

**Resolution Agreement
Eastern Michigan University
OCR Docket Number 15-09-6002**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced compliance review of Eastern Michigan University (the University), 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. Prior to the completion of OCR's investigation, the University asked to resolve the issues of this review pursuant to Section 302 of OCR's Case Processing Manual (CPM). This resolution has been entered into voluntarily between the parties and does not constitute a finding or admission that the University is not in compliance with Title IX and/or its implementing regulations. Accordingly, to ensure compliance with Title IX and its implementing regulation and to resolve the issues of this review, the University voluntarily agrees to take the following actions:

TITLE IX GRIEVANCE PROCEDURES – EMPLOYMENT/THIRD PARTIES

1. By February 15, 2011, the University will submit to OCR for its review and approval draft Title IX grievance procedures to address complaints of sex discrimination (including sexual harassment and sexual assault) involving faculty and staff members and third parties (such as customers and vendors) as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b). These grievance procedures may also address other types of discrimination based on classifications protected by law or EMU policy. The University will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sex discrimination and will include, at a minimum, the following:
 - a. a notice that the procedures apply to complaints of sex discrimination (including sexual harassment and sexual assault) raised by employees, students, or third parties against a faculty or staff member or third party;
 - b. an explanation of how to file a complaint pursuant to the procedure;
 - c. the name or title, office address, and telephone number of the individual with whom to file a complaint;
 - d. definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment and sexual assault);
 - e. provide for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
 - f. timeframes for the major stages of the investigation;
 - g. written notification to the parties of the outcome of the investigation;

- h. an assurance that the University will keep the complaint and investigation confidential to the extent possible;
- i. an assurance that the University will take steps to prevent recurrence of any discrimination, with examples of the range of possible disciplinary sanctions, and to remedy the discriminatory effects on the victim(s) and others, with examples of the types of remedies available to victims; and
- j. a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.

REPORTING REQUIREMENT – EMPLOYMENT/THIRD PARTIES: By February 15, 2011, the University will submit to OCR for its review and comment its Title IX grievance procedures referenced in item #1.

- 2. Within 45 calendar days of written notification from OCR that the revised grievance procedures developed in accordance with item #1 above are consistent with Title IX requirements, the University will adopt and implement the procedures and will provide all faculty, staff and students with written notice regarding the grievance procedures for resolving Title IX complaints together with information on how to obtain a copy of the grievance procedures. The University, at a minimum, will make this notification through the University's website, electronic mail messages to faculty, staff and students, and any regularly issued newsletters, (in print or online), as well as by any other additional means of notification the University deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: Within 30 calendar days after the completion of item #2, the University will provide OCR with documentation that it has implemented item #1 and 2 above, including copies of the written notices issued to faculty, staff, and students regarding the Title IX procedures and a description of how the notices were distributed; copies of its revised student handbooks; and a link to its webpage where the revised Title IX procedures are located.

TITLE IX GRIEVANCE PROCEDURES - STUDENTS

- 3. By February 15, 2011, the University will promulgate procedures under and consistent with its Student Code of Conduct to provide appropriate Title IX grievance procedures, as required by 34 C.F.R. § 106.8(b), to address complaints of sex discrimination (including sexual harassment and sexual assault) involving students and will submit these procedures to OCR for their review and approval. The University will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sex discrimination and will include, at a minimum, the following:
 - a. a notice that the procedures apply to complaints of sex discrimination (including sexual harassment and sexual assault) raised by employees, students, or third parties against University students;

- b. an explanation of how to file a complaint pursuant to the procedure;
- c. the name or title, office address, and telephone number of the individual with whom to file a complaint;
- d. definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment and sexual assault);
- e. provide for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- f. timeframes for the major stages of the investigation;
- g. written notification to the parties of the outcome of the investigation;
- h. an assurance that the University will keep the complaint and investigation confidential to the extent possible;
- i. an assurance that the University will take steps to prevent recurrence of any discrimination, with examples of the range of possible disciplinary sanctions, and to remedy the discriminatory effects on the victim(s) and others, with examples of the types of remedies available to victims; and
- j. a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.
- k. a statement regarding who to contact if a student wishes to file a complaint of sex discrimination against a faculty or staff member or third party.

REPORTING REQUIREMENT: By February 15, 2011, the University will submit to OCR for its review and comment its Title IX grievance procedures referenced in items #3.

- 4. Within 45 calendar days of written notification from OCR that the revised grievance procedures developed in accordance with item #3 above are consistent with Title IX requirements, the University will adopt and implement the procedures and will provide all students with written notice regarding the grievance procedures for resolving Title IX complaints together with information on how to obtain a copy of the grievance procedures. The University, at a minimum, will make this notification through the University's website, electronic mail messages to students, and any regularly issued communications, such as bulletins or newsletters, as well as by any other additional means of notification the University deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: Within 30 calendar days after the completion of item #4, the University will provide OCR with documentation that it has implemented item #4 above, including copies of the written notices issued to faculty, staff, and students regarding the Title IX procedures and a description of how the notices were distributed; copies of its revised student handbooks; and a link to its webpage where the revised Title IX procedures are located.

NOTICE OF NONDISCRIMINATION/TITLE IX COORDINATOR

5. By February 15, 2011, the University will submit to OCR for review a notice of nondiscrimination pursuant to 34 C.F.R. § 106.9, which will notify faculty, staff, students and other relevant persons that it does not discriminate on the basis of sex in the education programs or activities that it operates and that it is required by Title IX not to discriminate in such a manner. The notice will state that the requirement not to discriminate in the University’s education programs and activities extends to employment with and admission to the University and that inquiries concerning the application of Title IX should be referred to the Title IX Coordinator(s). The policy shall include the name or title, office address, and telephone number for the University’s Title IX Coordinator(s). The University will publish this notice consistent with the requirements of Title IX at 34 C.F.R. § 106.9.

REPORTING REQUIREMENT: By February 15, 2011, the University will provide OCR with a copy of the University’s Title IX notice of nondiscrimination referenced in item #5 above.

6. Within 45 calendar days of written notification from OCR that the University’s notice of nondiscrimination complies with Title IX, the University will ensure that, to the extent required by Title IX at 34 C.F.R. § 106.9, each of its electronic and printed publications of general distribution that provide information to employees and students about University services and policies contain the notice of nondiscrimination.

REPORTING REQUIREMENT: Within 30 calendar days of the completion of item #6 the University will provide OCR with documentation that it has implemented item #6 above, including copies of any printed publications, and web links to any electronic publications containing the notice.

7. By January 15, 2011, the University will designate one or more employees to coordinate the University’s efforts to comply with Title IX and will publish this individual’s name or title, office address, and telephone number consistent with the requirements of Title IX at 34 C.F.R. § 106.8(a). If the University opts to designate more than one such coordinator, its publications will make clear the scope of each coordinator’s responsibilities (e.g., who will handle complaints by faculty, staff and students), and will designate one coordinator, who will be titled “Title IX Coordinator” and who will have ultimate oversight responsibility over the other

coordinators, whose titles will clearly indicate that they are in a deputy or supporting role to the Title IX Coordinator.

REPORTING REQUIREMENT: By March 15, 2011, the University will provide OCR with documentation that it has implemented item #7 above, including the name and title of the Title IX Coordinator(s), and a copy of the job description(s) and training requirement(s) for the position(s).

8. By February 15, 2011, the University will develop a description of Title IX responsibilities and corresponding training requirements for its Title IX Coordinator and, as appropriate, any deputy coordinators. The description and corresponding training will cover the investigation of Title IX complaints filed by faculty, staff and students and will require the Title IX Coordinator or his/her designee(s) to administer compliance with this Agreement. If the University opts to designate additional coordinators to assist the Title IX Coordinator, it will make clear the scope of each coordinator's duties and will ensure that the Title IX Coordinator has ultimate oversight responsibility over the other coordinators, which will be clearly stated in that coordinator's description of Title IX responsibilities. The University will hold regular events to raise awareness in the campus community about sex discrimination (including sexual harassment and sexual assault) and the University's policies and procedures regarding such matters.

REPORTING REQUIREMENT: By March 15, 2011, the University will provide OCR with documentation that it has implemented item #8 above, including the name and title of the Title IX Coordinator(s), and a copy of the job description(s) and training requirement(s) for the position(s).

TRAINING FOR TITLE IX COORDINATOR(S)/ UNIVERSITY PERSONNEL

9. On September 27, 2010, the University's Title IX Coordinators will attend OCR's conference: "Empower Your Campus: Raising Awareness of Title IX" in Cleveland, Ohio.

REPORTING REQUIREMENT: By January 15, 2011, the University will provide OCR with documentation that it has implemented item #9 above, including a list of the names and titles of University staff who attended OCR's September 27, 2010 Title IX conference in Cleveland, Ohio.

10. Within 45 calendar days of approval by OCR of the grievance procedures described in items #1 and #3 above, the University will provide its Title IX Coordinators, any other coordinators, and any University officials and administrators 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 coordinate the University's Title IX compliance, with training on the University's Title IX grievance procedures.

REPORTING REQUIREMENT: , Within 30 calendar days of the completion of #10 above, the University will provide OCR with documentation that it has provided appropriate University staff with the training referenced in item #10, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the University staff who attended the training.

11. By March 15, 2011, the University, with OCR’s assistance, will revise its existing online sexual harassment training or develop a new online Title IX training for employees. The training will provide essential guidance and instruction on recognizing and appropriately addressing allegations and complaints of sex discrimination, including the differences between sex discrimination, sexual harassment, and sexual assault and 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. In addition, the training will cover the University’s grievance procedures for Title IX complaints. The University shall require all University personnel, including coaches and residence hall officials, who interact with students on a regular basis to complete the online training. Student temporary employees will not be subject to the training requirement. Any University personnel hired after the training completion date contained in this agreement will be required to complete the online training. The online training will be updated annually, if necessary in order to reflect any changes to the law, University policy, and University practices with respect to Title IX compliance. The University will notify University personnel of all such changes within 30 calendar days of such change.

REPORTING REQUIREMENT: Within 30 calendar days of completion of item #11, the University will provide OCR with documentation that it has implemented item #11 above, including copies of any notices provided to University staff regarding the required on-line training, and documentation of the names and titles of the University staff who have completed the training.

STUDENT-FOCUSED REMEDIES

12. By March 15, 2011, the University will establish a committee of students, with representation from various student groups, including women’s groups, student athletes, and others; the University’s Title IX Coordinators and others, as appropriate, to identify strategies to ensure that students understand their rights under Title IX, understand how to report violations of Title IX and to ensure that the University takes each complaint seriously and provides a prompt and equitable response in accordance with the requirements of Title IX. Additionally, the committee will recommend additional strategies for the prevention of sexual harassment/sexual assault incidents, including outreach and educational activities.

REPORTING REQUIREMENT: By April 30, 2011, the University will provide OCR with documentation that it has implemented item #12 above, including a list of names and titles of the members of the appropriate student and employee groups, a copy of the group's recommended actions, and a detailed description of any strategies the group recommended to prevent incidents of sexual harassment/sexual assault, including any outreach or educational activities.

13. By August 30, 2011, the University will include in its existing freshman orientation program a series of informational topic(s) to ensure that students are aware of the University's prohibition against sex discrimination (including sexual harassment and sexual assault); can recognize such sex discrimination and sexual harassment when they occur; and understand how and with whom to report any incidents of sex discrimination (including sexual harassment and sexual assault). At least one required topic will specifically address the connection between alcohol abuse and sexual harassment and sexual assault, and at least one of the topics shall inform students that they may speak with a University counselor if they are concerned about issues of sexual harassment and/or sexual assault. In addition, the topics will cover the University's updated grievance procedures for Title IX complaints, as well as a general overview of what Title IX is, the rights it confers on students, the resources available to students who believe they have been victims of sexual harassment/assault, and the existence of OCR and its authority to enforce Title IX.

REPORTING REQUIREMENT: Within 30 calendar days of completion of item #13, the University will provide OCR with documentation that it has implemented item #13 above, including copies of the freshman orientation schedule, the names and titles of the employees who presented on the required topics, and copies of any materials that were used or distributed regarding the required topics.

14. By August 30, 2011, the University will include in any annual residence life orientation for students residing in campus housing a topic to ensure that students are aware of the University's prohibition against sex discrimination (including sexual harassment and sexual assault); can recognize such sex discrimination and sexual harassment; are aware of Title IX and the rights it confers on students; understand how and with whom to report any incidents of sex discrimination (including sexual harassment and sexual assault), including where to find the University's grievance procedures for Title IX complaints on the University's website and the resources available to students who believe they have been victims of sexual harassment/assault.

REPORTING REQUIREMENT: Within 30 calendar days of completion of item #14 above, the University will provide OCR with documentation that it has implemented item #14 above, including copies of the residence life orientation schedule and copies of any materials that were used or distributed regarding the required topics.

15. By January 15, 2011, the University will submit to OCR for its review procedures that designate a contact to be “on call” to assist victims of sexual assault. This contact is currently the Safehouse Center, which provides emergency response services <http://www.safehousecenter.org/survivor-emergencyservices.html>. The procedures will require the Office of Public Safety to provide the “on call” contact information to each victim of sexual assault. The “on call” person’s duties will include: being available at the victim’s request to come to the victim’s assistance when a report of sexual assault has been made to the Department of Public Safety. The procedures will provide that the “on-call” person will meet with the victim at the victim’s request. Either the on-call person or the Department of Public Safety will explain to the victim the various assistance options the University provides, such as counseling services and academic support, and to notify the victim of the University’s Title IX obligations, whether or not the student opts to file a sexual harassment complaint pursuant to the University’s Title IX grievance process. The procedures will also provide for University officials, at least one of whom is knowledgeable about Title IX, to explore and, as deemed appropriate, promptly implement a range of interim measures regarding the victim’s housing and educational options while the victim’s complaint is investigated.

REPORTING REQUIREMENT: Within 45 calendar days of receipt of written approval from OCR of the procedures listed in item #15 above, the University will provide OCR with documentation that it has adopted and published those procedures on its website and in the sexual assault publication referenced in item #15 above and has provided instruction to relevant staff in the University’s counseling center and Office of Public Safety, as well as to the University’s Title IX Coordinator(s), regarding how to effectively implement the procedures.

16. By March 15, 2011, the University will submit to OCR for its review a publication on sexual assault. The publication will contain information on what constitutes a sexual assault, what to do if you have been the victim of sexual assault, and contact information for on and off-campus resources for victims of sexual assault. The publication will prominently display the contact information for the “on call” person(s) listed in paragraph #15 above and a description of the “on call” person’s duties. In addition, the University will include information on how to file a complaint of sexual assault with the University, how to file a separate complaint of sexual harassment with the University, the name and contact information for the University’s Title IX Coordinator(s) and a description of the Title IX Coordinator’s role. The publication will also provide information on how to obtain counseling and academic assistance in the event of a sexual assault, and information on what interim measures can be taken if the alleged perpetrator lives on campus and/or attends classes with the victim. The foregoing information also will be included in the Title IX publication referenced in item #17 below and covered during any Title IX training required by this Agreement.

REPORTING REQUIREMENT: Within 60 calendar days of receipt of written notification from OCR that the publication referenced in items #16 above

complies with Title IX, the University will provide OCR with the web address where the publication is posted on the University's website, with links to that information on the web pages for the University's athletics and residence hall programs. The University also will submit documentation that the publication has been included in the University's student handbooks and has been and will be distributed and discussed at all future student orientations; distributed to any local rape crisis centers, including Safehouse; and provided to the sponsors of sex discrimination (including sexual assault) awareness events to encourage their distribution at those events. In addition, the University will provide OCR with documentation confirming that a copy of the publication has been distributed by the University's Office of Public Safety to each individual who makes a complaint of sexual assault.

17. By March 15, 2011, the University will submit to OCR for its review a separate publication on sex discrimination which defines sex discrimination, sexual harassment, and sexual assault; includes the University's grievance procedure(s) for addressing Title IX complaints raised by students and staff, includes an explanation of the different offices that handle any of the above referenced complaints; and includes the name or title and contact information for the University's Title IX Coordinator(s), and a description of the Title IX Coordinator's role. This publication will contain a cross-reference to the sexual assault publication identified in item #16 above.

REPORTING REQUIREMENT: Within 60 calendar days of receipt of written notification from OCR that the publication referenced in item #17 above complies with Title IX, the University will provide OCR with the web address where the publication is posted on the University's website, with links to that information on the web pages for the University's athletics and residence hall programs. The University also will submit documentation that the publication has been included in the University's student handbooks and has been and will be distributed and discussed at all future student orientations; distributed to any local rape crisis centers, including Safehouse; and provided to the sponsors of sex discrimination (including sexual assault) awareness events to encourage their distribution at those events. In addition, the University will provide OCR with documentation confirming that a copy of the publication has been distributed by the University's Office of Public Safety to each individual who makes a complaint of sexual assault.

18. By June 11, 2012, and again at the end of the 2012-2013 and 2013-2014 school years, and subject to Institutional Review Board ("IRB") approval, the University will conduct a climate check with students on campus to assess the effectiveness of steps taken pursuant to this Resolution Agreement, or otherwise by the University, to achieve its goal of a campus free of sexual harassment, in particular sexual assaults. The climate check may be completed by sending a survey to each University student that contains questions about the student's knowledge of sex discrimination

(including sexual harassment and sexual assault) and any experiences with sex discrimination while attending the University, and the student's awareness of the University's Title IX policies and procedures. If the University opts to use a survey, the University first will submit the survey to OCR for review and approval prior to its distribution. Further, OCR must be provided with copies of the students' responses within 60 calendar days of receipt. Information gathered during these climate checks will be used to inform future proactive steps taken by the University. Finally, part of the University's ongoing climate checks will include informing students about who they can report concerns about sex discrimination to, such as the Title IX coordinator or a counselor, as described in other provisions of this Agreement.

REPORTING REQUIREMENT: By June 30, 2012, 2013, and 2014, the University will provide OCR with documentation demonstrating implementation of item #18 above, including a description of how the climate check(s) were completed, copies of any student responses to surveys, summaries of other information obtained, and proposed actions, if appropriate, that the University plans to take in response to the information gathered during the climate checks.

19. By March 15, 2011, the University will review its campus police records for the 2009-2010 school year and, for any complaint of sexual assault that was treated solely as a criminal matter and/or where the Title IX Coordinator was not involved, the University's Title IX Coordinator will review the matter to determine whether sexual harassment occurred in violation of Title IX and whether the remedies provided were effective. If not, the University will promptly take measures, should the victim or the perpetrator still be enrolled as a student, to ensure the sexual harassment was fully and effectively addressed.

REPORTING REQUIREMENT: By April 30, 2011, the University will make available to OCR documentation showing implementation of item #19 above, including copies of the initial report, any campus police records, and the investigative files of both the campus police and the University's Title IX Coordinator showing the response and remedies obtained, if any.

ADDITIONAL REPORTING REQUIREMENTS

REPORTING REQUIREMENT: By March 15, 2011, December 31, 2011, and December 31, 2012, the University will provide OCR with documentation regarding any events it has held to raise Title IX awareness on campus as referenced in item #8 above. This documentation will include a description of each event, the office that sponsored the event, the intended audience, and how the event was publicized.

REPORTING REQUIREMENT: By June 30, 2012, June 30, 2013, and June 30, 2014, the University will make available to OCR copies of all Title IX grievances filed by students under the revised Title IX grievance procedure in the Student Conduct Code alleging sexual harassment or sexual assault, during the 2010-2011, 2011-2012, and 2012-2013 school years, respectively. The University also will make available to OCR documentation related to the investigation of each complaint, such as witness

interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, any final disposition letters, and disciplinary records.

President or designee
Eastern Michigan University

Date