

RESOLUTION AGREEMENT

Metropolitan State University of Denver OCR Case Number 08-18-2064

In order to resolve the open allegations in the Office for Civil Rights Case Number 08-18-2064, filed against Metropolitan State University of Denver (University) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and its implementing regulations at 34 C.F.R. Part 100 which prohibit discrimination on the basis of race, color or national origin, and Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., and its implementing regulations at 34 C.F.R. Part 106 which prohibit discrimination on the basis of sex, the University agrees to take the actions outlined in this Resolution Agreement. The University's decision to enter into this agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

Item 1

By **July 15, 2018**, the University will complete an investigation into the allegations raised by the Complainant and the other female student in November and December 2017.

Reporting Requirement 1

By **July 15, 2018**, and for OCR's review and approval, the University will provide OCR with its investigative report demonstrating who was interviewed, what the general information was in the interview statements, other evidence reviewed, the legal analysis that the University employed, the University's findings, all corrective action taken, if any, and evidence that the parties involved were notified of the University's findings and corrective action.

Item 2

By **August 1, 2018**, the University will review and revise its discrimination grievance policies and procedures which apply to sexual and racial harassment to ensure that the policies conform with the University's duties under Title IX and Title VI, to take immediate and appropriate action to investigate allegations of discrimination and harassment upon notice (actual or constructive) of the discrimination/harassment, and its duty, if harassment is found, to take reasonable, timely, and effective corrective action which may include the imposition of appropriate disciplinary measures¹. At a minimum, the University will ensure the:

- a. Development and dissemination of a policy prohibiting racial and sexual harassment, the provision of grievance or complaint procedures, with notice to students, and employees of the procedure, including where complaints may be filed;

¹ Title IX of the Education Amendments of 1972 and Title VI of the Civil Rights Act of 1964 have minimum requirements for grievance policies and procedures which differ slightly. Requirements for both have been incorporated into the Resolution Agreement Item 2. For further information on procedures under Title VI, *see*, <https://www2.ed.gov/about/offices/list/ocr/docs/race394.html> For further information on policy and procedures under Title XI, *see*, <https://www2.ed.gov/about/offices/list/ocr/docs/sexhar00.html>

- b. Application of the procedure to complaints alleging harassment carried out by employees, other students, or third parties;
- c. Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; with designated and reasonably prompt timeframes for the major stages of the complaint process;
- d. Assurance that the University will take appropriate responsive action which may include the imposition of appropriate disciplinary measures, and steps reasonably calculated to eliminate and prevent the recurrence of a racially or sexually hostile environment;
- e. Notice to the parties of the outcome of the complaint; and
- f. Assurance that students/staff are not restricted in their participation or benefits as a result of a racially or sexually hostile environment.

Reporting Requirement 2.1

By **August 1, 2018**, the University will provide OCR with its revised discrimination grievance policies and procedures for OCR's approval.

Reporting requirement 2.2

Within **30 days** of OCR's approval, the University will publish the revised discrimination policies and procedures in its student handbook, will update all online and written forms to conform to the revised policy and procedure and provide written verification to the Office for Civil Rights.

Reporting Requirement 2.3

Within **15 days** of OCR's approval of the discrimination policies and procedures, the University will provide OCR with draft training materials; identify who will be providing the training, by name, title, and qualifications, and provide a list of University staff members who will be required to receive this training. The University will fully and promptly address any comments by OCR and will continue to modify the materials, trainers, or personnel list until it receives final OCR approval.

Reporting Requirement 2.4

Within **30 days** of OCR's approval of the training package, the University will provide OCR with documentation demonstrating that the training was provided to all Equal Opportunity Office staff, including a copy of the training materials and sign-in sheets.

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, 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 Section 504 and Title II, which were at issue in this case. Upon completion of the obligations under the Agreement, OCR shall close 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 the Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

For Metropolitan State University of Denver
Name:
Title:

Date