

RESOLUTION AGREEMENT
Arcadia University
OCR Case No. 03-22-2075 and 03-22-2076

The Office for Civil Rights (OCR) of the U.S. Department of Education and Arcadia University (the University) enter into this Resolution Agreement (Agreement) to resolve OCR complaints 03-22-2075 and 03-22-2076. The University submits this Agreement to ensure compliance with the requirements of 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 by recipients of Federal financial assistance.

In order to address the findings identified in OCR complaints 03-22-2075 and 03-22-2076, the University agrees to the following terms:

ACTION ITEMS

I. Individual Remedies

- a. By January 15, 2024, the University will complete its investigation of the formal complaint (formal complaint) filed by Complainants A and B in April 2021 against a professor (Professor). The University will assign a third party (Third Party) who was not involved in the investigation of the formal complaint to review the July 30, 2021 Investigative Report. The Third Party will conduct a comprehensive review of the Investigative Report, and based upon a preponderance of the evidence standard, determine whether the conduct alleged in the formal complaint was substantiated, and if so, created a hostile environment on the basis of sex. The Third Party will also determine whether Complainant A and/or Complainant B were retaliated against for complaining to the University about the Professor.
- b. Within 30 days of OCR approval of the University's determination regarding the formal complaint, the University will notify Complainants A and B of its determination regarding their formal complaints in writing.
- c. By February 29, 2024, if the University determined that the conduct alleged in the formal complaint was substantiated, and created a hostile environment on the basis of sex, the University will offer, in writing, to reimburse Complainants A and B for any out-of-pocket counseling costs incurred to date related to the University's failure to comply with the requirements of Title IX by failing to complete its investigation of the formal complaint filed by Complainants A and B. The University may ask Complainants A and B to provide receipts or other proof of payment within 60 days of the written offer. The University will reimburse Complainants A and B within 60 days of receiving proof of payment.

Reporting Requirements:

1. By January 30, 2024, the University will provide to OCR a copy of its completed investigation and determination regarding the formal complaint pursuant to Action Item I(a) above, for OCR review and approval.

2. Within 30 days of OCR approval of the University’s determination regarding the formal complaint, pursuant to Reporting Requirement 1, above, the University will send written notice of its determination to Complainants A and B. Within 15 days of sending written notification to Complainants A and B, the University will provide OCR with documentation of the written notice that was provided to Complainants A and B.
3. By March 15, 2024, the University will provide OCR a copy of the written offer it sent to Complainants A and B, as well as evidence that the written offer was sent. If the Complainants A or B requests reimbursement, the University will provide OCR with proof that the University reimbursed Complainants A or B within 60 days of receiving proof of payment.

II. Title IX Policy and Procedures

- a. By December 30, 2023, the University shall review its Title IX policy and procedures to ensure that it is compliant with the requirements of Title IX, and make revisions, if necessary, to clarify that the University will address complaints against all faculty and staff consistent with its Title IX obligations.
- b. Within 30 days of OCR approval of the University’s revised Title IX policy and procedures, the University will publish the revised Title IX Policy and Procedure, including by updating all printed publications, and providing a link to the revised Title IX Policy and Procedure on the University’s Title IX webpage.

Reporting Requirements:

1. By December 30, 2023, the University will provide to OCR a copy of its revised Title IX Policy and Procedure pursuant to Action Item II(a) above, for OCR review and approval.
2. By January 15, 2024, the University will provide OCR with documentation demonstrating that the revised Title IX policy and procedures has been published pursuant to Action Item II(b). The documentation will include all updated printed publications, and a link to where the revised Title IX policy and procedures is located on the University’s webpage.

III. Equity of Case Processing

a. Review of Prior Case Files

By March 15 15, 2024, the University will conduct a review of all Title IX complaints of student and staff involved sexual harassment, including sexual assault, for the 2018-2019, 2019-2020 and 2020-2021 school years to ensure that each complaint was resolved in compliance with Title IX. If the University determines that any of the complaints were not resolved in compliance with Title IX, it will decide upon and enact appropriate remedies to correct said lack of compliance. If any of the reported complaints were filed against a University professor, as part of its review, the University will obtain course evaluations for the professor for the previous three school years in

assessing whether the conduct alleged is substantiated. The University will submit documentation sufficient to show that its current process is compliant with all applicable regulations. The documentation shall include, at a minimum:

- i. A detailed spreadsheet tracking all sexual harassment complaints through the stages of the Title IX grievance process so that OCR and the University can identify systemic issues in the process. This spreadsheet shall include:
 1. the date the complaint/report is received by the University;
 2. the date an investigation was initiated;
 3. whether the respondent was a student, Professor, staff member or third party;
 4. whether the respondent and/or complainant were interviewed and, if not, an explanation as to why;
 5. whether the University provided any interim measures, and whether, upon review, the University determined it should have provided interim measures;
 6. whether the investigation was equitable to all parties;
 7. if the complaint was filed against a Professor, whether the University reviewed the course evaluations for that Professor, and if not, whether the University determined that it should have reviewed the course evaluations;
 8. the date the process was completed;
 9. whether the University made a determination of the complaint, and if not, the University concluded that it should have made a determination;
 10. the report of the outcome to the parties;
 11. whether individual remedies were provided to the reporting party;
 12. any other steps taken by the University to remedy any compliance concerns identified in its review;
 13. whether an appeal was filed and, if so, the date it was filed;
 14. the report(s) from any appeals; and
 15. the complaints about the grievance process and the University's response, if any.

b. Review of Complaints Against the Professor

By February 1, 2024, the University will conduct a comprehensive investigation of the Professor's actions from 2018 to the date of his resignation [redacted content], including all complaints regarding the Professor's inappropriate behavior reported to any University staff during that timeframe. Based upon a preponderance of the evidence standard, the University will determine whether the alleged actions created a hostile environment on the basis of sex for students other than Complainants A and B, including Student C, and if so, offer appropriate remedies to those students.

c. Review of Future Case Files

For a period of two years following the execution of this Resolution Agreement, the University will submit documentation sufficient to show that its current process is compliant with all applicable regulations. The documentation shall include, at a minimum:

- i. A detailed spreadsheet tracking all sexual harassment complaints through the stages of the Title IX grievance process so that OCR and the University can identify systemic issues in the process. This spreadsheet shall include:
 1. the date the complaint/report is received by the University;
 2. the date an investigation was initiated;
 3. whether the respondent was a student, Professor, staff member or third party;
 4. whether the respondent and/or complainant were interviewed and, if not, an explanation as to why;
 5. whether the University provided any interim measures;
 6. whether the investigation was equitable to all parties;
 7. if the complaint was filed against a Professor, whether the University reviewed the course evaluations for that Professor;
 8. the date the process was completed;
 9. whether the University made a determination of the complaint;
 10. the report of the outcome to the parties;
 11. whether individual remedies were provided to the reporting party;
 12. whether an appeal was filed and, if so, the date it was filed;
 13. the report(s) from any appeals; and
 14. the complaints about the grievance process and the University's response, if any.

Reporting Requirements:

1. By March 15, 2024, the University will provide OCR with the spreadsheet documenting the University's review of all Title IX complaints for the 2018-2019, 2019-2020 and 2020-2021 school years, in compliance with Action Step III(a) of this Agreement.
2. By March 1, 2024, the University will provide OCR with its review of the 2018-2021 complaints against the Professor, and its determination as to whether the Professor's actions created a hostile environment on the basis of sex for students, and if so, whether any other students are entitled to appropriate remedies, in compliance with Action Step III(b) of this Agreement. Upon OCR review and approval, the University will notify each student of its assessment and offer of remedies.
3. By June 1, 2024 and 2025, the University will provide OCR with the spreadsheet tracking all sexual harassment complaints through the stages of the Title IX grievance process for that school year, in compliance with Action Step III(c) of this Agreement.
4. If OCR determines that the University must take any different or further action(s) and/or provide any different or further remedies, OCR will provide the University with timely notice of the proposed corrective action and an opportunity to discuss the scope of the action. The University will initiate the corrective action(s) within 30 calendar days of receipt of OCR's determination and provide OCR with

documentation of the corrective action taken within 60 calendar days of receipt of OCR's determination.

IV. Title IX Training

a. Training on the Title IX Process

The University will provide training as required by the Title IX regulation, and training on the University's Title IX policy and procedures, to its Title IX Coordinator(s), investigators, decision-makers, school-level administrators, and any person who facilitates an informal resolution process. The training will also specifically address the University's obligations to investigate University staff, including tenured faculty members, accused of sexual harassment, and the University's obligation to respond as required by Title IX to formal complaints of sexual harassment. The training will also address the prohibition of retaliation under Title IX and steps to be taken by the University to address and remedy the effects of retaliation.

Reporting Requirement: By February 15, 2024, the University will certify to OCR that the trainings described in Action Item IV(a) have occurred. The University will provide OCR the following documentation: the date(s) of the trainings, the name(s) and title(s) of the trainer(s), a copy of any materials used or distributed during the trainings, and a sign-in sheet or other evidence of attendance with the names and titles of the individuals who attended the trainings.

b. Training for University staff

By March 15, 2024, the University will conduct training for all professors and administrators on their obligation to recognize and respond to allegations that may implicate Title IX. The training must include:

- i. Recognizing what complaints might constitute a complaint of sexual harassment, including sexual assault;
- ii. The location of the University's Title IX policies and how to direct any students to said policies;
- iii. Staff responsibilities upon receipt of a Title IX complaint; and
- iv. The contact information for any individual staff should contact upon receipt of a Title IX complaint.

Reporting Requirement: By April 30, 2024, the University will certify to OCR that the trainings described in Action Item IV(b) have occurred. The University will provide OCR the following documentation: the date(s) of the trainings, the name(s) and title(s) of the trainer(s), a copy of any materials used or distributed during the trainings, and a sign-in sheet or other evidence of attendance with the names and schools of the individuals who attended the trainings.

c. Training Publication

By January 15, 2024, the University will post on its website all materials used to train Title IX Coordinators, investigators, decision-makers and any person who facilitates an informal resolution process.

Reporting Requirement: By February 15, 2024, the University will provide OCR with a link to its website where the Title IX training materials are posted.

V. Climate Survey

The University will conduct a climate survey with students to assess the steps and measures taken pursuant to this Resolution Agreement and otherwise by the University to achieve its goal of a campus free of sexual harassment. The climate survey will be accomplished through the use of a written or electronic survey, and additional measures, which may include: (i) focus groups, (ii) open forum information session, (iii) and/or publicized walk-in hours for community input. Students receiving the survey and who attend in-person sessions must be notified of a contact person, such as a counselor, should they wish to discuss this issue in person. The survey must also contain questions about the respondent's knowledge of sexual harassment, any experiences with sexual harassment while they attended the University, and the respondent's awareness of the University's Title IX policies and procedures.

Reporting Requirements:

- a. By February 29, 2024, the University will provide documentation to OCR demonstrating implementation of Action Step V above, including a description of how the climate check(s) were completed, and summary frequency tables of the responses formatted in a manner that does not disclose the responses of individual respondents.
- b. By April 30, 2024, the University will provide OCR with a description of the proposed actions that the University plans to take in response to the information gathered during the climate checks, for OCR review and approval.
- c. By June 30, 2024, if the University proposed any corrective actions in Reporting Requirement b for Action Item V, the University will provide documentation sufficient to show its implementation of those actions, including a description of the corrective actions and how they were implemented.

By signing the Agreement, the University agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the 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 the Agreement. The University understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the

University is in compliance with the terms of the agreement and the statute and regulations at issue in the case.

The University understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: /s/ _____ Date: 10/27/2023 _____
Margaret Callahan, General Counsel