

Voluntary Resolution Agreement

OCR Complaint #03142021

Lehigh University

To resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation, at 34 C.F.R. Part 100, Lehigh University (the University) enters into this Voluntary Resolution Agreement (Agreement). 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.

The University is committed to ensuring that its campus culture is inclusive and free of harassment. It does not tolerate discrimination or harassment on the basis of race or color and has implemented a number of policies, procedures, and practices to ensure continued compliance with Title VI. Throughout the complaint resolution process, the University has welcomed the opportunity to work in cooperative partnership with OCR to maintain inclusive campus communities and continued compliance with Title VI. Consistent with the University's commitment to preventing and addressing harassment, it has agreed voluntarily to implement the following Action Steps:

Anti-Discrimination Statement

1. By February 27, 2015, the University will issue a statement to all University students and staff that will be posted in prominent locations and published on the University's website, stating that the University does not tolerate acts of discrimination or harassment based on race or national origin. The statement will encourage any student who believes he or she has been subjected to discrimination or harassment based on race or national origin to report to the University the discrimination or harassment, and note the University's commitment to conducting a prompt investigation. The statement will include appropriate contact information for the designated staff members to whom students and staff may report allegations of harassment and/or discrimination, as well as the name of an alternate staff member if the complaint is filed against the contact person. The statement will warn students or staff found to have engaged in acts of discrimination or harassment based on race or national origin will be promptly disciplined. The statement will encourage students and University staff to work together to prevent acts of harassment of any kind.

REPORTING REQUIREMENT: By February 27, 2015, the University will provide OCR with a copy of the University's anti-discrimination statement in accordance with item # 1 of the Agreement.

Racial Harassment Policy

2. By February 27, 2015, the University will submit for OCR's review and approval a revised draft policy prohibiting racial harassment (racial harassment policy), including the harassment of students by other students and the harassment of students by faculty,

administrators, and staff. At a minimum, the University’s racial harassment policy will contain the following, if not already included in the University’s current policy:

- (a) A statement setting forth the University’s commitment to having a school environment free from all harassment on the basis of race, color, and national origin. The statement must explain that the University prohibits race, color, and national origin harassment in the school environment, including all academic, extra-curricular, and school-sponsored activities. The statement will encourage students to immediately report incidents of harassment. The statement will emphasize that staff are required to promptly report to the designated staff member all incidents of harassment of which they become aware by whatever means. The statement will specify that the University will investigate formal and informal complaints of harassment. The University will distribute this statement in languages other than English, as necessary.
- (b) Examples of the type of conduct and behavior that is covered by the policy, including examples of staff-to-student and peer-to-peer conduct.
- (c) Identification of the kinds of activities and sites where prohibited conduct could occur.

An explanation of how to report harassment and/or file a complaint (formally and informally).
- (d) A requirement that University personnel report incidents of alleged student-on-student harassment that may be based on race, color, and/or national origin that University personnel witness or of which they have received reports or information, whether such incidents are verbal or physical, or amount to harassment in other forms.
- (e) A description of the University’s complaint procedures, including a requirement that an investigatory report be filled out by the University’s designated staff member or his/her designee during the course of the investigation, a timeframe for the University’s investigation of a complaint, and a requirement that written notice of the outcome be provided to the parties.
 - i. The investigatory procedures documented in the investigatory report shall, at a minimum, include: (1) the name, race, and national origin of the alleged victim and, if different, the name and race of the person reporting the allegation; (2) the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident; (3) the names and races of all persons alleged to have committed the alleged harassment, if known; (4) the names and races of all known witnesses to the alleged incident; (5) any written statements of the reporter, the victim (if different from the reporter), the accused student(s), and any known witnesses; (6) the outcome of the investigation; and (7) the response of University personnel and, if applicable, University-level officials, including the date any incident was reported to the police.
- (f) Identification of the means the University will use to investigate incidents of harassment, including but not limited to the following:

- i. the various steps the University will take to conduct adequate, reliable, and impartial investigations of reported incidents;
 - ii. an assurance that the University will take action to stop the harassment, remedy the harassment, and prevent its recurrence; and
 - iii. the University's standards for determining whether a hostile environment exists.
- (g) Specific information as to the name or title and contact information (including office and email address and telephone number) for the University employee(s) responsible for receiving and/or investigating reports of harassment, including the investigatory report.
- (h) A requirement that the University's designated staff member document all reports of incidents of harassment.
- (i) A recommendation that University staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment, unless circumstances would make such intervention dangerous.
- (j) Prohibition of retaliation against persons who report alleged harassment or participate in related proceedings.
- (k) A statement that the University will offer counseling and/or academic services to any person found to have been subjected to harassment on the basis of race, color, or national origin and, where appropriate, to the person(s) who committed the harassment.
- (l) Development of a plan for a comprehensive training program for University personnel responsible for implementing and enforcing federal anti-discrimination and anti-harassment laws and related policies and procedures, and all appropriate University level and security personnel.

REPORTING REQUIREMENT: By February 27, 2015, the University will provide OCR with a copy its revised racial harassment policy.

3. Within 45 calendar days of written approval from OCR that the University's racial harassment policy is consistent with Title VI requirements, the University will adopt and implement the procedures, and will provide all students and employees with written notice regarding the new policy for addressing and resolving Title VI complaints, together with information on how to obtain a copy of the policy. 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 REQUIERMENT: within 60 calendar days after OCR's approval of the Racial Harassment Policy, the University will provide OCR with documentation that it has implemented item #3 above, including copies of the written notices issued to students and employees regarding the new Racial Harassment Policy 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 policy is located.

4. By February 27, 2015, the University will examine its Code of Conduct to determine whether it contains rules of behavior, offense categories, and disciplinary procedures to appropriately address violations of the University's Racial Harassment policy, as developed pursuant to item #2 of this Agreement. The University agrees that by this same date, it will revise the Code of Conduct to the extent necessary to ensure it contains such rules of behavior, offense categories and disciplinary procedures.

REPORTING REQUIREMENT: By February 27, 2015, the results of its evaluation of its discipline policies and procedures, including its Code of Conduct, and, if it is determined that revisions are needed, provide OCR with draft copies of each.

Staff and Student Training on Racial Harassment

5. By March 5, 2015, and annually thereafter, the University will provide training on the Racial Harassment Policy to all faculty, administrators, and any other University personnel charged with supervising students. The training will specifically address the responsibility of staff to report incidents of possible harassment and the procedures for doing so, and provide instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to such harassment.
6. By March 5, 2015, and annually thereafter for new staff, the University will provide training to all staff who are directly involved in processing, investigating and/or resolving complaints or other reports of race, color or national origin discrimination, including harassment complaints, and any counselors or other University personnel who are likely to receive reports of race, color, or national origin harassment. The training will review the University's Racial Harassment Policy and include instruction on how to conduct and document race, color or national origin discrimination or harassment investigations in an adequate, reliable, and impartial manner, including the appropriate legal standards to apply in such investigations, as well as outline the appropriate disciplinary measures for violations of the anti-harassment policy in accordance with the University's Code of Conduct.
7. By March 5, 2015, and annually thereafter, the University will provide an orientation program for all students, administrators, staff, employees, agents, security officers, counselors, and coaching staff, which will address harassment, including racial harassment, in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on race, color, or national origin for students enrolled in the University. The University will remind students of its commitment to having a University environment free from all harassment and explain to students what they should do if they believe they, or other students are being

harassed. The program will include a review of the University's harassment policies and procedures, including an explanation of what harassment on the basis of race, color, or national origin is, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation. The University will also provide students with the name and contact information of a University employee, such as a counselor, that the students may contact if they wish to discuss confidentially any concerns they have, and remind students of the availability of counseling and/or academic services. The University will distribute written materials during the program that contain the information discussed.

REPORTING REQUIREMENT: By July 1, 2015, and annually by the same date in each subsequent University year through the 2016-17 school year, the University will provide to OCR:

- a report demonstrating implementation of items #5 and #6. Specifically, the University will provide documentation indicating the dates of the trainings, identification of the trainers, sign in sheets reflecting attendee names and titles, topics covered during the training sessions, the amount of time spent on each topic, and copies of the materials used in the training.
- a report demonstrating implementation of item #7. Specifically, the University will provide documentation indicating the dates of the orientation, identification of the trainers, topics covered during the orientation, the amount of time spent on each topic, and copies of the materials used and distributed to students in the orientation.

Student-Focused Remedies for Racial Harassment

8. The University has put in place a committee (the Council for Equity and Community) to provide a forum for the discussion of matters concerning discrimination or harassment on the basis of race, national origin, and color, increase student awareness of the University's anti-harassment program, and suggest measures for improving the effectiveness of the University's program. The University will continue to support the work of the committee and will ensure that the committee continues to consist of University administrators with knowledge, responsibilities and authority relevant to the duties of the committee, representative administrators, faculty members, students, and such other individuals as the University determines appropriate, XXXXXX.
9. By March 5, 2015, the University shall devise a climate survey to be used on an annual basis for all students and staff to assess the presence and effect of harassment based on race, color, or national origin within the University. The University will submit the proposed climate survey to OCR, along with an explanation of how it intends to implement the survey. The University shall conduct the climate survey within 45 calendar days of receiving OCR's approval of it.

REPORTING REQUIREMENTS:

By July 1, 2015:

- the identity of the members of the committee developed under item #8, along with their meeting schedule.
- a copy of its proposed climate survey developed pursuant to item #9, along with an explanation of how the University intends to implement the survey.
- within 30 days of conducting the climate survey after receiving approval of the climate survey from OCR, the University shall provide OCR with a report demonstrating the results of the survey.

By July 1, 2015 and annually by the same date in each subsequent University year through the 2016-17 school year, the University will provide to OCR:

- the committee's proposed recommendations under item #8, along with an explanation of how the University intends to implement the recommendations.
- copies of the results of the climate survey developed under item #9, and a report demonstrating how the University responded to or addressed any concerns raised by the survey.

Data Maintenance

10. On an annual basis, the University will maintain the following data:

1. all written reports and a written narrative describing all oral reports of incidents involving allegations of discrimination (including harassment) based on race, color or national origin;
2. a narrative of all actions taken in response to the reports, including any written documentation;
3. a copy of all disciplinary sanctions issued to students for violations of the Racial Harassment Policy;
4. documentation demonstrating any remedial efforts offered and provided to the victim of the harassing incidents, such as counseling and/or academic, tutoring or other appropriate services; and,
5. a narrative of all action taken to prevent recurrence of the harassing incidents, including any written documentation.

REPORTING REQUIREMENT: By July 1, 2015 and annually by the same date in each subsequent University year through the 2016-17 school year, the University will provide to OCR the data referenced in item #10 for the most recently completed University year.

The University understands that OCR will not close the monitoring of this Agreement until it determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, at 34 C.F.R. § 100.3, which was at issue in this complaint.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the University understands during the monitoring of this Agreement, OCR may visit the University, interview staff and clients, 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 provisions of the regulations implementing Title VI.

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/

University President (or designee)

September 26, 2014

Date