

RESOLUTION AGREEMENT

Rutgers University OCR Case No. 02-16-2315

In order to resolve Case No. 02-16-2315, Rutgers University (the University) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106.

This resolution agreement has been entered into voluntarily and does not constitute an admission by the University that it committed any wrongdoing, including, but not limited to, a violation of Title IX and/or its implementing regulations.

Action Item 1: Remedies for the Complainant

By May 31, 2017, the University will conduct an investigation into the complainant's allegation that his XXXXX XXXXX course (the "course") instructor for the spring 2016 semester (the "course instructor") deducted points from and gave him a failing grade on his final paper in the course based on his sex, and ensure that the investigation complies with the regulation implementing Title IX. As part of the investigation, the University will review all information, including documentary evidence previously provided to the University by the complainant and the course instructor, and documentary evidence provided by the University to OCR; allow the parties an opportunity to provide additional information and witnesses; interview and/or re-interview witnesses, including the complainant and the course instructor, as appropriate; review additional information, as appropriate; prepare a report outlining the steps taken in the investigation; summarize the interviews completed; and determine, using a preponderance of the evidence standard, whether or not the complainant received a failing grade on the final paper for the course because of his sex. The outcome of the investigation will be communicated to the parties.

If the University finds that sex discrimination occurred, the University will offer the complainant the opportunity to choose whether he wishes to retake the course, free of charge, or be reimbursed for the tuition he paid for the course. The University will provide the complainant thirty (30) calendar days to respond to such offer. In addition, the University will expunge from his record the F grade the complainant received for the course; and take any additional corrective actions, including disciplinary action against the course instructor, if deemed necessary. If the University does not substantiate sex discrimination by the course instructor, no corrective action shall be required by the University with respect to complainant's allegations.

Reporting Requirements:

- a) By June 15, 2017, the University will provide to OCR for review, a copy of its report documenting all actions taken with respect to its investigation of the complainant's allegations of sex discrimination; the University's findings; all corrective actions deemed necessary, if any; a timeline for implementation of the corrective actions, if

- necessary; and the name(s) and title(s) of the individuals involved in the investigation and the University's determination. The University will also provide any additional supporting documentation considered as part of the investigation that was not previously provided to OCR. If the University determines that no corrective action is necessary, the University will include the factors it relied upon for its determination.
- b) OCR will review the documents submitted by the University pursuant to paragraph (a) above to confirm that the University's investigation was conducted in compliance with Title IX. In the event that OCR does not approve the investigation or its findings, the University will be given the opportunity to correct any identified issue(s). Within 15 calendar days of written notification from OCR of its approval of the University's investigation and findings were in compliance with Title IX, the University will issue a letter to the parties informing them of the outcome.
- c) Should the University find that discrimination occurred, within 15 calendar days of issuing the letter to the complainant notifying him of the University's determination, the University will provide documentation to OCR demonstrating that the University offered the complainant the opportunity to choose whether he wished to retake the course free of charge, or be reimbursed for the tuition he paid for the course during the spring 2016 semester (the University will provide the complainant with at least 30 days to respond to the offer); the complainant's response to the offer, if any; that the University has expunged from his record the F grade the complainant received for the course during the spring 2016 semester; and, took any other appropriate corrective actions to address the discriminatory conduct. Should the University not find that discrimination occurred, no further documentation shall be required to be submitted to OCR other than the documentation required by Reporting Requirements (a) and (b) above.

Action Item 2: Training

The University asserted that in the Fall of 2016, it provided on-line training to all University staff responsible for recognizing and reporting incidents of sex discrimination and harassment, and staff with Title IX compliance and implementation responsibilities, including Title IX coordinators and designees. The University further asserted that it will continue to provide the on-line training module to all new University employees, as they are hired. In addition, the University will provide a targeted Title IX training session to the following staff members: the course instructor, the lead instructor for the course, the academic advisor, and the Dean of the School of Social Work. The University asserted that the on-line training module and targeted training session reviewed and will review, as appropriate: the grievance procedures; how to recognize and appropriately address allegations and complaints pursuant to Title IX; identifying sex discrimination and sexual harassment, including sexual assault and sexual violence; the University's responsibilities under Title IX to address such allegations; and the relevant resources available. During the training, the University provides/will provide copies of nondiscrimination notices and Title IX grievance procedures to all attendees or refer them to the location where posted.

Reporting Requirements:

- a) By April 30, 2017, the University will provide documentation to OCR demonstrating that in fall 2016 through winter 2017, it provided the training referenced in Action Item 2 to all University staff identified as responsible employees and University staff with Title IX compliance and implementation responsibilities referred to in Action Item 2. This documentation will include the date(s) on which such training was provided; the name of the vendor from which the on-line training module was obtained and the University department(s) responsible for customizing and implementing the on-line training module; a description of the training; printed copies of the materials presented in the on-line training module; and proof of provision to staff directly involved in the processing, investigating and resolving of sex discrimination complaints.
- b) By April 30, 2017, the University will provide documentation to OCR demonstrating that it provided the targeted Title IX training referenced in Action Item 2 to the course instructor, the lead instructor for the course, the academic advisor, and the Dean of the School of Social Work. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer(s); copies of any training materials used, including any handouts, guides, or other materials; and proof of attendance by these staff.
- c) By January 15, 2018, the University will provide documentation to OCR demonstrating that it provided the training referenced in Action Item 2 to all new University employees hired up to and including January 1, 2018. This documentation will include; the name of the vendor from which the on-line training module was obtained and the University department(s) responsible for customizing and implementing the on-line training module; a description of the training; the date(s) on which such training was provided; and printed copies of the materials presented in the on-line training module; and proof of provision to staff directly involved in the processing, investigating, and resolving of sex discrimination complaints.

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 the regulation implementing Title IX, at 34 C.F.R. §§ 106.31(a) and (b), and 106.8(b) which was at issue in this case. The University also 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, 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 regulation implementing Title IX, at 34 C.F.R. §§ 106.31(a) and (b), and 106.8(b) which was at issue in this case. The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including to enforce the specific terms and obligations of this

agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceeding, including to enforce this agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Date

_____/s/_____
For the University
Karen R. Stubaus