

**Resolution Agreement**  
**University of Massachusetts – Amherst**  
**OCR Compliance Review No. 01-11-6001**

The University of Massachusetts – Amherst (University) has entered into the following agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the above-referenced compliance review, and to ensure the University’s compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. All references to the Title IX regulation in this Agreement shall include the amendments promulgated by the U.S. Department of Education on May 19, 2020 at 85 FR 30026.

Since the initiation of OCR’s compliance review, the University has revised its Title IX policies and practices in a continuing effort to respond promptly and equitably to allegations of sexual harassment, and to comport with new requirements from the May 2020 amendments to the Title IX regulation. The University has entered into this Agreement to conclude OCR’s compliance review and to ensure that its Title IX processes are compliant with the Title IX regulation.

In order to address the concerns identified in Compliance Review No. 01-11-6001, the University agrees to the following terms:

**Notice of Nondiscrimination**

[1] The University will review, and will document its review of, its current notice(s) of nondiscrimination disseminated to the University’s applicants for admissions and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the University, to ensure that the contents include all of the information required by the Title IX regulation, and will make revisions, if necessary, to comply with the Title IX regulation.

**Reporting Requirements:**

**By September 1, 2021**, the University will provide to OCR its written summary of this review process, along with copies of its notice(s) of nondiscrimination (revised, if necessary) and/or links to any webpages or online documents containing these notice(s).

If OCR determines that the University must make changes to comport with the Title IX regulation, OCR shall provide notice of these concerns to the University, and the University will promptly remedy the concerns identified by OCR. The University will also promptly provide information regarding the resolution of any such concerns to OCR as requested.

**Title IX Grievance Procedures**

[2] The University will review, and will document its review of, its grievance procedures for the resolution of reports and formal complaints alleging sexual harassment by students, employees,

and/or third parties, to otherwise ensure that these procedures fully comply with the Title IX regulation, and will make revisions, if necessary, to comply with the Title IX regulation.

[3] The University will review, and will document its review of, its written notice of these grievance procedures to the University’s applicants for admissions and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the University. As part of this process, the University will confirm whether this notice is consistent across University websites and explains how the grievance procedures, and other related policies or procedures, including policies and procedures for students and employees participating in Consortium programming, interact and apply, and will make revisions, if necessary, to comply with the Title IX regulation.

### **Reporting Requirements:**

**By September 1, 2021**, the University will provide to OCR its written summaries of the review process as described in Items [2] and [3], along with copies of its Title IX grievance procedures (revised, if necessary) as described in Item [2], and its notice of these procedures (revised, if necessary) as described in Item [3].

If OCR determines that the University must make changes to comport with the Title IX regulation, OCR shall provide notice of these concerns to the University, and the University will promptly remedy the concerns identified by OCR. The University will also promptly provide information regarding the resolution of any such concerns to OCR as requested.

### **Processing of Formal Complaints of Sexual Harassment**

[4] The University will provide OCR the information detailed below regarding each formal complaint of sexual harassment that allegedly occurred on or after August 14, 2020, filed with the University during academic years 2020-21 and 2021-22<sup>1</sup>:

- a. the date of the alleged incident, the date the formal complaint was received, the nature of the alleged conduct, the identity of the parties (i.e. whether the respondent and complainant are students, employees, or third parties), the current status of the formal complaint, interim and supportive measures provided to the parties, and, if the formal complaint is resolved, the date of the notice of outcome to the parties and any findings of responsibility and associated sanctions or remedies provided.
- b. electronic copies of the complete case files corresponding with each formal complaint. “Case files” shall mean the information required by the “Tracking Reports of Sexual Harassment” provisions in Paragraphs [5] and [6] of this Agreement. The data will be produced and organized as individual files, with all relevant documents for an incident grouped in one discretely labeled electronic location.

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<sup>1</sup> For purposes of this Agreement, “academic year” shall mean the start of the Fall semester to the start of the next Fall semester.

**Reporting Requirements:**

**By September 1, 2021**, the University shall provide to OCR the aforementioned list of information for formal complaints resolved or pending during the 2020-21 academic year, as well as copies of all case files associated with these cases. These items will be produced in electronic format.

**Within 60 days of the close of the 2021-22 academic year**, the University shall provide to OCR the aforementioned list of information for formal complaints resolved or pending during the 2021-22 academic year, as well as copies of all case files associated with these cases. These items will be produced in electronic format.

If OCR concludes that any of the individual case files described herein indicate that the University did not respond to an allegation of sexual harassment in compliance with the Title IX regulation, OCR shall provide notice of these concerns to the University, and the University will promptly remedy the concerns identified by OCR. The University will also promptly provide information regarding the resolution of any such concerns to OCR as requested.

**Tracking Reports and Formal Complaints of Sexual Harassment**

[5] The University will develop or revise its procedure for documenting the date and substance of each report or formal complaint of sexual harassment received by the University, and actions taken by the University in response to the report or formal complaint, including such information as: internal correspondence; internal dialogue involving Title IX Coordinators or staff involved in the investigative or disciplinary process; correspondence or dialogue with parties, witnesses, and/or other entities; interim or supportive measures offered or provided to parties; interim restrictions (if any) and justification for same; informal resolutions; investigations conducted, including evidence gathered; findings or determinations of responsibility at each stage, including on appeal if applicable; post-investigation remedies; written notice of outcome provided to the parties; and disciplinary sanctions imposed.

[6] The University will also ensure that the Title IX Coordinator(s) has access to these records as necessary to coordinate the University's efforts to comply with and carry out its responsibilities under Title IX, including the resolution of reports and formal complaints of sexual harassment filed against students, employees, and/or third parties.

**Reporting Requirements:**

**By September 1, 2021**, the University will provide to OCR its implementation plan for the tracking system described in Item [5], and its implementation plan for ensuring access to the Title IX Coordinator[s] as described in Item [6], and agrees to promptly make changes if requested by OCR.

**Within 60 days of the close of the 2021-22 academic year**, the University will provide OCR with a progress report and evidence that it has adopted the implementation plans, including any changes identified by OCR.

### **Title IX Coordinator**

[7] The University will ensure that the Title IX Coordinator(s), and any other designated employee(s) as appropriate, shall be responsible for ensuring appropriate coordination and oversight of the University's compliance with Title IX, including but not limited to coordination of the University's resolution of reports and formal complaints of sexual harassment filed against students, employees, and/or third parties, consistent with the requirements of the Title IX regulation.

#### **Reporting Requirements:**

**By September 1, 2021**, the University will provide documentation demonstrating the Title IX Coordinator(s)' duties as explained in Item [7].

### **Title IX Training**

[8] The University will provide training as required by the Title IX regulation, and training on the University's grievance procedures, to its Title IX Coordinator(s), Deputy Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

[9] If OCR determines that the University must revise its Title IX grievance procedures to comport with Item [2], and these revisions occur after the Reporting Requirement immediately below, then the University agrees to promptly provide an additional training on the University's revised grievance procedures to its Title IX Coordinator(s), Deputy Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

#### **Reporting Requirements:**

**By September 1, 2021**, the University will provide proof to OCR that it has provided the training addressed in Item [8].

If an additional training is required pursuant to Item [9], then the University will provide proof to OCR that it promptly scheduled this training after OCR approves the revised grievance procedures, and proof that it provided this training within 30 days of completion.

\* \* \*

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. Upon the University's satisfaction of the commitments made under the Agreement, OCR will close the case.

In addition, 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 shall give the University written notice of the alleged breach and 60 days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the University's representative below.

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Kumble Subbaswamy  
Chancellor  
University of Massachusetts – Amherst

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Date