

RESOLUTION AGREEMENT
Northeastern State University
OCR Case Number: 07-13-2064

The U.S. Department of Education, Office for Civil Rights (OCR), and Northeastern State University (University), Tahlequah, Oklahoma, enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. The University agreed to resolve the complaint prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University.

The following definitions apply to this Agreement:

- Racial harassment is unwelcome conduct based on race, color, or national origin. Racial harassment may be physical, verbal, nonverbal, graphic, or written in nature, and includes harassment on the basis of actual or perceived shared ancestry or ethnic characteristics.
- Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as acts of sexual violence.

The University assures OCR that it will take the actions set out below to ensure compliance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100, and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106.

TITLE IX GRIEVANCE PROCEDURE

1. The University will revise the grievance procedure contained in its policy titled "Students: Gender-Based & Sexual Discrimination Policy and Procedure" (Title IX Grievance Procedure) to incorporate the following:
 - a) language clarifying that the University's prohibition on sexual harassment applies not only to conduct by employees and students, but also to conduct by third parties, such as vendors, contractors, invited speakers and performers, and individuals visiting the University to participate in competitions, camps, and varsity events¹;

¹ The University may include examples of "third parties" in the revised Title IX Grievance Procedure, as well as language acknowledging limitations on the University's ability to control or take action against certain types of third parties, but the revised Title IX Grievance Procedure should not prohibit or discourage individuals from filing a grievance about conduct by an individual who is not a University student or employee.

- b) language explaining how the University will investigate and address any complaints alleging sex discrimination by the University's Title IX coordinator to ensure that such complaints are handled in an impartial manner²;
- c) a requirement that records detailing the University's investigation into a sex discrimination complaint be collected and maintained, including notes of interviews, copies of documents reviewed, and other relevant information; and
- d) a requirement that written notification will be given to all of the parties of the outcome of the University's complaint investigation.

REPORTING REQUIREMENT: By September 1, 2018, the University will submit a draft of its revised Title IX Grievance Procedure to OCR for its review and approval.

2. Within 60 calendar days of OCR issuing its written approval of the University's revised Title IX Grievance Procedure, the University will adopt and implement the procedure, post the procedure on its website in an area accessible to students and employees, and start including the grievance procedure in its Student Handbook. The University will also disseminate the approved Title IX Grievance Procedure to University administrators, faculty, and staff.

REPORTING REQUIREMENT: Within 90 calendar days of OCR issuing its written approval of the University's revised Title IX Grievance Procedure, the University will provide OCR documentation showing it has complied with item 2 of this Agreement.

REPORTING REQUIREMENT: By January 11, 2019, and June 7, 2019 (dates within four weeks of the end of the first semester of the 2018-19 school year and end of the second semester of the 2018-19 school year), the University will provide OCR documentation demonstrating its implementation of the OCR-approved Title IX Grievance Procedure.³ The documentation will include the following: a list with the names of the students, and individuals filing on behalf of students, who filed a Title IX complaint, or grievance, with the University during the first semester of the 2018-19 school year, or the second semester of the 2018-19 school year; a summary of the allegation(s) in each complaint; a detailed description of the University's investigation into each complaint (including the name and title of the individual(s) who investigated the complaint, names and titles of individuals interviewed during the investigation, and a list of the documents the University reviewed in making a determination regarding the complaint); a copy of or description of the University's determination regarding each complaint; and a copy of the University's correspondence informing the parties to each applicable complaint of its determination.

² Under the Title IX Grievance Procedure as currently written, the Title IX coordinator is responsible for assigning individuals to investigate sex discrimination complaints filed under the procedure, may investigate such complaints himself/herself, and after an investigation is completed, is responsible for determining whether further action is needed pursuant to University policy and/or state or federal law.

³ These due dates may be adjusted, as needed, depending on when OCR issues its written approval of the University's revised Title IX Grievance Procedure.

3. The University will review and revise the document on its website titled “Sexual Assault, Harassment, & Assault Grievance” – if the document and/or procedure described in the document is still in effect – to ensure that it is consistent with the University’s revised Title IX Grievance Procedure approved by OCR pursuant to this Agreement. If applicable, the University will also include a reference to the Title IX Grievance Procedure in the revised document. If the “Sexual Assault, Harassment, & Assault Grievance” is no longer utilized, the University will remove the document from its website and publications.

REPORTING REQUIREMENT: By December 15, 2018, the University will submit a draft of its revised “Sexual Assault, Harassment, & Assault Grievance” document to OCR for its review and approval, if applicable, or will advise OCR that it has removed the document from its website and publications.

4. If applicable, within 60 calendar days of OCR issuing its written approval of the University’s revised “Sexual Assault, Harassment, & Assault Grievance” document, the University will adopt and publish the revised document on its website and replace, as applicable, print versions of the document with the approved, revised document.

REPORTING REQUIREMENT: Within 90 calendar days of OCR issuing its written approval of the University’s revised “Sexual Assault, Harassment, & Assault Grievance” document, the University will provide OCR documentation showing it has complied with item 4 of this Agreement.

RACIAL HARASSMENT GRIEVANCE PROCEDURE

5. The University will develop a grievance procedure for complaints made by or on behalf of students alleging racial harassment that provides for the prompt and equitable resolution of such complaints. The procedure (Racial Harassment Grievance Procedure) will include:
 - a) a statement setting forth the University’s commitment to having a school environment free from racial harassment;
 - b) a definition of what constitutes racial harassment with specific examples of prohibited conduct;
 - c) examples of disciplinary sanctions that may be imposed upon individuals who engage in racial harassment;
 - d) a statement that the prohibition regarding racial harassment applies to conduct by employees, students, and third parties, such as vendors, contractors, invited speakers and performers, and individuals visiting the University to participate in competitions, camps, and varsity events⁴;

⁴ The University may include examples of “third parties” in the Racial Harassment Grievance Procedure, as well as language acknowledging limitations on the University’s ability to control or take action against certain types of third parties, but the Racial Harassment Grievance Procedure should not prohibit or discourage individuals from filing a grievance about conduct by an individual who is not a University student or employee.

- e) instructions on how to initiate a racial harassment complaint under the University's procedures, and the name or title, office address, telephone number, and email address of the individual(s) with whom to file the complaint;
- f) the various steps the University will take to conduct an adequate, reliable, and impartial investigation of racial harassment complaints, including an equal opportunity for the parties to present witnesses and relevant evidence;
- g) designated and reasonably prompt timeframes for major stages of the grievance process;
- h) written notice to the parties of the outcome of the University's investigation into alleged racial harassment incidents;
- i) a requirement that records detailing the University's investigation into a racial harassment complaint be collected and maintained, including notes of interviews, copies of documents reviewed, and other relevant information; and
- j) an assurance that the University will continue taking steps reasonably calculated to prevent racial harassment and correct its discriminatory effects.

REPORTING REQUIREMENT: By May 31, 2019, the University will provide a draft of the Racial Harassment Grievance Procedure it developed to satisfy item 5 of this Agreement to OCR for its review and approval.

6. Within 60 calendar days of OCR issuing its written approval of the University's draft Racial Harassment Grievance Procedure, the University will adopt the procedure, post the procedure on the University's website in an area accessible to students and employees, and start including the procedure in its Student Handbook. (The University may include an insert in the Student Handbook or revise and reprint the Handbook.) The University will also disseminate the approved Racial Harassment Grievance Procedure to University administrators, faculty, and staff.

REPORTING REQUIREMENT: Within 90 calendar days of OCR issuing its written approval of the Racial Harassment Grievance Procedure, the University will provide OCR documentation showing it has complied with item 6 of this Agreement.

REPORTING REQUIREMENT: By January 15, 2020, and June 12, 2020 (dates within four weeks of the end of the first semester of the 2019-20 school year and end of the second semester of the 2019-20 school year), the University will provide OCR documentation demonstrating its implementation of the OCR-approved Racial Harassment Grievance Procedure.⁵ The documentation will include the following: a list with the names of the students, and individuals filing on behalf of students, who filed a racial harassment complaint, or grievance, with the University during the first semester of the 2019-20 school year, or the second semester of the 2019-20 school year; a summary of the allegation(s) in each complaint; a detailed description of the University's

⁵ These due dates may be adjusted, as needed, depending on when OCR issues its written approval of the Racial Harassment Grievance Procedure.

investigation into each complaint (including the name and title of the individual(s) who investigated the complaint, names and titles of individuals interviewed during the investigation, and a list of the documents the University reviewed in making a determination regarding the complaint); a copy of or description of the University's determination regarding each complaint; and a copy of the University's correspondence informing the parties to each applicable complaint of its determination.

STATEMENT REGARDING RACIAL HARASSMENT

7. The University will include a statement in a prominent location on its website declaring that the University does not tolerate harassment on the basis of race.⁶ The statement will encourage students who believe they have been subjected to racial harassment to report the harassment to the University, and will affirm the University's commitment to conducting a prompt investigation of such complaints. The statement will include contact information for the designated employee(s) to whom students may report racial harassment allegations.

REPORTING REQUIREMENT: By May 31, 2019, the University will submit a copy of the anti-harassment statement it developed to satisfy item 7 of this Agreement to OCR for its review and approval. Within 30 calendar days of receiving OCR's written approval, the University will publish the statement on its website and provide OCR the electronic address for the specific webpage on which the statement is posted.

STUDENT GRIEVANCE PROCEDURE

8. The University will add language to its general "Student Grievance Procedures" stating that the procedures are not applicable to racial and sexual harassment complaints by students. In addition, the University will add language to the procedures that directs students with sexual harassment complaints to its revised, OCR-approved Title IX Grievance Procedure, and directs students with racial harassment complaints to its OCR-approved Racial Harassment Grievance Procedure developed pursuant to this Agreement.

REPORTING REQUIREMENT: By May 31, 2019, the University will submit its revised "Student Grievance Procedures" to OCR for review and approval of the language it added to satisfy item 8 of this Agreement.

9. Within 60 calendar days of OCR issuing its written approval of the language the University added to its "Student Grievance Procedures" pursuant to item 8 of the Agreement, the University will formally adopt the language and post the revised "Student Grievance Procedures" on its website in an area accessible to students. The University will also disseminate the revised "Student Grievance Procedures" to University administrators, faculty, and staff.

⁶ The anti-harassment statement may address harassment on additional bases as well, such as harassment on the bases of sex and disability.

STUDENT CLIMATE SURVEY

10. By January 15, 2019, the University will develop and submit to OCR, for its review and approval, a climate survey for its students designed to: assess students' attitudes and knowledge about harassment on the bases of race and sex; gather information about students' experiences with racial and sexual harassment; determine whether students know when and how to report racial and sexual harassment; and assess the effectiveness of steps taken by the University to address and prevent racial and sexual harassment. Along with submitting the proposed climate survey(s), the University will provide OCR a written explanation of how the University intends to distribute, collect, and utilize the results of the survey(s).

Within 60 days of receiving OCR's approval of its proposed climate survey(s) for students, the University will administer the survey(s) and review the survey results. Based on its review of the survey results, the University will take appropriate corrective action to address the climate issues related to racial and sexual harassment identified through the survey(s).

REPORTING REQUIREMENT: By August 1, 2019, the University will provide OCR a summary of the results of the climate survey(s) it issued to satisfy item 10 of the Agreement and, for OCR review and approval, a written corrective action plan detailing the steps the University intends to take to address the climate issues related to racial and sexual harassment of students identified through the survey(s). (If requested by OCR, the University will also provide OCR the raw results of the survey(s), rather than just a summary.) Within 30 calendar days of receiving OCR's written approval of its corrective action plan, the University will begin implementing the plan. If the climate survey(s) does/do not raise any climate issues related to racial or sexual harassment, the University will notify OCR in writing that it does not believe a corrective action plan is warranted.

REPORTING REQUIREMENT: If applicable, within 180 calendar days of receiving OCR's written approval of its corrective action plan, the University will provide OCR documentation showing it has implemented the plan.

POLICY OR PROCEDURE REGARDING RACIAL AND SEXUAL HARASSMENT INVESTIGATIONS

11. The University will develop a written policy or procedure to ensure that information provided to University personnel, including but not limited to information shared with the Office of Student Affairs or University Police Department, regarding alleged racial and/or sexual harassment of a student is promptly documented (if not already in written form) and shared in a timely manner with University personnel responsible for investigating the alleged racial and sexual harassment of students.

REPORTING REQUIREMENT: By May 31, 2019, the University will submit the policy or procedure required by item 11 of this Agreement to OCR for its review and approval.

12. Within 60 calendar days of written notification from OCR that the policy or procedure it developed to comply with item 11 of this Agreement is acceptable, the University will adopt and implement the policy or procedure, and disseminate it to University administrators, faculty, and staff.

REPORTING REQUIREMENT: Within 90 calendar days of receiving written notification from OCR that the policy or procedure it developed to comply with item 11 of this Agreement is acceptable, the University will provide OCR documentation showing it adopted, implemented, and disseminated the policy or procedure as required by item 12 of the Agreement.

EMPLOYEE TRAINING REGARDING TITLE VI AND TITLE IX

13. The University will continue to provide training regarding Title VI and Title IX to all University administrators, faculty, and staff responsible for investigating complaints of discrimination, including harassment, based on sex, race, color, or national origin. For purposes of this Agreement, the University will provide training on its revised policies/procedures regarding Title VI and Title IX by December 1, 2019. At a minimum, the training must address:
 - a) Title VI's prohibition against discrimination, including harassment, on the basis of race, color, and national origin;
 - b) Title IX's prohibition against sex discrimination, including sexual harassment and sexual assault;
 - c) the University's revised Title IX Grievance Procedure, including what types of complaints are covered by the grievance procedure, the process for filing a complaint under the procedure, the University's process for investigating and resolving complaints filed under the procedure, and the University's set time frames for major stages of the complaint process;
 - d) the OCR-approved Racial Harassment Grievance Procedure the University developed pursuant to item 5 of this Agreement;
 - e) the policy or procedure the University developed pursuant to item 11 of this Agreement;
 - f) what University employees should do if a student complains of harassment by another student, a University employee, or third parties, such as vendors, contractors, invited speakers and performers, and individuals visiting the University to participate in competitions, camps, and varsity events;
 - g) Title VI's prohibition on retaliating against a student or other individual who files a complaint alleging discrimination on the basis of race, color, or national origin or participates in a Title VI complaint investigation;

- h) Title IX’s prohibition on retaliating against a student or other individual who files a sex discrimination complaint or participates in a Title IX complaint investigation; and
- i) who to contact with questions about the University’s process for addressing student complaints of discrimination on the basis of race or sex.

REPORTING REQUIREMENT: The University will provide OCR documentation by January 30, 2020, showing it has provided the training session required by item 13 of this Agreement. The documentation must include: the date, time, and location of the training; the topics addressed at the training; copies of handouts or other materials distributed to the training participants; the name(s) and title(s) of the individual(s) who conducted the training; and one or more sign-in sheets with the name and title of each employee who participated in the training.

STUDENT TRAINING REGARDING SEXUAL AND RACIAL HARASSMENT

14. By December 1, 2020, the University will provide training to members of the University chapter of the Phi Lambda Chi fraternity regarding racial harassment and sexual harassment.⁷ At a minimum, the training will address what type of conduct constitutes harassment on the bases of race and sex, the University’s prohibition against such harassment, and the disciplinary consequences for engaging in racial and/or sexual harassment of other students. In addition, the training will encourage the fraternity members to report racial and sexual harassment and instruct them on how and to whom to report such harassment. The University may, but is not required to, extend this training to members of other Greek organizations.

REPORTING REQUIREMENT: By January 30, 2021, the University will provide OCR documentation showing it has provided the training required by item 14 of this Agreement. The documentation must identify and include: the date, time, and location of the training; the topics addressed at the training; copies of handouts or other materials distributed to the training participants; the name(s) and title(s) of the individual(s) who conducted the training; and one or more sign-in sheets with the name and grade level (e.g., freshman, sophomore, etc.) of each student who participated in the training.

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 VI and Title IX, and their implementing regulations at 34 C.F.R. §§ 100.3 and 106.31, respectively. Upon completion of the obligations under this Agreement, OCR shall close this case.

⁷ The Phi Lambda Chi fraternity is suspended from the University’s campus until after May 2020 for reasons unrelated to OCR Case No. 07-13-2064.

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.

/s/ Steve Turner
Dr. Steve Turner, President
Northeastern State University

7/25/18
Date