

**Voluntary Resolution Agreement**  
**University of Louisville**  
**OCR Docket Number 03132040**

In order to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under 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, and the Age Discrimination Act of 1975 (the Age Act), 42 U.S.C. §§ 6101 *et seq.*, and its implementing regulation, 34 C.F.R. Part 110, the University of Louisville (the University) enters into this Voluntary Resolution Agreement (Agreement) and commits to implement the provisions set forth in this Agreement in order to resolve the allegations in this complaint. This Agreement does not constitute an admission of liability on the part of the University and does not constitute a determination by OCR of any violation of any regulations enforced by OCR.

**ACTION STEPS**

**Sexual Harassment Grievance Procedures**

1. Recognizing that Title IX does not require a separate sexual harassment complaint procedure, the University assures OCR that if it chooses to maintain a separate sexual harassment complaint procedure, it will comply with the following requirements. By May 23, 2014, the University will submit to OCR for its review and approval revised Complaint Resolution Procedures to address complaints of sexual harassment. The University will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sexual harassment and will include, at a minimum, the following:
  - a. notice that the procedures apply to complaints alleging sex discrimination (including sexual harassment, sexual assault, and sexual violence) by employees, students, or third parties;
  - b. an explanation of how to file a complaint pursuant to the procedure;
  - c. an explanation of the University's informal complaint procedure, that such procedure is optional, and if mediation is included in the informal procedure, that it will not be attempted for complaints alleging sexual violence;
  - d. the name or title, office address, and telephone number of the individual with whom to file a complaint;
  - e. the timeframes for the University to attempt to informally resolve a complaint;
  - f. definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment, sexual assault, and sexual violence);

- g. provide for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
  - h. timeframes for the major stages of the investigation, with a provision indicating that the University will comply with law enforcement requests for cooperation and such cooperation may require the University to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence and that the University will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the University's investigation may be longer in certain instances;
  - i. the University will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community and the avoidance of retaliation;
  - j. the University will ensure that the victims are aware of their Title IX rights and available resources, such as counseling, the local rape crisis center and their right to file a complaint with a local law enforcement agency;
  - k. an assurance that the University will keep the complaint and investigation confidential to the extent possible;
  - l. written notification to the parties of the outcome of the complaint;
  - m. notice of the opportunity for the parties to appeal the findings;
  - n. an assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker;
  - o. an assurance that the University will take steps to prevent recurrence of any discrimination, with examples of the range of possible disciplinary sanctions and the types of remedies available to address the discriminatory effects on victims and others; and
  - p. a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.
2. Within 60 calendar days of written notification from OCR that the revised grievance procedures developed in accordance with Action Step 1 above are consistent with Title IX requirements, the University will adopt and implement the procedures and will provide all students and employees with written notice regarding the new grievance procedures for resolving Title IX sexual harassment 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

employees 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 Requirements**

- By May 23, 2014, the University will submit to OCR for its review and approval its Title IX grievance procedures referenced in Action Step 1 above.
- Within 45 calendar days of OCR's approval of the University's Title IX grievance procedures, the University will provide OCR with documentation that it has implemented Action Step 2 above, including copies of the written notices issued to students and employees regarding the new Title IX procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to its webpage where the revised Title IX procedures are located.

### **Title IX Coordinator and Age Act Coordinators**

3. By June 30, 2014, the University will ensure that it has designated one or more employees to coordinate the University's efforts to comply with the Age Act and will publish this individual's name or title, office address, and telephone number consistent with the requirements of the Age Act, at 34 C.F.R. § 110.25(a). Inserts may be used pending reprinting of the publications.
4. By June 30, 2014, the University will develop a job description and corresponding training requirements for its Title IX and Age Act Coordinators and, as appropriate, any deputy coordinators. The job description and corresponding training will cover the investigation of Title IX and Age Act complaints filed by students, staff, and faculty and the responsibility of the respective Coordinator to regularly develop and participate in activities designed to raise awareness within the University regarding age and sex discrimination (including sexual harassment, sexual assault, and sexual violence), the existence of OCR and its responsibility to enforce Title IX, and the University's policies and procedures regarding such matters. If the University opts to designate additional coordinators to assist the Title IX and Age Act Coordinators, it will make clear the scope of each coordinator's duties and will ensure that the Title IX and Age Act Coordinators have ultimate oversight responsibility over the other coordinators, which will be clearly stated in that coordinator's job description.

### **Reporting Requirements**

- By July 1, 2014, the University will provide OCR with name/title of the individual designated as the Age Act Coordinator, including addresses and contact information, along with the job description and training program developed pursuant to Action Steps 3 and 4 above.

### **Training for Title IX and Age Act Coordinators and University Personnel**

5. By June 30, 2014, the University will schedule Title IX training for its Title IX and Age Act Coordinators, any other coordinators, and any University personnel who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual harassment, sexual assault, or sexual violence) or who will otherwise coordinate the University's compliance with the Age Act and Title IX. The training will include: the University's new grievance procedures for Age Act and Title IX complaints; instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title IX; as well as sex discrimination, including sexual harassment/assault and violence; the University's responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature and to ensure that victims of sexual offenses that are criminal in nature are aware of the University's Title IX obligations and its Title IX grievance procedures; and instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation (which differ from a criminal investigation). The University may request OCR Philadelphia staff to assist in providing the training.

### **Reporting Requirements**

- By August 30, 2014, the University will have provided the training required by Action Step 5 and the University will provide verification to OCR that the training materials used during these training sessions were disseminated to any individuals covered by Action Step 5 who were unable to attend the training session(s), including the names and titles of the individuals who received the information.

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, 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 complied with the terms of this Agreement and is in compliance with the of the regulation implementing Title IX and the Age Act which are applicable to this complaint.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. Part 106, and the Age Act, at 34 C.F.R. Part 110.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

4/7/2014

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President or President's Designee  
University of Louisville

\_\_\_\_\_  
Date