

RESOLUTION AGREEMENT
Marian University
OCR Case No. 05-18-2134

Marian University (University) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 05-18-2431. 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 Title IX’s implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination based upon sex in any education program or activity receiving Federal financial assistance from the Department of Education.

POLICIES AND PROCEDURES

- 1) By November 1, 2018, the University will revise its written policies and procedures to clearly and consistently set out the manner in which the University will promptly and equitably respond to complaints of sexual harassment, including sexual assault and violence. At a minimum, the University will ensure that its policies and procedures—including the Student Code of Conduct, General Anti-Discrimination and Anti-Harassment Policy, and Title IX Policy and Procedures—will:
 - a) Provide consistent information regarding the manner and timeframe in which the University will conduct investigations, hearings, and appeals;
 - b) Ensure that both parties have an equal opportunity to present evidence, identify witnesses, review evidence, and attend hearings and pre-decisional meetings;
 - c) State clearly whether advocates who assist individuals involved in Title IX proceedings may be attorneys;
 - d) Set out a clear and consistent process for recusals based on actual or perceived conflicts of interest;
 - e) State that inquiries about Title IX may be directed to the Title IX Coordinator or to OCR, with accurate contact information;
 - f) Notify the parties which staff members have been assigned to investigate and hear Title IX complaints, as well as any changes in staffing during the Title IX process;
 - g) Give the University’s assurance that it will not tolerate retaliation or retaliatory harassment toward anyone who files a complaint or participates in Title IX proceedings; and
 - h) Clearly and consistently identify the staff members holding the titles of Title IX Coordinator and Deputy Title IX Coordinator(s).

REPORTING REQUIREMENT: By November 15, 2018, the University will submit to OCR documentation demonstrating its compliance with this item, including documentation that it has widely posted and distributed its revised policies and procedures to the University community.

TITLE IX STAFF TRAINING

- 2) By December 15, 2018, the University will provide all Title IX staff and any other staff directly involved in receiving, processing, investigating, adjudicating, and/or resolving complaints of sexual harassment, assault and violence and other forms of sexual harassment sufficient training on Title IX and the University's revised policies and procedures. Specifically, the University will ensure that its Title IX staff and other staff directly involved in receiving, processing, investigating, adjudicating, and/or resolving complaints of sexual harassment, assault and violence and other forms of sexual harassment:
- a) Have sufficient qualifications and resources to fulfill all responsibilities identified in this Agreement
 - b) Understand the substantive requirements of Title IX, the University's revised Title IX policies and grievance procedures, and the process for investigating reports under Title IX;
 - c) Understand the process for recusals based on actual or perceived conflicts of interest;
 - d) Ensure that the parties have equal opportunities to present and review evidence (including written statements), identify witnesses, and attend hearings and pre-decisional meetings;
 - e) Accurately transcribe, record, and maintain information presented by witnesses;
 - f) Obtain and consider relevant evidence presented by each party;
 - g) Adequately document all steps of an investigation;
 - h) Apply the standard of review set out in the University's revised policies and procedures;
 - i) Notify all parties of the initiation and outcome of an investigation, including a summary of the inculpatory and exculpatory evidence considered; and
 - j) Ensure that both parties are advised of the availability of appropriate, individualized services (including interim measures such as no-contact orders and counseling services) as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct.

REPORTING REQUIREMENT: By January 15, 2019, the University will submit to OCR documentation demonstrating its compliance with this item, including copies of all training materials used or distributed, and attendance sheets for those attending the training(s).

TITLE IX COORDINATOR

- 3) By November 1, 2018, the University will ensure that its designated Title IX Coordinator is qualified and adequately trained to fulfill all responsibilities specified in this Agreement. Specifically, the University will ensure that the Title IX Coordinator:
- a) Oversees the University's prompt and equitable response to Title IX disclosures, verbal reports, and written complaints (collectively, "reports") of discrimination involving students, faculty, staff and other members of the University community, contractors, consultants and vendors doing business or providing services to the

- University, and those delegated the responsibility for receiving reports of sex discrimination, including sexual harassment and sexual violence;
- b) Has access to police records regarding reports of sex harassment and sexual assault or violence;
 - c) Implements the University’s policies and procedures prohibiting sexual harassment or sexual assault or violence and other forms of sexual harassment and assesses the overall efficacy of prevention, coordination, and response by the University to sexual harassment and sexual violence;
 - d) Coordinates with appropriate offices on campus (e.g., housing, academic deans, health and counseling services, human resources, etc.) to identify and address patterns or systemic problems under Title IX and to ensure coordination among these various offices;
 - e) Oversees the development, provision, and monitoring for effectiveness of training for:
 - (1) individuals involved in any stage of the grievance process on the substantive requirements of Title IX and how to investigate complaints and review appeals under Title IX; and
 - (2) members of the University community (i.e., staff, faculty, police officers, resident assistants, coaches, students, etc.) regarding their Title IX rights and responsibilities.
 - f) Ensures that students who file Title IX complaints are advised of their right to proceed with criminal charges, a Title IX investigation, or both simultaneously; and
 - g) Ensures that both parties are advised of:
 - (1) the timeframes for Title IX investigations; and
 - (2) the availability of appropriate, individualized remedies (including interim measures such as no contact orders and continuing counseling services) necessary to address incidents of sexual harassment or sexual assault or violence or other form of sexual harassment.

REPORTING REQUIREMENT: By November 15, 2018, the University will submit to OCR documentation demonstrating its compliance with this item.

TRAINING OF UNIVERSITY PERSONNEL

- 4) By January 1, 2019, and by September 15 of each subsequent academic year for all new employees, the University will provide effective in-person or online Title IX training to all University employees. The training will be designed to provide an understanding of the University’s responsibilities under Title IX to address reports of sexual harassment, sexual assault or violence, and retaliation. The training will cover, at a minimum: the University’s revised grievance procedures; how to recognize and identify sexual assault and violence and other forms of sexual harassment (including incidents involving students with an impaired ability to consent to sexual contact); the University’s responsibilities under Title IX to address such allegations; resources available including confidential advocacy, counseling, or other support services; and the student’s right both to file a complaint with the University and report a crime to campus or local law enforcement. During the trainings, the University will provide copies of its Title IX policies, procedures and standards to all attendees. Following

the trainings, the University will assess participants' understanding of how to respond to and report sexual harassment and sexual assault and violence.

REPORTING REQUIREMENTS: By January 15, 2019, the University will provide OCR with documentation that it has provided the training referenced in this item, 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, a list of University employees who successfully completed the training, and a summary of the results of the post-training assessment.

STUDENT TRAINING & RESOURCES

- 5) The University will ensure implementation of annual, mandatory Title IX training for all students. At a minimum, the training will cover:
 - a) Title IX, including the rights that it confers on students and the resources available to students who experience sex discrimination (including sexual harassment and sexual assault and violence) or retaliation;
 - b) The University's policies and procedures prohibiting sexual harassment and sexual assault or violence, other forms of sexual harassment, and retaliation;
 - c) How to recognize sexual assault and violence and other forms of sexual harassment when they occur;
 - d) How and with whom to report sexual harassment, sexual assault and violence, and retaliation;
 - e) Students' rights to and the limitations of remaining confidential when reporting sexual harassment, sexual assault and violence, and retaliation;
 - f) The University's definition of consent; and
 - g) The identity and role of the Title IX Coordinator and his/her contact information.

REPORTING REQUIREMENTS: By January 15, 2019, the University will provide OCR with documentation that it has provided the training referenced in this item, 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.

INDIVIDUAL REMEDIES

- 6) By November 15, 2018, the Title IX Coordinator will send a letter via certified mail inviting the Complainant to a meeting in which the Title IX Coordinator will explain the changes implemented at the University as a result of her complaint to OCR and this Resolution Agreement, and will offer to serve as a point of contact for the Complainant in the event future issues arise. In addition, the Title IX Coordinator's letter will offer to provide the Complainant resources, such as reasonable modifications to her course schedule, as needed, requested, and deemed appropriate.

REPORTING REQUIREMENTS: By November 30, 2018, the University will provide documentation to OCR demonstrating its implementation of this item. The documentation submitted shall include a schedule for providing any remedies to the Complainant, which shall be completed within six months of the date of the meeting. If the Complainant denies 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.

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, 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, 106.9 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 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.

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

President or designee

Date