

Resolution Agreement
Indiana University-Bloomington
#05-14-6002

The U.S. Department of Education, Office for Civil Rights (OCR) and Indiana University-Bloomington (University) enter into this Resolution Agreement (Agreement) to resolve this proactive compliance review #05-14-6002, which was initiated on March 14, 2014. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University.

OCR acknowledges the work accomplished by the University both prior to and during the pendency of this compliance review, including, by way of example, its review and modification of existing policies and procedures, its completion of a campus-wide climate survey, and its enhancements of existing training and education efforts. The actions identified herein are agreed upon to demonstrate the University's ongoing assurance that it will operate its programs and activities in compliance with Title IX.

As set forth herein, the University assures OCR that it will take the following actions in compliance with the requirements of 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.

I. TITLE IX SEXUAL HARASSMENT AND SEXUAL VIOLENCE EDUCATION AND TRAINING

The University is committed to continuing to publicize, disseminate and provide a comprehensive education and prevention program that informs the University community about the University's Title IX policies and procedures, with continuous efforts toward strengthening individual knowledge and skills; educating responsible employees; fostering coalitions and networks both on-campus and in the greater community; and devoting resources to education and prevention. The University will ensure the continuation of its education, prevention, and training efforts.

Employee Training: By June 30, 2018 and at least annually thereafter, the University will continue to deliver education and training programs to employees, including those offered generally and those provided to specific employees or identified groups of employees responsible for recognizing and reporting knowledge of potential incidents of sexual misconduct, as well as specialized training for employees involved in receiving, coordinating, investigating, adjudicating and otherwise addressing reports of sexual misconduct.

Student Training: By June 30, 2018 and at least annually thereafter, the University will continue to deliver education and training programs to students, including those offered generally and those provided to specific students or identified groups of

students, such as new, transfer, and graduate students. Such trainings generally cover the rights and responsibilities of students, the University's policies and procedures, where and how to report incidents of sexual harassment or sexual violence, definitions of prohibited conduct, information about consent, and other relevant information. As is its current practice, the University will identify any additional training and provide tailored content that may be appropriate or necessary for specific groups, including but not limited to, registered student organizations (RSOs), fraternities and sororities (Greek Organizations), and student athletes (Athletics).

Reporting Requirement: No later than June 30, 2018, the University will provide OCR with a written narrative for the recently completed academic year (a) confirming the completion of these training and education programs and (b) describing the content of the trainings.

II. WORKING GROUP

By June 30, 2018, the University will ensure that a working group under an existing or new structure that is appropriate to the campus has convened and includes the following members: (i) The Title IX Coordinator; (ii) additional University administrators with knowledge, responsibility and authority relevant to the Student Welfare Initiative; and (iii) other individuals deemed appropriate. This will include but is not limited to representatives from the Office of Sexual Violence Prevention and Victim Advocacy, Sexual Assault Crisis Services (SACS), the University Police Department (IUPD), Student Life and Learning (SLL), Athletics, and representative faculty members and students, and may also include representatives from appropriate community-based organizations that provide services related to sexual harassment and sexual violence. The Working Group will enhance ongoing efforts to identify areas of existing and potential concern where sexual harassment and sexual violence may be more prevalent, and to evaluate and update where necessary, existing plans and methods aimed at response and prevention. Given the University's existing frameworks used to track and coordinate its response to specific reports of sexual misconduct, and to plan, deliver, and evaluate prevention strategies, the University will coordinate this Working Group so as to leverage those existing frameworks, including the Student Welfare Initiative, the Sexual Violence Prevention & Response Coalition, the campus Title IX response and review meetings, the county SART, and/or other groups as appropriate. The University will monitor and evaluate the effectiveness of its plans and methods to address these areas of concern and update where necessary, as well as monitor the effectiveness of education and training programs referenced in Section I, above. The University will create specific sub-working group(s) as necessary and appropriate.

Greek Working Group

The University will build on the existing progress made in regard to preventing, eliminating and responding to matters of potential violations of the University's policies within fraternities and sororities, historically known as "Greek" organizations, including allegations of sexual harassment and sexual violence. To that end, the University will, by June 30, 2018, establish a working group devoted to addressing sexual harassment and sexual violence within the Greek system (Greek Working Group). The Greek Working Group will consist of appropriate members of the campus Working Group described above, along with additional University staff and students familiar with the Greek system who can make valuable contributions to the work of the Greek Working Group. The Greek Working Group will consult with an expert either from within the University or an outside consultant who is knowledgeable and experienced in preventing sexual harassment and sexual violence within Greek Organizations.

- 1) The Greek Working Group will be asked to provide input to the University regarding the effectiveness of the University's existing strategies for preventing, eliminating and responding to sexual harassment and sexual violence within the Greek community and during events sponsored by the Greek community. This will include reviewing the current strategies and the efficacy of existing trainings and programs provided to or undertaken by members of the Greek community on sexual harassment and sexual violence. The Greek Working Group will also provide specific suggestions for training program(s) and, where appropriate, enhancing and/or modifying existing training program(s) that promote respect and tolerance for others and prevent the establishment of a hostile environment based on sex for student members of Greek Organizations and other students who participate in events organized or sponsored by Greek Organizations. The Greek Working Group will consider the role students should play in modifying, updating, developing, and presenting the training program(s).
- 2) The Greek Working Group will examine all University policies, procedures, and practices governing Greek Organizations, including but not limited to the Student Organization Accountability Procedures, Student Organization Handbook and Policies, Student Organization Orientation materials, Conduct Board policies and procedures, member recruiting and application materials, Student Organization Advisors policies and procedures, Fraternity and Sorority Leadership Development programs and courses, and any other policies, procedures or practices of the University's Student Life and Learning Office, to determine whether the current policies, procedures, and practices are consistent with and address alleged violations of the University's Title IX policies and procedures. The Greek Working Group will develop proposed revisions to any policies, disciplinary procedures, and practices specific to Greek Organizations, to the extent that revisions are necessary to ensure that all allegations of sexual harassment and sexual violence that occur during Greek Organization-sponsored activities or parties, or in Greek Organization facilities, are also investigated as possible organizational conduct violations, and if substantiated, subject to organizational discipline or sanctions.

- 3) The Working Group will direct the Greek Working Group or other appropriate designee(s) to codify the University’s current record-keeping protocol, which requires preservation of documentation of the University’s responses to and investigations of reports and complaints of sex discrimination, including sexual harassment and sexual violence within Greek Organizations.

The protocol shall expressly articulate the University’s current practice¹ of maintaining the following documents related to specific complaints or reports of sexual violence and other forms of sexual harassment of students that implicate Greek Organizations:

- a) a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of sexual violence and other forms of sexual harassment;
- b) a narrative of all actions taken by University personnel in response to the reports, including any written documentation;
- c) a copy of all disciplinary sanctions issued to students or employees or Greek organizations for violations of the policies and procedures prohibiting sexual violence and other forms of sexual harassment;
- d) a copy of all written determinations or a description of all verbal notifications of determinations provided to the parties, with the date of each notification; and
- e) documentation fully detailing any interim measures offered and afforded to either or both complainants² and accused students prior to or pending the completion of an investigation, including copies of no contact orders issued, the dates issued and the date the University received acknowledgement of receipt, and, where sexual violence or another forms of sexual harassment is found to have occurred, documentation setting forth all the steps, individual and systemic, the University took to stop the sexual violence or other sexual harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects on the complainant and any others as appropriate.

REPORTING REQUIREMENTS: No later than August 31, 2018, the University will submit to OCR: (a) A written report of the efforts undertaken by the Working Group during the 2017-18 academic year to enhance ongoing efforts to identify areas of existing and potential concern where sexual harassment and sexual violence may be more prevalent, and to evaluate and update where necessary, existing plans and methods aimed at response and prevention. (b) A written report of the steps undertaken by the Greek

¹ This practice applies to all complaints or reports received by the University, irrespective of Greek affiliation. Greek Organizations are named specifically in this section for purposes of articulating the tasks to be undertaken by the Greek Working Group.

² As used in this section, the term “complainant” refers to an individual who is the subject of alleged sexual harassment or sexual violence, regardless of how the report comes to the attention of the University, or someone who has made a report of sexual harassment or sexual violence to the University.

Working Group during the 2017-18 academic year. The Greek Working Group report will include the status of the review of the University’s policies and procedures required by Section 1) above, including copies of any proposed revisions that have been recommended by the Greek Working Group and the status of University’s adoption of any such proposed revisions pursuant to the University’s normal processes. Within three (3) months of the University’s approval of any such revisions, the University will provide OCR with the final revised policies and procedures and a timeline within which updates of all printed publications and on-line publications will be implemented and disseminated. The report will also include a copy of the protocol described in Section 3.

By August 31, 2018, the University will provide OCR a summary of all records related to all complaints or reports of sexual violence and other forms of sexual harassment that implicate Greek Organizations that the University received during the recently completed academic year.

The University understands that by signing this Agreement, it agrees to provide the foregoing 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 Title IX and the regulations implementing Title IX, at 34 C.F.R. §§ 106.8, 106.9 and 106.31. Upon completion of the obligations under this Agreement, OCR shall close this Compliance Review.

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

This Agreement will become effective immediately upon the signature of the University’s representative below.

President or designee

Date