

Resolution Agreement
Jacksonville State University, Alabama
OCR Docket Number 04-14-2086

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of Jacksonville State University (University), pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Sections 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106. The University agreed to resolve the issues of this investigation pursuant to Section 303(b) of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Title IX and its implementing regulation and to resolve the issues of this investigation, the University voluntarily agrees to take the following actions.

Complainant-Focused Remedy

1. **By March 31, 2015**, the University will issue a written decision to the Complainant and other parties regarding its findings on her Title IX appeal filed on September 17, 2013. The letter will also notify the Complainant of her appeal rights in the event that she is dissatisfied with the Provost's decision.

REPORTING REQUIREMENT: **By April 15, 2015**, the University will submit to OCR a copy of the written appeal decision referenced in Item #1 above.

Revision of Title IX Student Grievance Procedures

2. **By May 15, 2015**, the University will, in accordance with the requirements of Title IX and subject to OCR's review and approval, draft or revise its existing Title IX student grievance procedures as necessary to provide for the prompt and equitable resolution of student complaints alleging discrimination or harassment in violation of Title IX, including sexual violence.
 - a. As required by the Title IX implementing regulation at 34 C.F.R. § 106.8(b), any University procedures applicable to complaints of discrimination under Title IX will, at a minimum:
 - i. Notify students of the new or revised grievance procedures, the identity of the Title IX Coordinator, and where complaints may be filed;
 - ii. Notify students that the grievance procedures apply to complaints filed by students or on their behalf alleging any type of sex discrimination¹ carried out by employees, other students, or third parties;
 - iii. Provide for adequate, reliable, and impartial investigation of complaints, including an opportunity for the parties to present witnesses and supporting evidence;
 - iv. Designate reasonably prompt timeframes for the major stages of the grievance process;

¹ Any procedures used to address reports of sexual harassment or violence will also include the items listed in subpart b).

- v. Require written notice to the parties of the outcome of both the complaint and any appeal; and
 - vi. Assure students that the University will take steps to prevent the recurrence of any Title IX violation and remedy the discriminatory effects on the complainant and others, if appropriate.
- b. Any procedures used to address reports of sexual harassment or violence² will, in addition to including the items listed in subpart a) above:
- i. Include a statement of the institution's jurisdiction over Title IX complaints;
 - ii. Include adequate definitions of sexual harassment (which includes sexual violence) and an explanation as to when such conduct creates a hostile environment;
 - iii. Include reporting policies and protocols, including provisions for confidential reporting;
 - iv. Identify the employee or employees responsible for evaluating requests for confidentiality;
 - v. Provide notice that Title IX prohibits retaliation;
 - vi. Provide notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously;
 - vii. Provide notice of available interim measures that may be taken to protect the student in the educational setting;
 - viii. Set forth the evidentiary standard that must be used in resolving a complaint (preponderance of the evidence);
 - ix. Provide notice of potential remedies for students;
 - x. Provide notice of potential sanctions against perpetrators; and
 - xi. Specify sources of counseling, advocacy, and support.

REPORTING REQUIREMENT: By May 29, 2015, the University will submit to OCR for review and approval a copy of its revised Title IX student grievance procedures (and separate sexual misconduct policy, if applicable) to ensure that they are consistent with the requirements of Title IX.

Notice

3. **By July 31, 2015, or within 30 calendar days of the date of OCR's approval of the University's revised Title IX student grievance procedures referenced in Item #2 above, whichever is later,** the University will implement, publish, and notify all students of its revised Title IX grievance procedures.

² Please note that an educational institution is not required to use separate grievance procedures for sexual violence complaints. Under Title IX, the institution may use student disciplinary procedures, general Title IX grievance procedures, sexual harassment procedures, or separate procedures to resolve sexual violence complaints. In this case, if the University opts to maintain its existing separate sexual misconduct procedure, it must be revised to include the items listed in both subparts a) and b).

REPORTING REQUIREMENT: Within 30 calendar days of the applicable deadline in Item #3 above, the University will submit evidence to OCR confirming that the revised procedures have been implemented and published. The University will also submit evidence demonstrating its compliance with the student notification requirement of this Item of the Agreement by describing the manner and date(s) of dissemination and providing OCR with a copy of the notice(s) and a link to the University's website containing the notice.

Title IX Training

4. **By August 31, 2015, or within 30 calendar days of the date of OCR's approval of the University's revised Title IX student grievance procedures referenced in Item #2 above, whichever is later**, the University will provide training regarding the revised Title IX student grievance procedures to the University's Title IX Coordinator(s) and all other University administrators, faculty, and staff whose responsibilities in any way relate to the resolution of Title IX student grievances. The training will include, but not be limited to:
 - a. Title IX's prohibition against sex discrimination and examples of conduct prohibited by Title IX;
 - b. The University's revised Title IX student grievance procedures and the University's obligation to provide a prompt and equitable resolution of student complaints and any appeals;
 - c. The proper standard of review for resolving Title IX grievances (*i.e.*, preponderance of the evidence);
 - d. The need for remedial actions for the accused party, the complainant, and the school community, as appropriate;
 - e. The appropriate method for conducting investigations, including conducting interviews, determining credibility, evaluating evidence and weighing it in an impartial manner, and maintaining confidentiality; and
 - f. The anti-retaliation prohibitions of Title IX.

REPORTING REQUIREMENT: Within 30 calendar days of the applicable deadline in Item #4 above, the University will submit to OCR a report confirming the completion of the required training(s). The report will include: (i) the date of each training session; (ii) a list of the names and titles of the University employees who participated in each training session; (iii) a description of each presenter's background and qualifications with respect to knowledge of Title IX; (iv) a summary of the contents of each training session; and (v) copies of the agenda and training materials disseminated at each training session.

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 and is in compliance with the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.71.

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. §§ 106.8 and 106.71, which were at issue in this case.

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. §§ 100.8-100.10) 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.

X
President
Jacksonville State University, Alabama

Date