

Resolution Agreement (#05-14-2350) University of Minnesota

The U.S. Department of Education, Office for Civil Rights (OCR), investigated complaint #05-14-2350, filed against the University of Minnesota – Twin Cities (University), pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination based upon sex in any education program or activity receiving Federal financial assistance. OCR has not made a determination regarding the merits of the complaint allegation. This resolution has been entered into voluntarily by the University and does not constitute a finding or admission that the University is not in compliance with Title IX or its implementing regulations. Accordingly, the University voluntarily agrees to take the actions described in this Agreement.

The University acknowledges its obligations, under Title IX and otherwise, to provide a work and learning environment free from sexual harassment and agrees to take all steps necessary to ensure that students enrolled in the University are not subjected to a hostile environment on the basis of sex. To this end, the University will promptly investigate all incidents of sexual harassment¹ of which it has notice and will take appropriate disciplinary action against students, faculty, administrators or staff who violate University policies and procedures addressing sexual harassment. The University will take prompt and effective responsive action to end sexual harassment, prevent its recurrence, and where appropriate, take steps to remedy the effects of sexual harassment on the affected students.

ANTI-HARASSMENT STATEMENT

- 1. By January 15, 2016**, the University will develop a statement to be issued to the University community, including students, faculty, administrators and staff, stating the University's policy that it does not tolerate sexual harassment. The statement will acknowledge that the prohibited sexual harassment includes sexual misconduct by employees toward students and any other harassment based on sex. The statement will encourage any student who believes he or she has been subjected to sexual harassment to report the incident(s) to the University and note the University's commitment to conducting a prompt investigation. The statement will remind employees of their duty to report all allegations of sexual harassment of which they become aware to the designated staff members. The statement will include the appropriate contact information for the designated staff member(s) to whom students may report allegations of sexual harassment. The statement will warn that students or employees found to have engaged in acts of sexual harassment and employees who fail to report suspected harassment to designated staff members will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion of a student and suspension or termination of an employee. The statement will further warn that students or employees who retaliate against individuals who report sexual harassment

¹ For purposes of this Agreement, the term sexual harassment is defined to include sex discrimination and sexual assault.

will be promptly disciplined. The statement will include identification of, and the office address, email address, and telephone number of, the individual designated as the University's Title IX coordinator. The statement will further include a statement that inquiries to recipients concerning application of Title IX and its implementing regulation may be referred to the Title IX coordinator or to OCR.

REPORTING REQUIREMENT: By **November 2, 2015**, the University will submit to OCR for review and approval the additional statement referenced in Item # 1.

2. Within 15 days of OCR's approval of the statement, the University will widely publish the statement. The statement will be sent via direct e-mail to the University community, by the Director of the OEOAA, and will be posted on the University's website and in the University's athletic locker rooms.

REPORTING REQUIREMENT: Within 45 days of OCR's approval of the statement referenced in Item # 1, the University will provide OCR documentation that the statement has been widely published, as required by Item # 2.

TITLE IX SEXUAL HARASSMENT POLICIES AND PROCEDURES

The University maintains eight (8) policies and procedures,² which viewed together are intended to ensure the following: (i) that students enrolled in the University are not subjected to sexual harassment; (ii) the University will promptly investigate all incidents of sexual harassment of which it has notice; (iii) the University will take appropriate disciplinary action against students, faculty, and staff who violate the University policies and procedures addressing sexual harassment; and (iv) the University will take prompt and effective responsive action to end sexual harassment and prevent its recurrence, and where appropriate, take steps to remedy the effects of sexual harassment on the affected student.

3. By **December 11, 2015**, the University will develop a single policy and procedure which provides for the prompt and equitable resolution of complaints alleging sexual harassment of any kind, including sexual harassment of students by students, employees, including teachers or coaches and third parties. The University will ensure that the revised policy and procedure will include, at a minimum, the following:
 - a. A statement setting forth the University's commitment to having a school environment free from all sexual harassment, explaining that the University

² (1) The Board of Regents Policy, Equity, Diversity, Equal Opportunity and Affirmative Action, (2) The Board of Regents Policy, Sexual Harassment, (3) Administrative Policy Sexual Harassment, (4) The Board of Regents Policy Student Conduct Code, the Definition: Sexual Harassment established by the OEOAA, (5) Administrative Procedure Responding to Incidents of Sexual Assault, Stalking and Relationship Violence, (6) Administrative Policy Reporting and Addressing Concerns of Misconduct, (7) The Administrative Policy Sexual Assault, Stalking and Relationship Violence, and (8) Victim Rights Statement.

prohibits sexual harassment in the school environment, including all academic, athletic, extra-curricular and school-sponsored activities, encouraging students to immediately report incidents of harassment, emphasizing that responsible employees are required to promptly report incidences of harassment to the harassment complaint coordinator, and specifying that the University will investigate formal and informal complaints of sexual harassment;

- b. Examples of the type of conduct and behavior that is covered by the policy and procedure, including examples of staff-to-student and student-to-student conduct;
- c. Identification of the kinds of activities and sites where prohibited conduct could occur;
- d. An explanation of how to report sexual harassment and/or file a complaint (formally or informally) including the name, address, phone number, and email address for the University's Title IX Coordinator and notice of a student's right to file and pursue a concurrent criminal complaint;
- e. A description of the formal complaint procedures, including designated and reasonably prompt timeframes for major stages of the investigation and for completion of the investigation of a complaint, a requirement that written notice of the outcome be provided to the parties, notice of a student's right not to appear in same hearing room as the accused, and an equal opportunity to have a representative at a hearing, a requirement that both parties will be given equal opportunity to present evidence, an assurance that both parties will receive periodic status updates, an appeal process for both parties conducted in an impartial manner by an impartial decision-maker, and an assurance that the University will keep the complaint and investigation confidential to the extent possible;
- f. An explanation of interim measures that may be taken by the University before the final outcome of the investigation (e.g., a no contact order; changes to academic situations as appropriate with minimum burden on the complainant; counseling to individuals who have been subjected to or who have engaged in sex-based harassment; health and psychological services; and academic support) to respond to allegations of sexual harassment;
- g. An assurance that the University will not require a student who complains of harassment to work out the problem directly with the alleged harasser, including through mediation, and a statement that the student has the right to end the informal process at any time and begin the formal stage of the complaint process;
- h. An assurance that the University uses the preponderance of the evidence standard of review (*i.e.*, it is more likely than not that sexual harassment occurred) in its investigation of complaints;
- i. 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 complaint forms and/or investigating reports of sexual harassment;
- j. A prominent statement that the complainant has the option to pursue a criminal complaint with an appropriate law enforcement agency, to pursue a sexual harassment complaint under the University's complaint procedures, or to pursue

both processes simultaneously and that even if a criminal investigation is ongoing, the University will conduct its own Title IX investigation and will not wait for the conclusion or a criminal investigation or proceeding to begin its Title IX investigation;

- k. A requirement that all responsible employees³ report all alleged incidents of sexual harassment of which they become aware, either through reports or observation, to the Title IX Coordinator or other appropriate designee;
- l. In conjunction with item i., above, a requirement that mandatory reporters and other designated employee(s) at the University establish a protocol for recordkeeping of such incidents;
- m. A statement that the University will take appropriate disciplinary action against students and staff who violate the University policies and procedures addressing harassment, and examples of the range of possible disciplinary sanctions;
- n. A statement that the University prohibits retaliation against persons who report harassment or participate in related proceedings, and discipline of individuals who engaged in retaliation;
- o. An assurance that the University's primary concern is student safety and, to encourage reports of sexual harassment, that the University will not discipline a student who makes a good faith report of sexual harassment.
- p. A statement that the University will, where appropriate, take reasonable steps to remedy the harm to the affected student(s) of the sexual harassment, and examples of the types of remedies available, including the provision of counseling to students who have been subjected to or who have engaged in sexual harassment, and the provision of academic support, including recalculating any course grades if necessary;
- q. Identification of the means to investigate incidents of sexual harassment, including but not limited to the various steps the University will take to conduct adequate, reliable and impartial investigations of reported incidents, an assurance that the University will take action to stop the harassment, remedy the harassment, and prevent recurrence, and the University's standards for determining whether a hostile environment exists.
- r. A recitation of the University's obligations to:
 - i. Maintain on going contact with the parties throughout the investigation; and,
 - ii. Contact the parties within a reasonable period of time following conclusion of the investigation to determine whether additional supportive measures are needed.
- s. Include a provision for conducting an annual review of its procedure to ensure the University is acting to prevent sex discrimination (including harassment), to stop it when it occurs and remedy it when it is found to have occurred.

³ A responsible employee includes any employee who has the authority to take action to redress sexual harassment; who has the duty of reporting incidents of sexual harassment or other misconduct to the Title IX coordinator or other University designee, or whom a student could reasonably believe has that authority or duty.

REPORTING REQUIREMENT: By **December 11, 2015**, the University will submit to OCR for its review and approval its proposed policy and procedure referenced in Item # 3. If OCR has any objections to the policies and procedures submitted by the University for review OCR will notify the University of its objections promptly. If the University revises the policy and procedure referenced in this item further during the pendency of OCR's monitoring of this case, the University will submit to OCR for review and approval the further revised policies and procedures prior to implementing any revisions.

4. By **February 22, 2016**, the University will examine its policies and disciplinary procedures for employees, volunteers, and students to determine whether the current rules of behavior and offense categories appropriately and adequately address violations of the University's sexual harassment policies and procedures including non-retaliation provisions, as developed pursuant to Item # 3 and will revise the policies and disciplinary procedures to the extent necessary to ensure they contain such rules of behavior and offense categories.

REPORTING REQUIREMENT: By **February 22, 2016**, the University will submit to OCR for its review and approval its policies and disciplinary procedures referenced in Item # 4. If OCR has any objections to the policies and disciplinary procedures submitted by the University for review, OCR will notify the University of its objections promptly. If the University revises the policies and disciplinary procedures referenced in this item further during the pendency of OCR's monitoring of this case, the University will submit to OCR for review and approval the further revised policies and procedures prior to implementing any revisions.

5. Upon receipt of notice of OCR's approval of the new or revised policies and procedures referenced in items # 3 and # 4, the University will submit the revised policies and procedures for formal review and approval at the next scheduled meeting of the appropriate University policy committee. Upon approval by the committee(s) the University will promptly adopt, implement and publish the new or revised policies and procedures. Publication will include written notice of the policies to the University community, including students, faculty, administrators and staff. The University will make this notification available through the University's website, 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 REQUIREMENT: Within **30 calendar days** after the completion of Item # 5, the University will provide OCR with documentation that it has completed Item # 5, including copies of the written notices to students, faculty, administrators and staff regarding the new or revised policies and procedures and a description of how the notices were distributed, copies of the newsletter(s) with the notice (s) of the revised policies and procedures, a link to its webpage where the revised policies and procedures are located, and documentation of any other additional means of notification used by the University.

IMPLEMENTATION OF SEXUAL MISCONDUCT AND SEXUAL HARASSMENT POLICIES AND PROCEDURES

6. By **March 1, 2016**, the University will take the following actions to ensure that its written policies and procedures relating to sexual harassment are implemented in a manner that is prompt and effective:
 - a. Notify/remind all University employees of their existing obligation to promptly, as soon as practicable, report all incidents of sexual harassment of which they become aware to the appropriate staff person responsible for handling sexual harassment complaints.
 - b. Notify/remind its investigative offices to promptly, as soon as practicable but always no later than one week of the report or complaints, interview the complainant and the accused except in extraordinary circumstances or unless the investigator determines that the accused does not pose an immediate threat to the complainant or other students and the investigator determines that it is necessary to gather additional information prior to the interview, and offer interim measures as appropriate, while the complaint investigation is pending.
 - c. Continue to maintain in its investigative files regarding any complaints or other reports of sexual harassment made to the University. The investigative files will include, at a minimum, (a) the name and sex of the alleged victim and, if different, the name of the person reporting the allegation; (b) the nature of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s); (c) the date that the complaint or other report was made; (d) if the alleged victim was under 18 years of age, the date the parents of the alleged victim were notified of the allegation, consistent with the Family Educational Rights and Privacy Act (FERPA) and other applicable federal legal obligations; (e) the date the accused was interviewed; (f) the names and sex of all persons alleged to have committed the alleged harassment, if known; (g) the names of all known witnesses to the alleged incident(s); (h) the dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained; (i) any written statements of the complainant (or the victim, if different from the complainant), the accused, and any known witnesses and the dates those statements were obtained; (j) the outcome of the investigation and disciplinary process; (k) University policy which incorporates the proper legal standards; and (l) the response of the University, including any interim and permanent steps taken with respect to the complainant and the accused and steps taken to assure the complainant is not subjected to retaliation.
 - d. Upon receipt of a complaint or report of sexual harassment that may constitute criminal conduct, including any report of inappropriate touching of a student by an employee, the University will immediately provide notice to relevant law enforcement officials, consistent with mandatory reporting requirements under state law. In such cases, the University will provide to the complainant a written notice describing the options of pursuing a criminal complaint with a law

enforcement agency, pursuing the University's investigation and disciplinary process, or pursuing both options at the same time, and the potential consequences of pursuing both options (*i.e.*, possible deferral of the University's investigation and disciplinary process). The University will obtain a written acknowledgement from the complainant of which option(s) the complainant wishes to pursue. When a complainant elects to pursue a criminal complaint exclusively, the University will request that the local prosecutor's office immediately advise the University of its decision on whether to prosecute the complaint. The University will maintain documentation of the date of the deferral and request to the prosecutor's office. In cases where the prosecutor's office declines prosecution, the University will provide written notice to the complainant of the decision of the prosecutor's office and resume its investigation and disciplinary process as appropriate. The University will maintain documentation of the date that the process was resumed.

REPORTING REQUIREMENT: By **June 30, 2016** and **June 30, 2017**, and **June 30, 2018**, the University will provide OCR with documentation that it has implemented the provisions of Item # 6, including copies of all final reports in sexual harassment investigations from the most recently completed academic year, all notices provided to law enforcement officials of possible criminal sexual conduct in the most recently completed academic year.

TRAINING – NEW STUDENTS AND NEW PERSONNEL

7. By **March 1, 2016**, and by **September 15 of each subsequent academic year**, the University will include in its required training for all new students and employees effective training relating to the policies and procedures adopted pursuant to Items # 3 and # 4. At a minimum the training will encompass the following:
 - a. Notification reminding all students and staff of its commitment to having a school environment free from sexual harassment and explaining what they should do if they believe they have been subjected to sexual harassment, including their duty to immediately report allegations of possible sexual harassment of which they have knowledge and possible discipline of employees who fail to report sexual harassment.
 - b. A review of the University's Title IX policies and procedures developed in accordance with this agreement, including an explanation of what constitutes sexual harassment, the role of the Title IX Coordinator, as well as disciplinary sanctions related to findings of violations of its sexual harassment policies and procedures and/or the policy prohibiting retaliation and intimidation.
 - c. A general overview of Title IX, including how the law's nondiscrimination provisions apply to students, the names and contact information for the designated staff member(s) to whom students or others may report allegations of sexual harassment, where to locate the University's sexual harassment policies and procedures on the University's website, and the existence of OCR and its authority to enforce Title IX.

- d. An explanation of the prohibition against retaliation contained in Title IX.

TRAINING – STUDENT GROUPS

8. By **March 1, 2016**, and by **September 15 of each subsequent academic year**, the University will provide effective, targeted sexual harassment training to identified student groups relating to the policies and procedures adopted pursuant to Items # 3 and # 4 and will contain, at a minimum the specific topics itemized in Item # 7.

TRAINING – DIRECTLY INVOLVED PERSONNEL

9. By **March 1, 2016**, and by **September 15 of each subsequent academic year**, the University will provide effective training to all University staff, who are directly involved in receiving, processing, investigating and/or resolving complaints or other reports of sexual harassment and to counselors, administrators, security officers, and coaching staff, or other University personnel who are likely to receive confidential reports of sexual harassment. The training will review the University policies and procedures referenced in Items # 3 and # 4 of this agreement and include instruction on how to conduct and document adequate, reliable, and impartial sexual harassment investigations, including the appropriate legal standards to apply in such investigations. The training will provide instruction on how to create and provide appropriate interim measures as well as the issuance of disciplinary action and the proper method for investigating non retaliation allegations. The training will also provide attendees with instruction on recognizing and appropriately addressing allegations of predatory behavior and complaints pursuant to Title IX.

At the conclusion of the training for University staff described in this item, the University will administer a written quiz or other assessment tool, consistent with University practice, to the staff who participated in the training to ensure their understanding and retention of the key concepts discussed in the training, including the University's policies and procedures.

REPORTING REQUIREMENT: By **March 31, 2016, October 15, 2016 and October 15, 2017**, the University will provide OCR with documentation that it has provided new students and personnel, targeted student groups and University staff with the training referenced in Items # 7, # 8, and # 9. The documentation will include the dates of the training, the names, credentials and titles of the trainer(s), a copy of any materials used or distributed during the training, a copy of any materials used or distributed during the training, a summary of the quiz or assessment tool results, a sign-in sheet with the names and titles of the University staff who attended the training.

If the University revises the training referenced in this item further during the pendency of OCR's monitoring of this case, the University will submit to OCR for review and approval the further revised training prior to implementing any revisions.

TRAINING - CURRENT STAFF AND STUDENTS

10. By **September 15, 2016 of each academic year**, the University will provide an effective training program for all students and employees that will address the University's policy and procedures referenced in Item # 3 and #4, including, but not limited to, sexual harassment and retaliation in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on sex for students enrolled in the University. The University will remind students of its commitment to having a school 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 all of the University's harassment and non-retaliation policies and procedures, including an explanation of what sexual harassment is, available interim measures and remedies, 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 confidentially discuss any concerns they have and remind students of the availability of counseling services. The University will distribute written materials during the program that contain the information discussed. The training will provide attendees with instruction on recognizing and appropriately addressing allegations of predatory behavior and complaints pursuant to Title IX.

REPORTING REQUIREMENT: By **October 15, 2016, October 15, 2017, and October 15, 2018**, the University will provide OCR with documentation of the implementation of Item # 10, including a description of the program and the method of its delivery.

CLIMATE SURVEYS

11. By **December 1, 2016**, the University shall draft a survey to assess the effectiveness of the training and orientation sessions referenced in Items # 7, # 8, # 9, and # 10, by conducting surveys of employees and students. The surveys shall specifically inquire about employees' and students' knowledge of the applicable University policies and shall solicit feedback as to whether survey takers believe the University will respond to harassment complaints in a manner that is prompt, equitable, fair and effective.

REPORTING REQUIREMENT: By **February 1, 2016**, the University will provide OCR the surveys it proposes to use to assess the effectiveness of the training and orientation sessions reference in items # 7, # 8, # 9, and # 10. Upon approval by OCR, the University will administer the surveys to all employees and students. If OCR has any objections to the survey submitted by the University for review, OCR will notify the University of its objections promptly after receiving the draft survey. By **June 30, 2016, July 31, 2017, and July 31, 2018**, the University will provide documentation to OCR of the results of the surveys and a description of any actions the University proposes to take in response.

12. By **June 30, 2016**, and annually thereafter, the University will conduct a University climate survey to assess the effectiveness of the steps taken pursuant to this agreement and otherwise by the University, to achieve its goal of having an environment free of sexual harassment. The climate check will be completed by sending a survey to each University student that contains questions about the student's knowledge of sexual harassment and any experiences with sexual harassment while attending the University, and the student's awareness of the University's sexual harassment policies and procedures and resources available for students. Information gathered through these climate checks will be used to inform further steps taken by the University. Finally, part of the University's ongoing climate checks will include information for students about whom they can report concerns about sexual harassment to as described in other provisions of this agreement.

REPORTING REQUIREMENT: By **February 1, 2016**, the University will submit to OCR for approval the proposed climate survey and the method of its administration. If OCR has any objections to the survey submitted by the University for review, OCR will notify the University of its objections promptly. By **July 31, 2016**, and **July 31, 2017**, and **July 31, 2018**, the University will provide OCR the results of the most recent survey and a description of all actions the University plans to take as a result.

STAFF INVESTIGATIONS

According to the University, the University's women's head gymnastics coach (head coach) and the volunteer women's gymnastics coach (volunteer coach) are no longer employed with the University. The University has hired a head coach, assistant coach, and associate coach for the women's gymnastics team.

13. By **November 30, 2015**, consistent with its discipline procedures for employees, the University will investigate any remaining employees' conduct to assess the extent to whether University personnel had knowledge of reports of harassment of Student A or other students, but failed to take action to report and/or investigate such harassment consistent with the requirements of the University's Anti-Harassment Policy. Based upon the outcome of its investigation, it will implement appropriate discipline or take other appropriate actions.

REPORTING REQUIREMENT: By **December 1, 2016**, the University will provide OCR documentation that it has implemented Item #13, including a description of any disciplinary or other actions taken and the reason(s) the discipline was determined appropriate. For any employees who had notice of the alleged sexual harassment and for whom the University determines discipline is not appropriate, the University will provide a statement of the reason(s) why discipline was not determined to be appropriate.

STUDENT-FOCUSED REMEDIES

14. By November 30, 2015, the University will send a certified letter to each currently-enrolled student who was a member of the women’s gymnastics team between August 1, 2011, and September 2, 2014, excluding Student A. The letter will invite the student to meet with a University behavioral health specialist to ascertain whether the student suffered or continues to suffer adverse effects as a result of the conduct of the former Volunteer Coach and/or the former Head Coach between August 1, 2011, and September 2, 2014. In the event such adverse effect is identified, the University shall, at the recommendation of the behavioral health specialist, provide remedial services, such as academic counseling, psychiatric counseling, or other remedies to the student to address such adverse effects.

REPORTING REQUIREMENT: By **December 2, 2015**, the University will provide OCR a list of students to whom it sent a certified letter. For each student, the University shall indicate whether she elected to meet with a behavioral specialist. For the student who met with a behavioral specialist, the University will specify whether remedial services were indicated, and describe the recommended remedial services.

STUDENT-ATHLETE FOCUS GROUPS

15. By February 1, 2016, the University will convene focus groups of male and female athletes to discuss whether sexual harassment continues to occur in the University’s athletic program. The University will identify for OCR additional actions the University will take to redress sexual harassment in the athletic program in response to information obtained during the focus group meetings.

REPORTING REQUIREMENT: By **May 1, 2016**, the University will document the actions identified as necessary to redress sexual harassment in the athletic program in response to information conveyed at the focus groups described in Item # 15 and will provide OCR with copies of or access to the backup data collected from the focus groups. By **June 30, 2016**, the University will document to OCR that it has taken the actions identified in its February 1, 2016 report to OCR.

ADMINISTRATORS, FACULTY & STUDENTS WORKING GROUP

16. By February 1, 2016, the University will establish a working group that includes University administrators, faculty, and students to make recommendations to the University regarding the effectiveness of the University’s anti-harassment program for all students in the University including the communications strategies. The University will designate an employee to coordinate the group’s meetings and works. The working group will be asked to provide University officials with input regarding strategies for preventing harassment, ensuring that University students understand their right to be protected from discrimination on the basis of sex, including harassment, and to be protected from retaliation for reporting discrimination, and effective communications strategies to ensure that University students understand how to report possible violations of the University’s anti-harassment policy and are aware of the University’s obligation to promptly and effectively respond to complaints

alleging sex discrimination, including harassment. The working group will also provide specific suggestions for developing an effective orientation program that promotes respect and tolerance for others and prevents the establishment of a hostile environment based on sex for students enrolled in the University and encourages bystander intervention. The designated employee will prepare a written summary of the steps the working group has recommended.

REPORTING REQUIREMENT: By **February 1, 2016**, the University will provide OCR a list of individuals on the working group described in Item # 16. By **May 1, 2016**, the University will provide OCR with a copy of the working group's recommendations and a description of any steps that the University has taken or will take in light of the recommendations. By **December 30, 2016**, and **December 30, 2017**, the University will provide documentation of steps taken in the previous academic year to implement the working group's recommendations.

MAINTENANCE OF DATA

17. The University will maintain documents relating to specific complaints or other reports of sexual harassment of students, including the following:

- a. a copy of all written reports for complaints or any other reports of incidents involving allegations of sexual harassment of any kind;
- b. a narrative of all actions taken in response to the reports by University personnel, including any written documentation;
- c. a copy of any and all disciplinary sanctions issued to students or employees for violations of the sexual harassment policies and procedures;
- d. documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the accused and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
- e. a description of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

REPORTING REQUIREMENT: By **June 30, 2016**, and **June 30, 2017**, the University will provide to OCR copies of the documentation referenced in Item # 17 for the just completed academic year.

18. By January 1, 2015, the University will develop a monitoring program to assess the effectiveness of its anti-harassment efforts. At the conclusion of each academic year starting with the 2015-2016 academic year, the University will conduct an annual assessment of the effectiveness of its anti-harassment efforts. Such assessment shall include:

- a. consultation with the working group developed pursuant to Item #18 above;
- b. student and employee surveys;
- c. review of all documentation collected pursuant to the terms of this agreement; and
- d. evaluation and analysis of the data collected, including any proposed recommendations for improvement.

REPORTING REQUIREMENT: By **June 30, 2016**, and **June 30, 2017**, the University will provide documentation it has implemented the steps referenced in Item # 18 for the most recently completed academic year.

* * *

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§106.8 and 106.31, which were at issue in this complaint.

The University understands that the 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 regulations implementing Title IX, at 34 C.F.R. §§106.8(b) and 106.31(a), which were at issue in this complaint.

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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the University of Minnesota – Twin Cities.

President or designee

Date