all members of the Marching Band affected by sexual harassment, and notify students of all Title IX related services and supports available in the university.
- Require annual training for all Marching Band members and staff about sexual harassment, sexual violence, hazing, retaliation, and alcohol abuse.
- Require annual training for all Marching Band staff on recognizing and appropriately addressing allegations of sexual harassment or sexual violence under Title IX, including prohibitions on retaliation.
- Require regular culture training that focuses on adherence to university values and the need to replace negative culture with positive culture.
- Require annual leadership and management training for all Marching Band staff.

- Provide annually to all Marching Band members and staff written materials on sexual harassment and sexual violence, which should include but not be limited to:
 - What constitutes sexual harassment or sexual violence;
 - What to do if a student has been the victim of sexual harassment or sexual violence;
 - Contact information for counseling and victim services;
 - How to file a complaint with the university and the options and means to do so, including through EthicsPoint, the university’s anonymous reporting line;
 - The role of the university’s Title IX Coordinator and how to contact her; and
 - What the university will do to respond to allegations of sexual harassment or sexual violence, including interim measures that can be taken
- Ensure that the annual anonymous culture surveys described below serve to measure the effectiveness of the trainings provided.

4. Climate Surveys and Controls

- Conduct “climate checks” of Marching Band members and staff to:
 - Anonymously collect specific data and establish a 2014 baseline about the Band’s culture and the concerns of students and staff;
 - Measure change through annual and anonymous follow-up surveys;
 - Assess the effectiveness of efforts to ensure that the Band is free from sexual harassment, sexual violence, and alcohol abuse;
 - Plan proactive steps to replace negative culture with positive culture;
 - Identify any additional matters that need to be investigated and addressed; and
 - Share data as appropriate with the Marching Band alumni community and seek its assistance to improve the Band’s culture
- Establish independent monitoring and review of information gathered and the steps taken to reverse an insular culture with external accountability.

B. In addition to the steps outlined above, the University will submit to OCR for review and approval (1) its proposed timetable for implementing each of the steps outlined above and any additional proposed recommendations and findings (2) the specific individual remedies that it proposes to provide to individual band members subjected to the sexually hostile environment, including the basis and timetable for providing the remedies.

REPORTING REQUIREMENTS:

1. By November 1, 2014, the University will submit the documentation required in Item VII.B.
2. By October 15, 2014, and every three months thereafter until completed, the University will provide OCR with quarterly updates and documentation of its implementation of the steps outlined in Item VII.A. Documentation will include the name and title of the individual(s) responsible for implementing the corrective action step and a narrative description of the steps taken to implement the action step and status of the action step.
3. By October 15, 2014, the University will provide documentation of its implementation of the individual remedies proposed by the University and approved by OCR pursuant to Item VII.B.

GENERAL REQUIREMENTS

The University understands that OCR will not close the monitoring of this agreement until OCR determines that the University has fulfilled the terms of this agreement and is in compliance with Title IX and its implementing regulation at 34 C.F.R. §§ 106.8, 106.9, and 106.31, which were at issue in this review.

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 Title IX and its implementing regulation at 34 C.F.R. §§ 106.8, 106.9, and 106.31.

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. §§ 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR will give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

President or Designee

9/8/2014

Date