

RESOLUTION AGREEMENT
Norwich University
OCR Complaint No. 01-20-2044

Norwich University has voluntarily entered into this Resolution Agreement to resolve the concerns OCR identified in its letter of resolution in the above-referenced case, which involved alleged violations of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106. The University assures that it will take the following actions. The University agreed to resolve this case, prior to the completion of OCR's investigation, pursuant to Section 302 of OCR's *Case Processing Manual*.

Prior to this Resolution Agreement, the University revised its Title IX processes in a continuing effort to respond promptly and equitably to allegations of sexual harassment. The University has represented that these changes address several Action Items below. The University enters into this Agreement to conclude OCR's investigation and to ensure that its Title IX processes are compliant with the Title IX regulation.

Action Items 1, 2 and 3: Policy Review and Publication

1. By September 15, 2021, the University will review and, if necessary, revise its Sexual and Gender Based Misconduct Policy (Policy) to ensure that the Policy explains how the University will handle evidence (testimonial, documentary, or otherwise) obtained by the University after the completion of an investigative report and before the conclusion of the University's Title IX grievance process, up to and including any appeal. The Policy will address whether and under what circumstances new evidence will be referred to the investigator to be incorporated into a revised investigative report and/or included in the case file as part of any appeal.
2. By September 15, 2021, the University will review and, if necessary, revise its Policy to ensure that complainants, witnesses, and respondents receive equitable treatment when, to promote full disclosure in connection with a Title IX complaint or investigation, the University waives potential offenses based strictly on personal use of alcohol or drugs.
3. By September 15, 2021, the University will publish any revision(s) to its Policy, if required by Action Items 1 and 2, above, through the University's website and any other means of notification the University deems effective to ensure that the information is disseminated.

Reporting Requirement(s) for Action Items 1—3

1. By September 15, 2021, the University will provide OCR with documentation that it has completed Action Items 1—3, including a written statement describing what Policy changes if any were made consistent with this Agreement, and a link to University website(s) containing any updated information, and any other

written notice(s) disseminated to students, administrators, and staff regarding any updated information.

Action Item 4: Processing of Complainant's Case

4. By September 15, 2021, the University will provide the Title IX investigator with a copy of the December 9, 2019 email, and will instruct the investigator to consider whether to reopen the investigation and/or amend the investigative report in light of this information. By this same date, the University will also inform the parties of its request to the Title IX investigator and enclose a copy of the December 9, 2019 email.

If the investigator reopens the investigation and/or amends the investigative report, the Title IX Coordinator will review any final investigative report and underlying information to consider whether to uphold or revise the December 2019 responsibility determination(s). The University will give the parties an opportunity to appeal the Title IX Coordinator's determination(s), regardless of whether there is a change in the Title IX Coordinator's determination(s). In the event of an appeal, a copy of the December 9, 2019 email will be included in the case file on appeal.

If reconsideration at any stage leads to a change in the outcome, the University will take appropriate corrective action.

Reporting Requirement(s) for Action Item 4

1. By October 15, 2021, the University will notify OCR that it has concluded its Title IX adjudicatory process in accordance with the terms of Action Item 4 above; will provide to OCR copies of the information provided to the parties, the Title IX investigator, and/or the individual reviewing any appeal; and will otherwise provide to OCR documentation demonstrating that it has taken the steps set out in Action Item 4 above, such as copies of notices and outcome letters. The University will also notify OCR of the result of its reconsideration and what, if any, corrective action the University has taken.

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

The University understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR shall give the Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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

By: XXXXXXXXXXXX Date: 23 July 2021

Vice President for Administration
and Finance
Norwich University