

Resolution Agreement
Southern Illinois University - Edwardsville
OCR Complaint # 05-17-2163

The U.S Department of Education, Office for Civil Rights (OCR) and Southern Illinois University-Edwardsville (University) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University. The University assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681–1688, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department.

The University agrees to the following:

1. By September 1, 2017, the University will revise its Notice of Nondiscrimination¹ (Notice) to include contact information for an individual who is explicitly designated as the University’s “Title IX Coordinator.” The Notice shall include the Title IX Coordinator’s name, mailing address, phone number, and email address. The University will also revise the Notice to state that inquiries regarding Title IX may be referred to OCR and will include OCR’s contact information.

REPORTING REQUIREMENT ITEM 1:

By September 15, 2017, the University will provide OCR documentation demonstrating its implementation of item #1. Specifically, the University will provide OCR with a website link to its revised Notice.

2. By October 31, 2017, the University will provide training to its Title IX Coordinator, as well as any other individuals designated to investigate student complaints of sexual harassment or sexual violence, regarding the scope of a prompt and equitable investigation to determine whether a complainant has been subjected to a hostile environment based on sex based on the totality of the circumstances and, if so, the scope of an appropriate response by the University to end the hostile environment, prevent its recurrence, and remedy its effects on the complainant and others as appropriate. At a minimum, the training will stress that the following factors should be evaluated in order to make a determination whether conduct rises to the level of a sexually hostile environment:
 - a. The degree to which the conduct affected one or more student’s education;
 - b. The type, frequency, and duration of the conduct;
 - c. The number of individuals involved;
 - d. The age and sex of the alleged harasser and the subject or subjects of the harassment;
 - e. The size of the school, location of the incidents, and the context in which they occurred;
 - f. Other incidents at the school; and

¹ <https://www.siue.edu/policies/2c7.shtml>

- g. Incidents of gender-based, but nonsexual harassment.

REPORTING REQUIREMENT ITEM 2:

By November 15, 2017, the University will provide OCR documentation demonstrating its implementation of item #2. Specifically, the University will submit training materials to OCR, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of University employees who successfully completed the training.

3. By October 31, 2017, the University will provide training to all faculty and staff in the University's XXXXX Department that is in addition to the annual Title IX training provided to all University employees. The training for the XXXX Department faculty and staff, at a minimum, will cover:
 - a. how to recognize and identify sexual violence and other forms of sexual harassment, and the University's responsibilities under Title IX to promptly address such allegations;
 - b. the obligations of University faculty and staff as responsible employees to promptly report sexual harassment and sexual violence to the Title IX Coordinator;
 - c. the University's current grievance procedures for investigating reports of sexual harassment and sexual violence; and
 - d. resources available to students, faculty and staff who experience sexual violence and other forms of sexual harassment, including confidential advocacy, counseling, or other support services.

REPORTING REQUIREMENT ITEM 3:

By November 15, 2017, the University will provide OCR documentation demonstrating its implementation of item #3. Specifically, the University will submit training materials to OCR, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of University employees who successfully completed the training.

4. By November 30, 2017, the University will provide training to all University employees who serve on the Sexual Harassment Panel. The training will cover, at a minimum:
 - a. the University's current grievance procedures for investigating reports of sexual harassment and sexual violence;
 - b. the scope of evidence, i.e., the totality of the circumstances and relevant factors, that may be considered to determine whether a complainant has been subjected to a hostile environment based on sex; and
 - c. the steps the University must take to eliminate any hostile environment based on sex, prevent its recurrence, and remedy its effects on the complainant and others as appropriate.

REPORTING REQUIREMENT ITEM 4:

By December 15, 2017, the University will provide OCR documentation demonstrating its implementation of item #4. Specifically, the University will submit training materials to OCR, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of University employees who successfully completed the training.

5. By September 15, 2017, the Title IX Coordinator will send a letter via certified mail inviting Student A to a meeting in which the Title IX Coordinator will explain the changes implemented at the University as a result of Student A's complaint to OCR and this Resolution Agreement. At that meeting, the Title IX Coordinator will offer to provide any additional remedies Student A requests and that the University deems are appropriate to remedy the effect of a hostile environment on Student A, such as University-provided counseling services.

REPORTING REQUIREMENT ITEM 5:

By November 30, 2017, the University will provide documentation to OCR demonstrating its implementation of item #5. The documentation submitted shall include a schedule for providing any additional remedies to Student A, which shall be completed within six months of the date Student A accepts the University's offer for additional remedies. If Student A declines the Title IX Coordinator's offer to meet, the University will provide OCR a copy of the offer letter, certified mail delivery receipt, and, if applicable, any correspondence from Student A in response, rejecting the Title IX Coordinator's offer to meet.

By May 30, 2018, if applicable, the University will provide documentation to OCR of the additional remedies that it provided to Student A.

6. By September 30, 2017, the Title IX Coordinator will meet with Professor A in order to explain the changes implemented at the University as a result of Student A's complaint to OCR and this Resolution Agreement. At that meeting, the Title IX Coordinator will remind Professor A of the University's prohibition against sex discrimination, including sexual harassment, and will reiterate that any additional substantiated reports or complaints of sexual harassment against him may result in disciplinary action consistent with the University's policies, including but not limited to termination. The Title IX Coordinator will discuss with Professor A the definition of a sexually hostile environment, including examples, and will reiterate during their discussion that Professor A is required to refrain from inappropriately commenting on student attire, appearance and bodies; inappropriately touching students; or making jokes of a sexual or otherwise inappropriate nature to students in private or in class even if the conduct is not intended to be harassing.

REPORTING REQUIREMENT ITEM 6:

By October 30, 2017, the University will provide documentation to OCR demonstrating its implementation of item #6. The documentation submitted shall indicate the date and content of the Title IX Coordinator's meeting with Professor A as well as a signed statement from

Professor A confirming the meeting and topics that he discussed with the Title IX Coordinator.

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, including simulated website accounts and passwords, 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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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. §§ 100.9, 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.

For the University

Date