

University of Virginia Resolution Agreement
OCR Docket No. 11-11-6001

INTRODUCTION

The University of Virginia (University) expresses its support for the mission of the United States Department of Education, Office for Civil Rights (OCR), and its commitment to embracing its responsibilities under Title IX.

This Resolution Agreement (Agreement) does not constitute an admission by the University of any findings made by OCR. This Agreement does not preclude the University's right to contest the legal or factual basis of the findings through all legal or administrative proceedings. The Agreement demonstrates the University's continued commitment to fulfill the terms of the Agreement as set forth herein.

RESOLUTION AGREEMENT

The University enters into this Agreement with OCR and commits to take the actions detailed below 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. This Agreement has been entered into voluntarily by OCR and the University and does not constitute an admission by the University as to any finding reached by OCR. The University affirms its continuing obligation, under Title IX, to take immediate and appropriate action to address sexual harassment and sexual violence, prevent its recurrence, eliminate any hostile environment and remedy its effects on any student, employee, third party or the broader University community, as appropriate, in all of its education programs and activities.

Over the course of OCR's review, the University has taken steps to address sexual discrimination, including sexual harassment and sexual violence. Most significantly, during the 2014-2015 academic year, following a period of public comment and extensive community engagement, the University substantially revised its procedures for investigating and resolving reports of sexual harassment and violence against students, employees and third parties.¹ OCR finds that, as written, the University's current policy and procedures comply with the requirement of Title IX that grievance procedures provide for prompt and equitable resolution of complaints. The University has also, among other efforts, created and filled a dedicated Title IX Coordinator position; expanded investigative capacity in the Office of Equal Opportunity Programs; created and filled a Prevention Coordinator position in the Office of the Dean of Students to develop, evaluate, implement and assess evidence-based prevention strategies that seek to reduce sexual assault, gender-based violence and high-risk activities in student organizations; reviewed and enhanced training and prevention programs for students and employees, including alcohol education programming and other student outreach efforts; secured funding to hire additional mental health counselors; and developed a Title IX website to provide

¹ The University adopted the revised policy and procedures on an interim basis on March 30, 2015, and adopted final versions on July 1, 2015.

a central resource for Title IX resources and educational materials. The University also formed the President's Ad Hoc Group on University Climate and Culture to explore policies, practices, and organizational structure to support the goal of ensuring the safety and well-being of students through developing strategies to prevent sexual violence, respond appropriately to incidents of sexual violence when they occur, and to improve campus climate concerning issues of sexual harassment and sexual violence; developed and launched awareness and marketing campaigns (Not on Our Grounds and #HOOSGotYourBack); and implemented bystander education programming. In addition, in February 2014, the University hosted a national conference, "Dialogue at UVA, Sexual Misconduct Among College Students," which brought together national experts and professionals from approximately 60 colleges and universities to discuss best practices and strategies for prevention and response. These steps, together with the newly revised policy and procedures and the University's commitment to implement the Agreement described below, demonstrate the University's commitment to embrace its Title IX responsibilities and promote a safe living, learning and working environment.

In addition, in December 2014, the University obtained the services of a third-party consultant with an appropriate level of expertise to support University employees in providing trauma-informed and compliant Title IX policies and procedures (the "Equity Consultant"). As part of this Agreement, the Equity Consultant will continue to assist the University in fulfilling the terms of this Agreement as outlined below.

I. EQUITY CONSULTANT

The University has retained an Equity Consultant with expertise in all areas of compliance with Title IX, who will work with designated University employees with expertise in Title IX and the prevention of sexual harassment and sexual violence on college campuses and training in higher education. The Equity Consultant will:

- A. Develop and provide the mandatory sexual harassment and sexual violence training required by Sections VI and VII below;
- B. Assist the University in conducting periodic climate assessments, as required by Section IX below; and,
- C. Make recommendations to the University regarding its sexual harassment and sexual violence policies, procedures, and practices based on the surveys.

II. POLICIES AND PROCEDURES

- A. On July 1, 2015, the University approved and disseminated the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, including separate procedures for investigating and resolving reports² of prohibited conduct by students and employees and

² "Report(s)" as used herein includes formal complaints, informal complaints/contacts as well as incidents about which the University should reasonably have known.

accompanying Resource Guides for Students and Employees (“Policy and Procedures”). OCR reviewed the Policy and Procedures and determined that they are compliant with Title IX requirements, which include:

1. accurate definitions of various types of conduct of a sexual nature, including sexual harassment and sexual violence, that may provide the basis for a report pursuant to the University’s procedures;
2. procedures for adequate, reliable, prompt, and impartial investigation, hearing, and any appeal (if provided) of all reports, which
 - a. specify time frames for each major stage of the procedure;
 - b. include the equal opportunity for the parties to access, review, and present witnesses and other evidence; and
 - c. emphasize the University’s independent obligation to identify witnesses, seek evidence, and ask questions of the parties and witnesses when resolving reports of sex-based harassment.
3. notice to all members of the University community of the grievance procedures that apply to different types of reports of sex discrimination, harassment or violence by employees, students, or third parties;
4. a statement that responsible employees must promptly report sexual harassment and sexual violence that they observe or learn about;
5. the name or title, office address, e-mail address, and telephone number of the individual(s) with whom to file a report and for those responsible for procedures, taking appropriate interim measures, seeking disciplinary action against the respondent (where appropriate), and handling appeals;
6. no actual bias or conflict of interest for individuals with responsibility to respond to or address sexual harassment and sexual violence reports;
7. a statement that, should a complainant request that her or his name not be revealed to the respondent or that the University not investigate or seek action against the respondent, the University will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported the sexual harassment or sexual violence;
8. provisions for alternative actions, which may include investigation, designed to eliminate sexual harassment or sexual violence that is reported to the University, or about which the University should reasonably have known, prevent its recurrence or

address its effects when a complainant does not choose to proceed with the complaint process;

9. routinely available alternative arrangements for complainants who do not want to be present in the same room as the respondent during any proceedings;
 10. an assurance that the University will take immediate and appropriate action to address sexual harassment and sexual violence; prevent its recurrence; eliminate any hostile environment; and remedy its effects on the complainant and others, as appropriate, including:
 - a. the range of reasonably available interim measures;
 - b. a list of the potential disciplinary sanctions; and,
 - c. examples of the types of final remedies available and the steps the University may take beyond individual remedies to address a hostile environment; and
 11. an explicit prohibition against retaliation that clarifies that reports of retaliation will be investigated by the University under the same processes and standards outlined in the procedures.
- B. Consistent with the Reporting Requirement, below in this section, if the University makes further revisions to the Policy and Procedures during the pendency of the monitoring of this Agreement, the University will provide proposed revisions to OCR in advance of implementation for OCR's review and approval.³ The University will ensure that its policies and procedures continue to provide an easily accessible and user-friendly system for the prompt and equitable resolution of reports alleging sexual harassment and sexual violence, use consistently defined terms and reporting options, and continue to meet the requirements identified in paragraph (A).

REPORTING REQUIREMENT

1. The University will provide to OCR, prior to implementation of any future revision of the Policy and Procedure and/or other documents related to sex discrimination, a copy of the revised documents for review and approval. Within thirty (30) calendar days of receipt of OCR's approval, the University will publish the revised documents on-line and will implement the revised documents. Final publication of the revised policy and/or procedure will be issued within sixty (60) calendar days of receipt of OCR's approval. Any proposed revisions must comply with the requirements of Title IX, as identified above in paragraph II. A.

³ "Review and approval" as used throughout this Agreement means that if OCR determines that the University must take any corrective action(s) with respect to the documentation, material, or information that the University is required to submit, OCR will provide the University with notice of the corrective action and an opportunity to discuss the scope of the action. Unless otherwise specified in this Agreement, the University will take the required corrective action within thirty (30) calendar days of OCR's notification to the University.

III. NONDISCRIMINATION STATEMENT

The University has revised the notice of nondiscrimination published at <http://www.virginia.edu/eop/pdfs/NonDiscriminationandEqualOpportunity.pdf> as of May 14, 2015 to include the e-mail addresses of the Title IX Coordinator and any Deputy Title IX Coordinators and will widely publish the revised notice, by including it in a variety of publications, other locations on its website, the student handbook, course registration materials, pamphlets, and other electronic and printed publications that provide information to employees and students about University services and policies.

REPORTING REQUIREMENT

By November 1, 2015, the University will provide OCR with documentation of the University's wide dissemination of its notice of nondiscrimination, including copies of any printed publications and web links to any electronic publications containing the notice.

IV. TITLE IX COORDINATOR – Responsibilities and Training Requirements

The University has reviewed and revised the current responsibilities of its Title IX Coordinator and Deputy Coordinators (collectively, Title IX Coordinators) to determine and ensure that their responsibilities are consistent with Title IX. Based on the Title IX Coordinators' responsibilities, the University will develop a description of corresponding mandatory training requirements for its Title IX Coordinators. The responsibilities and training requirements will continue to include the following:

1. The Title IX Coordinators will have expert knowledge of the University's Title IX grievance procedure(s) and oversee all Title IX reports received by the Title IX Coordinators and all other departments, offices, and individuals identified as responsible employees or delegated the responsibility for receiving and/or investigating reports of sex discrimination, including sexual harassment and sexual violence, and will address any patterns or systematic problems that arise during the review of such reports and assess overall efficacy of coordination and overall response by the University to sexual harassment and sexual violence, including the implementation and efficacy of interim measures, 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 any discriminatory effects on the complainant and others, as appropriate.
2. 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.

3. The Title IX Coordinators will have ultimate responsibility for: the prompt investigation of reports alleging sexual harassment and sexual violence; adjudication of whether sexual harassment or sexual violence has occurred in individual cases; the identification of remedies (including interim measures) necessary to address sexual harassment or sexual violence, eliminate any hostile environment, and prevent its recurrence; and consultation, as necessary, on any matter where it has been determined that sexual harassment or sexual violence has 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 Coordinators will retain oversight of any delegated responsibilities.
4. The Title IX Coordinators will oversee the provision of initial and ongoing training to any Deputy Coordinators and any other individuals from any University department or office delegated the responsibility for receiving and/or investigating reports of sex discrimination, including sexual harassment and sexual violence. The Title IX Coordinator will also have sufficient experience or training in these same concepts. The training content will include the substantive requirements of Title IX and how to investigate reports under Title IX that allege sex discrimination, including sexual harassment and sexual violence.
5. The Title IX Coordinators will have responsibility for the development, coordination, and implementation of regular events hosted by or supported by the University leadership on grounds to raise awareness in the University community about all forms of sex discrimination (including sexual harassment and sexual violence) 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.
6. The Title IX Coordinators 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 University property, the formal and informal resolution processes, the availability of interim measures, and the ability to file a complaint with local law enforcement and the University simultaneously.
7. The Title IX Coordinators will be responsible for the development, coordination, and implementation of periodic Title IX training for the University community (i.e., staff, faculty, resident assistants, coaches, students, etc.).
8. The Title IX Coordinators 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.

9. Neither the Title IX Coordinator nor any Deputy Coordinators shall have other job responsibilities that create a conflict of interest with regard to their duties and responsibilities under Title IX.

10. The Title IX Coordinators will be responsible for coordinating communications with the Charlottesville Police Department and the Albemarle County Police Department regarding the University's obligations under Title IX and for serving as a resource on Title IX issues.

11. The Title IX Coordinators will be responsible for coordinating the development and implementation of periodic assessments (i.e. surveys) of campus climate with regard to sexual harassment and sexual violence.

12. The Title IX Coordinators will coordinate with appropriate administrators, student services personnel, and law enforcement officers 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.

13. The Title IX Coordinators will annually review all reports of discrimination on the basis of sex, including sexual harassment and sexual violence, in order to identify and address any patterns or systemic problems (such as how many reports involved particular groups of students (e.g., first-year students, athletes, graduate students, members of student organizations); whether any individuals or organizations engaged in repeated misconduct; whether there are any patterns of barriers to reporting for any group of students; and/or if reports were not processed promptly and equitably in compliance with the applicable policies and procedures).

REPORTING REQUIREMENTS

1. By November 1, 2015, the University will provide OCR a copy of the Title IX Coordinators' responsibilities and corresponding training requirements, for OCR review and approval.
2. By July 31, 2016, and annually thereafter until OCR closes the monitoring of this Agreement, the University will provide to OCR, for review and approval, documentation demonstrating it has completed a periodic review as required above. The documentation to OCR will include information about any identified trends or patterns or systemic problems, and will provide documentation of any actions taken by the University in response to the identified concerns.

V. TRAINING OF REVIEW PANEL MEMBERS

- A. All Review Panel Members appointed pursuant to the Policy and Procedure must receive training before they can participate in the review of a case.

- B. By November 1, 2015, the University, in consultation with the Equity Consultant, will develop and provide training on sexual harassment and sexual violence to all individuals who serve on a Review Panel. This training will be provided annually in person and shall include:
1. the University's revised policies and grievance procedures for sexual harassment and sexual violence;
 2. sex discrimination and the University's responsibilities under Title IX to address allegations of sexual harassment and sexual violence in a prompt and equitable manner;
 3. the University's definition of sexual harassment, sexual violence, and consent and how to apply these definitions to the evidence presented by both parties; and
 4. the potential impact of trauma on the behavior of victims of sexual harassment or sexual violence, including how it may impact participation in the investigative process and the hearing by the Review Panel.

REPORTING REQUIREMENTS

1. The University will provide OCR, for review and approval, the training materials and any agendas to be used in the trainings conducted pursuant to this section by November 1, 2015. The University will also provide information, for review and approval, describing the expertise and experience with regard to sexual harassment and sexual violence of the person or persons conducting the training pursuant to Section V.
2. By December 15, 2015, and annually thereafter until such time as OCR closes the monitoring of this Agreement, the University will certify to OCR that the individuals who are required to receive training in order to serve as Review Panel Members have received the training.

VI. TRAINING OF EMPLOYEES AND STUDENTS

- A. By November 1, 2015, the University, in consultation with the Equity Consultant, will develop training on sexual harassment and sexual violence, and the Equity Consultant will provide the training to the Title IX Coordinators, investigators, and any other University employees who will be directly involved in processing, investigating, and/or resolving reports of sexual harassment and sexual violence, including individuals to whom these responsibilities have been delegated, or who will otherwise assist in the coordination of the University's compliance with Title IX. This training will be in person and cover:
1. the Policy and Procedure and any related policies and grievance procedures for sexual harassment and sexual violence;

2. sex discrimination and the University's responsibilities under Title IX to address allegations of sexual harassment and sexual violence in a prompt and equitable manner;
 3. how to conduct and document adequate, prompt, reliable, and impartial Title IX investigations, including the appropriate substantive and procedural standards to apply in a Title IX investigation and how they differ from those in a criminal investigation;
 4. how to notify complainants of the right to file or decline to file a criminal complaint and how to provide assistance on filing one where a complainant chooses to do so;
 5. how to coordinate and cooperate with law enforcement during parallel criminal and Title IX proceedings;
 6. the link between alcohol and other drug use and sexual harassment and sexual violence and best practices to address this link in the investigative process, including, but not limited to:
 - a. how to address the challenges of investigating incidents involving alcohol or drug use; and
 - b. how to encourage victims and witnesses of sexual harassment and sexual violence to cooperate with investigations if they have concerns about possible disciplinary implications of their own alcohol and drug use;
 7. The training will include a written assessment requiring participants to demonstrate that they understand the material in the sexual harassment and sexual violence training.
- B. By November 1, 2015 the University will provide sexual harassment and sexual violence training to University employees who are likely to be the first to receive disclosures or reports of sexual harassment and sexual violence, such as Student Affairs staff (including residence life staff, Student Health, and CAPS employees), University Police, athletics staff, and designated faculty members. The University will also provide sexual harassment and sexual violence training to all Resident Assistants (RAs) and members of student advocacy groups related to sexual and gender-based harassment and sexual violence, such as SAFE, SAPA, and One in Four. Where practicable, the training will be in person and provide attendees with essential guidance and instruction on recognizing and appropriately responding to reports of sexual harassment and sexual violence. The training also will instruct attendees on:
1. how to make a report under the University's Policy and Procedure and a step-by-step overview of what happens from the time the report is made through the end of a Review Panel, including the role of different individuals in the process;
 2. clear examples of what types of actions may constitute sexual harassment or sexual violence in the University's programs or activities, including but not limited to what type

of behavior may provide the basis for a report pursuant to the University's Policy and Procedure;

3. how the Title IX process differs from the criminal process, how to notify complainants of the right to file or decline to file a criminal complaint, and how to file a criminal complaint if they choose to do so;
 4. how to contact the Title IX Coordinator and /or appropriate deputy Title IX Coordinators; and
 5. how to provide students with this information verbally and through the resource guide referenced in Section VIII below (i.e., in hard copy and/or electronic form) whenever attendees respond to such reports.
- C. By November 1, 2015, the University will provide sexual harassment and sexual violence training to all individuals designated as responsible employees, including, among others, all faculty and administrators, campus police, and coaches. The training will be designed to provide an understanding of the University's responsibilities under Title IX to address allegations of sexual harassment and sexual violence whether or not the actions are potentially criminal in nature. In addition, the training will cover the University's Policy and Procedure, and informing complainants of their right to file sexual harassment and sexual violence reports with the University, and criminal complaints with law enforcement, and how to do so. The training also will cover the University reporting requirement in Section VII below for reports of sexual harassment and sexual violence, and the University's policies and practices regarding the confidentiality of such reports. The training will provide clear examples of what types of actions may constitute sexual harassment and sexual violence in the University's programs or activities, including but not limited to what may provide the basis for a report pursuant to the University's Policy and Procedure. As part of the training, the University will include a written assessment requiring participants to demonstrate that they understand the material in the sexual harassment and sexual violence training.
- D. Beginning with the 2015-2016 academic year, the University will take reasonable steps to ensure that all Employees new to the University complete the training required of them pursuant to A-C above within three months of their employment start date.
- E. By November 1, 2015, the University will update its program to provide regular mandatory training to all students, including graduate and professional students, to ensure that it covers the University's revised policies and procedures. The training also will: 1) make students aware of the University's prohibition against sexual harassment, sexual violence, and retaliation; 2) educate students on how to recognize such forms of sex discrimination when they occur; 3) inform students regarding how and to whom any incidents of sexual harassment, sexual violence, and retaliation should be reported; and 4) provide a general overview of Title IX, the rights this law confers on students, the resources available to students who have experienced sexual harassment, sexual violence and retaliation, and the role and authority of OCR to enforce Title IX. These sessions should be interactive,

presented in lay terms familiar to University students, and illustrated with examples relevant to student life at the University, and should provide in-person opportunities throughout the academic year for students to engage in small group discussion about the information presented. The Title IX Coordinators shall obtain input from the Student Committee, outlined below, regarding the content and manner of delivering the training to maximize the training's effectiveness for students.

1. These sessions will emphasize:
 - a. issues around consent in sexual interactions;
 - b. the criminal, academic, housing, athletic, and student-record-related consequences related to committing sexual harassment, sexual violence and retaliation;
 - c. the role of alcohol and other drug use in incidents of sexual harassment and sexual violence, including how such use does not excuse the perpetrator's conduct and how such use relates to consent;
 - d. clear examples of what types of actions may constitute sex discrimination in the University's programs or activities, including but not limited to different types of sexual harassment and sexual violence, and what may provide the basis for a report pursuant to the University's grievance and other procedures;
 - e. how bystanders can help; and
 - f. the types of remedies available.
2. The in-person opportunities to discuss the above content may be presented by student members of SAFE, SAPA, One in Four, or other student advocates against sexual harassment and sexual violence who have been trained by the Equity Consultant using a "train the trainer" model.
3. During the course of this Agreement, training will be provided through online and/or in-person platforms. Each student will be required to complete training at the earliest opportunity (e.g., new student orientation or class registration), and to renew such training every two years. The University will develop a system for recording the name or identifier of each student and the date and session of the training in which each participated.
4. At a minimum, the in-person sessions will be provided as part of the annual student orientation for new students (including graduate students, and visiting and international students), the registration process for returning students, and annual residence life orientation for students residing in campus housing.

REPORTING REQUIREMENTS

1. The University will provide OCR, for review and approval, the training materials and any agendas to be used in the trainings conducted pursuant to Section A by July 31, 2016, and Sections B, C and D by July 31, 2016. The University will also provide OCR, for review and approval, information describing the expertise and experience with regard to Title IX of the

person or persons conducting the training pursuant to Sections VI.B, VI.C, and VI.D of this Agreement.

By December 15, 2015, and annually thereafter until such time as OCR closes the monitoring of this Agreement, the University will certify to OCR that the individuals who are required to receive the training required by Sections A, B, C and D have done so.

VII. TRACKING OF REPORTS OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE

By November 1, 2015, the University will develop a system for tracking and reviewing all reports, investigations, interim measures, and resolutions of student and employee conduct that may constitute sexual harassment or sexual violence to ensure that such reports are adequately, reliably, promptly, and impartially investigated and resolved. The University may continue the system that is currently in place if it has the capacity to meet the requirements listed in Section VII.B-C below. The system will require, at minimum, that:

- A. all employees designated as responsible employees will notify the Title IX Coordinator or designee within 24 hours of receiving information about possible sexual harassment or sexual violence against students, regardless of whether the student involved requests information about the complaint procedures, for the purpose of ensuring that individuals subject to discrimination are consistently and promptly receiving necessary services and information;
- B. the Title IX Coordinator or designee will enter into an electronic, confidential database or spreadsheet at least the following fields of information, unless that information is not known and cannot be discovered through the exercise of reasonable diligence: the date and nature of the report (e.g., direct, bystander, responsible employee or anonymous report); the name of the complainant; the name of the person(s) who received the report or made the report; the name(s) of the respondent; the name(s) of the person(s) assigned to investigate the report, take any interim measures, and bring disciplinary charges (where relevant); the interim measures offered and/or taken, if any; the date of the findings; the date of any Review Panel; and a summary of the findings at the Evaluation Panel, investigative, and Review Panel stages, including any actions proposed and/or taken on behalf of the complainant and any disciplinary or other actions taken against the respondent; and
- C. the Title IX Coordinator will maintain records of all reports, investigations, findings, the basis for those findings, and appeals, including, but not limited to: the circumstances of the report; the names of the complainant (if available), the respondent, and witnesses; any statements or other evidence submitted or collected; interview notes; correspondence relating to the investigation; actions taken on behalf of the complainant, if any, including any interim remedial measures; actions taken against the respondent, if any, including any interim protective measures (e.g., temporary removal from University housing); records of any discipline or proposed discipline, if any; records of findings communicated to the parties; and records of any appeals.

REPORTING REQUIREMENT

By December 15, 2015, and annually thereafter until OCR closes the monitoring of this Agreement, the University will provide to OCR for review and approval documentation demonstrating implementation of this Section, including a copy of the electronic database or spreadsheet of all the data required by Section VII.B above.

If OCR determines that the University must take any corrective action(s), OCR will provide the University with notice of the corrective action and an opportunity to discuss the scope of the action. The University will take the required action within thirty (30) calendar days of receipt of OCR's determination.

VIII. RESOURCE GUIDES

On July 1, 2015, the University released Resource and Reporting Guides for Students and Employee (Resource Guides) in conjunction with the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence. The Resource Guides must be revised to include the following:

- A. a list of examples, or direct hyperlink to examples provided elsewhere on the University's website, of conduct that constitutes sexual harassment;
- B. a direct hyperlink to the University webpage "Sexual Violence Education and Resources" for examples of what types of actions may constitute sexual violence;
- C. a direct hyperlink to the University webpage "Sexual Violence Education and Resources" for explanations of the criminal and non-criminal consequences that flow from reports directed to particular entities.

REPORTING REQUIREMENTS

1. By November 1, 2015, the University will provide OCR, for review and approval, the revised Resource Guides.
2. Within thirty (30) calendar days of OCR approving the guides, the University will provide OCR with documentation that it has published the Resource Guides electronically, including a link to where the guides are posted on the University's website. Within sixty (60) calendar days of OCR's approval of the Resource Guides, the University will provide OCR documentation that it has published the guides in hard copy, including information about the locations and personnel on campus who have the guides available to students, including but not limited to all first responders who are required to offer the Resource Guides to all persons raising allegations of sex-based discrimination and to offer to send them the link to the Resource Guides by email or text message.

IX. EDUCATIONAL CLIMATE

- A. The University will consult with the Equity Consultant to identify and administer one or more annual climate assessments for all students undergraduate and graduate to: 1) assess students' attitudes and knowledge regarding sexual harassment, sexual violence, and retaliation; 2) gather information regarding students' experience with sexual harassment and sexual violence while attending the University; 3) determine whether students know when and how to report such prohibited conduct; 4) gauge students' comfort with reporting such prohibited conduct; 5) identify potential barriers to reporting; 6) assess students' familiarity with the University's outreach, education, and prevention efforts to identify which strategies are effective; and 7) solicit student input on how the University can encourage reporting of sexual harassment, sexual violence, and retaliation, and better respond to such reports. A climate assessment can be conducted in many ways, including but not limited to, a survey distributed in-person or online, or a poll conducted in-person or online. In addition, the University may organize open forum information sessions for students and employees, designate publicized walk-in hours for campus community input or provide an online forum for community feedback.
1. By May 1, 2016, the University will conduct student focus groups or other means of gathering undergraduate and graduate student input regarding the topics in Section IX.A that will be the subject of the annual climate assessments. The University will use the focus group data, recommendations from the Equity Consultant, and other student input to inform its identification of appropriate climate assessments and the training required under this Agreement.
 2. Among the tools used to assess climate, the University will include at least one forum or option that allows students to participate anonymously.
 3. The University will analyze the results of any climate assessments within ninety (90) calendar days of the date of the completion of the assessment each year. The analysis will include recommendations for responding to climate issues identified in the assessments.
 4. Based on a review of each climate assessment's results and the recommendations of the Equity Consultant, the University will work together in good faith with the Equity Consultant to agree on appropriate and responsive actions to be taken by the University.
- B. By July 31, 2016, the University will develop a program to assess the effectiveness of its efforts to prevent and address sexual harassment, sexual violence and retaliation and to promote a non-discriminatory institutional climate. At the conclusion of each academic year, the University will conduct an assessment of the effectiveness of its anti-harassment efforts and submit the assessment to OCR. Each such assessment will include:

1. A review of student climate assessments (see Section IX.A) to determine: where and when sexual harassment and sexual violence occur; deficits in students' knowledge of what sexual harassment or sexual violence are, where to report it, and the likely trajectories of reporting to a confidential resource versus a responsible employee (e.g., the police, University Police, a Title IX Coordinator, the Women's Center, CAPS, and a faculty member); potential barriers to reporting sexual harassment and sexual violence; and recommendations for how the University can encourage reporting of, and improvement to, its response to reports;
 2. A review of all reports of sexual harassment and sexual violence and the University's responses to such reports, particularly with respect to:
 - a. whether such reports were adequately, reliably, promptly, and impartially investigated, adjudicated and resolved;
 - b. how many findings of responsibility were made and how many such findings resulted in disciplinary action;
 - c. the University's actions to address the effects of any sexual harassment, sexual violence and retaliation that occurred (i.e., tracking individual and community remedies);
 - d. how many involved identifiable groups of students; and
 - e. whether any individuals engaged in repeat misconduct; and if so, the University's actions to prevent the repeated misconduct of the individual and remedy its effects;
 3. Evaluation and analysis of the data collected, including an assessment of any changes in the number or severity of reported incidents of sexual harassment and sexual violence, particularly among identifiable groups of students; and
 4. Any other proposed recommendations for improvement of the University's anti-harassment program and timelines for the implementation of the recommendations.
- C. By November 1, 2015, the University will create a Student Campus Climate Committee (Student Committee) comprised of diverse and representative student members from the University community.

REPORTING REQUIREMENTS

Climate Assessment

1. By December 15, 2015, the University will provide for OCR's review and approval a detailed plan regarding conducting focus groups as described above, including a list of topics it proposes to address with the focus groups. Within forty-five (45) calendar days of receipt of OCR's comments, the University will revise its plan in response to those comments.

2. By December 15, 2015, the University will provide, for OCR's review and approval, a copy of any climate assessment it proposes to administer to the extent permissible based on terms of survey administrator requirements. Within forty-five (45) calendar days of receipt of OCR's comments, the University will revise the climate assessment in response to those comments.
3. By July 31, 2016, and annually thereafter until such time as OCR closes the monitoring of this Agreement, the University will provide OCR with a report documenting that the annual climate assessment and focus groups have been conducted, and including the cumulative results of the assessments, the University's and/or Equity Consultant's analysis of the results, and proposed actions based on that analysis and the assessment information.

Student Campus Climate Committee

4. By May 1, 2016, and annually thereafter, the Student Committee will identify and recommend strategies for the prevention of incidents of sexual harassment and sexual violence, including outreach and educational activities to ensure 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 reports. The Student Committee's recommendations will be presented to the President of the University and shared with the Equity Consultant and Title IX Coordinator.
5. By November 1, 2015, the University will send OCR a list of the current membership of the Student Committee.
6. By July 31, 2016, and annually thereafter until OCR closes the monitoring of this Agreement, the University will provide a report detailing the strategies identified and recommended by the Student Committee.
7. By July 31, 2016, and annually thereafter until such time as OCR closes the monitoring of this Agreement, the University will provide OCR documentation that it has published the Student Committee's complete report.
8. By November 1, 2016, and annually thereafter until such time as OCR closes the monitoring of this Agreement, the University will inform OCR concerning which Student Committee recommendation(s) were adopted and which recommendation(s) were not adopted as well as the reasons for any recommendation(s) that were not adopted.

Monitoring Program

9. By July 31, 2016, July 31, 2017, and July 31, 2018, the University will provide for OCR's review and approval a copy of its annual assessment of the effectiveness of its anti-sexual harassment efforts, including proposed recommendations for improving the University's anti-harassment program.

X. RELATIONSHIPS WITH STUDENT ORGANIZATIONS

By December 15, 2015, the University will review its agreements with student organizations, including fraternities and sororities, to assure that they clearly state that sexual harassment, sexual violence and retaliation are prohibited by federal law and University policy and that an organization's student members' failure to comply with the University's policy related to Title IX may result in the University severing all ties with the organization. Such agreements shall also state that student organizations shall acknowledge by signing such agreements that the University has the authority to investigate reports of sexual harassment, sexual violence and retaliation made by University students against members of the student organization, and to determine appropriate sanctions, which may include restrictions on the rights of the student organizations to use University facilities, access University services and resources, or hold itself out as associated with the University.

REPORTING REQUIREMENT

By May 1, 2016, the University will provide OCR with documentation that it has reviewed its agreements with student organizations, and provide copies of all revised agreements with student organizations.

XI. REVIEW OF REPORTS

- A. By December 15, 2015, the University will review all reports heard by the Sexual Misconduct Board (SMB) and those resolved informally under the Sexual Misconduct Policy during the 2011-2012, 2012-2013, and 2013-2014 academic years to determine whether the complainant or respondent are still affiliated with the University; whether there are circumstances suggesting the existence of a continuing pattern of conduct; whether there are any appropriate remedies that may still be available for the complainants in these cases, such as counseling or academic adjustments; or whether there are investigative steps or broad remedies necessary to identify and address any extant concerns about sexual harassment, sexual violence or retaliation. These reviews will at a minimum carefully scrutinize issues noted by OCR during the course of this review, although the University is not expected to reinvestigate or rehear matters that had been finally resolved under University policy.
- B. By December 15, 2015, the University will review the "informal contacts" of alleged sexual misconduct received during the 2011-2012, 2012-2013 and 2013-2014 academic years, to determine: 1) whether there are circumstances suggesting the existence of a continuing pattern of conduct and, if so, assess whether any additional investigation or broad remedies are necessary to identify and address any extant concerns about sexual harassment, sexual violence, or retaliation; 2) whether there is an identifiable complainant or a respondent; and 3) in cases where there is an identifiable complainant or respondent, whether additional investigation is needed to determine what occurred and whether there are any appropriate remedies that may still be available for the

complainants in these cases, such as counseling or academic adjustments. To the extent that the complainant agrees to meet with the University, but does not want personally identifying information to be revealed to the respondent, the University will determine whether it has an independent obligation to investigate the alleged incident by weighing the request for anonymity/no action against risk factors identified in University Policy.

REPORTING REQUIREMENT

1. By December 15, 2015, the University will provide for OCR's review and approval the results of its review as described in Sections XI, A and B of this Agreement, including, but not limited to, any actions taken by the University and remedies put in place by the University as a result of its review. For the reports in Section XI, A, for the 2012-2013 and 2013-2014 academic years, the University also will provide OCR with an overview document related to the University's original response to each of the complaints that summarizes information related to the investigation of each complaint, any final disposition letters, disciplinary records, and any appeals. If OCR determines that the University must take any different or further action(s) and/or provide any different or further remedies, OCR will provide the University with notice of the corrective action and an opportunity to discuss the scope of the action. The University will initiate the corrective action(s) within thirty (30) calendar days of receipt of OCR's determination.
2. Commencing with academic year 2014-2015, the University will annually submit for OCR's review and approval copies of all reports that allege sexual harassment and sexual violence and 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 offered and/or provided, 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, prevent its recurrence, and remedy its effects on complainants and others, as appropriate. Complaints and related documentation for academic year 2014-2015 shall be submitted to OCR by February 1, 2016. For subsequent academic years, until such time as OCR closes the monitoring of this review, the University shall annually submit to OCR for review and approval complaints of sexual harassment and sexual violence and related documentation by November 1 for the previous academic year. If OCR determines that the University must take any corrective action(s), OCR will provide the University with notice of the corrective action and an opportunity to discuss the scope of the action. The University will take the corrective action within thirty (30) calendar days of receipt of OCR's determination.
3. For the academic year 2014-2015, the University will submit for OCR's review and approval, copies of all records of informal contacts that pertain to reports or concerns of sexual harassment and sexual violence reported to the Title IX Coordinator. The University will provide OCR with documentation related to any follow-up or University response to each contact. All records of informal contacts for academic year 2014-2015

shall be submitted to OCR by February 1, 2016. If OCR determines that the University must take any corrective action(s), OCR will provide the University with notice of the corrective action and an opportunity to discuss the scope of the action. The University will take the corrective action within thirty (30) calendar days of receipt of OCR's determination.

XII. MONITORING

The University understands that the monitoring period of the Agreement will extend for three years, or until, if later, such time as 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. §§ 106.8, 106.9 and 106.31. 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 terms of this Agreement. OCR agrees to review data and other information submitted by the University and provided feedback, as appropriate, within a reasonable timeframe. Further, the University understands that during the monitoring of this Agreement, if necessary, and with reasonable notice to the University, 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, at 34 C.F.R. §§ 106.8, 106.9 and 106.31 that were at issue in this case.

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 proceeding 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.

September 17, 2015
Date

_____/s/_____
President
University of Virginia