

Resolution Agreement

University of the Rockies OCR Case Number 08-14-2195

In order to resolve the allegations in Case Number 08-14-2195, filed against University of the Rockies (University) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 Code of Federal Regulations Part 106, the University agrees to implement this Resolution Agreement.

During the course of OCR's investigation, before OCR had made any findings regarding this potential compliance concern, the University indicated its willingness to take steps necessary to ensure compliance with Title IX. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint and the OCR Office Director believes that doing so is appropriate, so long as the remedies align with the allegations. The University's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

1. The University will revise its current Title IX Grievance Procedures to be consistent with the requirements of Title IX, OCR's *Revised Sexual Harassment Guidance* issued in 2001 (*2001 Guidance*), and OCR's April 4, 2011 *Dear Colleague* letter.

Reporting Requirement: By January 10, 2015, the University will submit to OCR for review and approval its revised Title IX grievance procedures.

2. Within thirty (30) calendar days of written notification from OCR that the revised Title IX grievance procedures developed in accordance with Item 1 of the Agreement are consistent with Title IX requirements, the University will adopt and implement the procedures and will provide all students and employees with written notice regarding the new grievance procedures for resolving Title IX complaints. The University will also provide information on how to obtain a copy of the grievance procedures. The University, at a minimum, will make this notification through the University's website, electronic mail messages to employees and students, student and employee handbooks, 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 thirty (30) calendar days of OCR's written approval of the procedures required in Agreement Term 1, the University will provide OCR with documentation that it has implemented Item 2 above by providing: copies of the written notices issued to students and employees regarding the new Title IX procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to the University's webpage where the revised Title IX procedures are located.

3. The University will develop training materials for its Title IX Coordinator, Human Resources, and any other University employees who will be directly involved in processing, investigating, or resolving complaints of sex discrimination or who will otherwise assist in the coordination of the University's compliance with Title IX. This training will be provided on an annual basis and include a written assessment. This training will be in person and will include, at minimum, the following topics:

- Various methods for collecting evidence;
- Working with persons represented by counsel;
- Identification of potential witnesses;
- Application of the preponderance of the evidence standard;
- A description of the various forms of sexual harassment, including quid pro quo, hostile environment, and sexual violence;
- Information regarding working effectively with potential victims of sexual harassment to include: how a victim may not report all incidents at the beginning of an investigation and may provide additional incidents throughout an investigation; examples of ways victims may be impacted by sexual harassment; and how to conduct an interview with victim of alleged sexual harassment;
- Confidentiality;
- Identifying and implementing appropriate interim measures, including no contact orders;
- Identifying and implementing appropriate remedial measures;
- Providing information to the victim and alleged perpetrator at each major stage of the investigation and appeal, including the conclusion;
- What to do if a student returns after the investigation with problems that may be related to the alleged sexual harassment;
- Requirements of Title IX to respond to all allegations of sexual harassment; and
- Prohibition of and addressing retaliation.

Reporting Requirement A: Within thirty (30) calendar days of OCR's approval of the policies and procedures identified in Item 1 above, the University will submit:

- Draft training materials to OCR for OCR's review and approval;
- Identification of the intended trainer(s) and information about the trainer's qualifications; and
- A list of employees, including names and titles, which the University identified to receive the training consistent with Agreement Term 3.

Reporting Requirement B: Within sixty (60) calendar days of OCR's approval of the training materials, the University will schedule and conduct the training.

Reporting Requirement C: Within ten (10) calendar days after the conclusion of the training, the University will submit to OCR proof that the training was provided. Such documentation will include:

- The agenda and handouts for the training;
- The date and time the training was held; and
- Copy of each training participant's scored, written assessment.

4. The University will work with the Student to identify a liaison for the Student that is already aware of the Student's sexual harassment complaint and understands the PhD process. The Student has final approval of the liaison. The liaison will assist the Student and the Student's dissertation committee if further stumbling blocks related to the Student's sexual harassment complaint arise as she attempts to complete her PhD and if her additional dissertation course costs are not waived.

Reporting Requirement: By January 10, 2015, the University will provide OCR with documentation that a liaison approved by the Student has been selected and notice of this is given to the Student and the dissertation team.

5. The University will issue a letter to the Student, through her representative, stating that the University found that the Student was subjected to sexual harassment and the University will provide information on the remedial measures it will implement, including information that the Professor will not be allowed back on campus.

Reporting Requirement A: By January 10, 2015, the University will provide to OCR for review and approval a draft letter required in Item 5.

Reporting Requirement B: Within 30 days of OCR's approval of the letter, the University will provide OCR with a copy of the signed letter required in Item 5 and provide proof that it provided the letter to the Student's representative.

6. The University will issue a letter to the Professor informing him that he is not allowed access to the campus.

Reporting Requirement A: By January 10, 2015, the University will provide to OCR for review and approval a draft letter required in Item 6.

Reporting Requirement B: Within 30 days of OCR approval, the University will provide OCR with a copy of the signed letter required in Item 6 and proof that it provided the letter to the Professor.

7. The University will provide training to all employees and administrators regarding the University's commitment to address discrimination based on sex. The training will include:
 - o The University's approved grievance procedures and information on contacting the Title IX Coordinator;
 - o The prohibition of sexual harassment and retaliation; and
 - o The requirements of reporting and investigating claims of sexual harassment.

Reporting Requirement A: Within thirty (30) calendar days of OCR's approval of the policies and procedures identified in Item 1 above, the University will submit

- o Draft training materials for OCR's review and approval; and
- o Identification of the intended trainer(s) and information about the trainer's qualifications.

Reporting Requirement B: Within sixty (60) calendar days of OCR's approval of the training materials, the University will schedule and conduct the training.

Reporting Requirement C: Within ten (10) calendar days after the conclusion of the training, the University will submit to OCR proof that the training was provided. Such documentation will include:

- The agenda and handouts for the training;
- The date and time the training was held; and
- Copy of documentation showing the receipt of training to all employees and administrators.

Reporting Requirement D: Within sixty (60) calendar days after the last training, the University will report to OCR on how the University will ensure that new staff hired by the University will have sufficient knowledge regarding the University's obligations under Title IX.

8. The University will provide annual training to all students regarding the University's commitment to address discrimination based on sex. The training will include:
- The University's approved grievance procedures and information on contacting the Title IX Coordinator;
 - The prohibition of sexual harassment and retaliation;
 - How to report claims of sexual harassment; and
 - What to expect during the investigation process.

Reporting Requirement A: Within thirty (30) calendar days of OCR's approval of the policies and procedures identified in Item 1 above, the University will provide OCR with:

- A description of how and when the University will provide the annual training;
- The draft training materials for OCR's review and approval; and
- Identification of the intended trainer(s) and information about the trainer's qualifications.

Reporting Requirement B: Within thirty (30) calendar days of OCR's approval of the training materials, the University will schedule and conduct the training.

Reporting Requirement C: Within ten (10) calendar days after the conclusion of the training, the University will submit to OCR proof that the training was provided. Such documentation will include:

- The agenda and handouts for the training; and
- The date and time the training was held.

Reporting Requirement D: Based on the information from Reporting Requirement A of Item 8, additional reporting requirements for annual training will be determined until the University completes all of the terms of this Agreement.

9. The University will provide the Student with \$20,400 and waive costs associated with two additional University dissertation extension courses to remedy the effects of the alleged sexual harassment and retaliation.

Reporting Requirement A: Within 30 days of effective date of the settlement agreement discussed during mediation, the University will provide OCR with documentation that the settlement amount has been paid.

The University understands that 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 of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. §§ 106.8, 106.9, and 106.31 which were at issue in this case.

The University understands that by signing this agreement, it agrees to provide data and other 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 the regulation implementing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. §§ 106.8, 106.9, and 106.31 which were at issue in 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 a minimum of sixty (60) calendar days to cure the alleged breach.

For University of the Rockies:

/s/

Dr. Charlita Shelton
President

12/11/14

Date