

RESOLUTION AGREEMENT
University of Southern California
OCR Docket Numbers 09-13-2294 and 09-16-2128

The University of Southern California (University) voluntarily agrees to implement this Resolution Agreement (Agreement) to resolve the violations and compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), 42 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, in the above-referenced OCR case numbers. This Resolution Agreement does not constitute an admission by the University that its prior policies and procedures were not in compliance with Title IX or its implementing regulations.

During the course of the investigation, OCR has recognized that the University has engaged in ongoing and proactive efforts to enhance the effectiveness of their Title IX program. The University has also worked cooperatively with OCR during the course of this investigation.

I. NOTICE OF NONDISCRIMINATION

- A. The University notified OCR on January 11, 2018 that it had reviewed and revised its notice of nondiscrimination to meet the requirements of 34 C.F.R. §§ 106.8(a) and 106.9, including, but not limited to: ensuring that the notice of nondiscrimination includes the prohibition on the basis of sex for students and applicants for admission; and including a statement that inquiries concerning Title IX may be referred to the Title IX coordinator or to OCR and providing the name or title, address, and telephone number for the University's Title IX coordinator.

REPORTING REQUIREMENT:

The University provided to OCR on January 11, 2018, documentation of the revised notice and the locations where it is published. OCR will review the documentation and notify the University of (1) its approval of the notice and its publication based on the documentation submitted on January 11, 2018, or (2) any revisions to the notice and its publication required to meet the requirements of 34 C.F.R. §§ 106.8(a) and 106.9. If OCR requires additional revisions, within 30 days of OCR's final approval, the University will provide OCR with documentation that it has reviewed and revised the notice and publications as required by this section, including a copy of the revised notice included in the publications.

II. POLICIES AND PROCEDURES

- A. The University will review and revise, as needed, its current Title IX policies and procedures governing the University's response to complaints of sexual harassment, including sexual violence, against faculty and (non-faculty) staff to ensure that they meet the requirements of Title IX and its implementing regulations. To the extent not already provided in the policies and procedures in effect for the 2017-2018 academic year, the revisions will, among other things:
- i. ensure that they explain that the University is responsible for redressing a hostile environment that occurs on campus, even if relates to off campus sexual harassment, including sexual violence; provide for reasonably prompt timeframes for major stages of the complaint process; and an assurance that the University will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if a violation is found.

- B. With respect to complaints by students against students, faculty and (non-faculty) staff, to the extent not already implemented, the University will implement internal written protocols that:
- i. provide a process for how either party may raise any concerns about potential conflicts of interest or bias in the appeal process;
 - ii. provide a process for coordinating and documenting interim measures provided to students and a procedure for resolving any concerns about the provision or implementation of interim measures; and
 - iii. provide a process for coordinating and documenting steps taken to prevent recurrence of harassment, if any, and to correct its discriminatory effects on the complainant and others, as appropriate.
- C. The University has represented to OCR that it continues to provide mandatory annual training to all individuals involved in investigating and resolving reports or complaints of sexual harassment and sexual violence, including training of individuals who handle appeals. The University will ensure that the training on its procedures includes, but is not limited to: training on the University's definitions of prohibited conduct regarding sexual violence in the *Student Protected Class Misconduct Code*; the elements of such prohibited conduct; provision of adequate notice to complainants and respondents of the alleged prohibited conduct being investigated; the University's definition of consent for sexual contact, including incapacitation; and assessing the need for a complainant or respondent to receive interim measures based on information gathered by the Title IX office during the investigation process.

REPORTING REQUIREMENTS:

By August 31, 2018, the University will provide, for OCR review and approval, Title IX policies, procedures, and protocols which meet the requirements described in Sections II.A and II.B, which may include policies, procedures, and protocols, some of which may be currently in effect. Within 30 days of OCR's approval of the policies, procedures, and protocols, the University will provide OCR with documentation that the approved policies, procedures, and protocols have been adopted.

Within 60 days of OCR's approval, the University will provide documentation to OCR that it has provided notice of the policies and procedures in effect to faculty, non-faculty staff, and students by email and other appropriate means. The notice will state that the University has reviewed its Title IX policies and procedures in accordance with this Agreement, include hyperlinks to accessible University website pages where the policies and procedures may be reviewed, and provide information on how to obtain paper copies of the policies and procedures. If revisions have been made based on OCR's review pursuant to Section II.A of this Agreement, the University's notice will also provide a summary of the revisions.

Within 90 days of OCR's approval of the policies, procedures, and protocols, the University will provide a copy of the proposed training materials and the name/title of the proposed trainer for OCR's review and approval in order to implement II.C. Within 60 days of receiving OCR's approval, the University will conduct the training and provide documentation of the same, including the

training materials used, the sign-in sheets with the names/titles of the individuals attending, and, if some individuals were unable to attend, information about the steps the University will take to ensure that all required individuals have received training.

III. SELF-MONITORING ASSESSMENTS AND REVIEW

- A. By March 30, 2018, the University will provide to OCR a spreadsheet listing all reports and complaints of sexual harassment and sexual violence that are pending in the University's investigation and resolution process as of December 31, 2017, or have closed between November 1, 2017 and December 31, 2017. The spreadsheet shall include: (1) a case number coded to protect individual privacy and the current status of each report of sexual harassment, including sexual violence; (2) whether the University was able to meet the timeframes specified in the University's Title IX complaint procedures for investigation and appeals (and if the University was not able to meet its timeframes, include an explanation as to the cause); (3) all interim measures that were considered for the students, indicating the basis for the determination (e.g., discussion with student), the interim measures provided and an explanation as to any interim measures which were not provided despite a student's request; (4) if DPS or another responsible employee or entity received a report, whether it was promptly provided to the Title IX office; and (5) the final remedies that were provided to complainants, and any steps taken by the University to prevent recurrence of sexual harassment and to remedy its discriminatory effects, as appropriate, if a violation was found.

In addition to the spreadsheet, the University will provide OCR with the investigation report for every investigation completed during the time period specified. If OCR determines that a more detailed review of any report listed in the spreadsheet is needed, OCR will provide notice to the University, and the University will provide the complete investigation file – including any and all documentation, correspondence, and reports – to OCR within 20 workdays.

In addition to the foregoing, the University will identify to OCR in writing any concerns or issues it has identified in its self-monitoring assessment with respect to the provision of a prompt and equitable response to reports and complaints of sexual harassment and sexual violence that may require revisions to practices or procedures or other changes or training, along with a proposed plan and timeline for addressing the concerns or issues for OCR review and approval. If after OCR's review related to the March 30, 2018, report, OCR determines that any additional revisions to practices or procedures or other changes or training are necessary, OCR will provide a proposal for corrective action.

- B. By August 15, 2018 and August 15, 2019, the University will provide to OCR a spreadsheet detailed above in Section III.A, listing all reports and complaints of sexual harassment, including sexual violence, that are pending or have closed from January 1, 2018 through May 31, 2018 and June 1, 2018 through May 31, 2019, respectively, along with a self-monitoring assessment with respect to the provision of a prompt and equitable response as described above. The University will provide OCR additional information and documents with respect to any report listed in the spreadsheet, as requested by OCR. If after OCR's review related to the August 15, 2018 and August 15, 2019 reports, OCR determines that any additional revisions to practices or procedures or other changes or training are necessary, OCR will provide a proposal for corrective action.

IV. INDIVIDUAL REMEDY

A. The University represents that it telephoned the Complainant identified as C4 during the negotiation of this Agreement on XXXXXXXX XX, 2017, and offered to her options to remedy any continuing effects of a hostile environment. Within 30 days of the execution of this Agreement, the University will contact the Complainant by letter sent to her email and last known address. The letter will state (1) that she is being contacted pursuant to this Agreement, (2) provide options to remedy any continuing effects of a hostile environment related to any lack of provision of interim measures pending completion of the investigation, including the appeal process, of her complaint of sexual assault; and (3) state that she is entitled to an interactive discussion with appropriate University staff about such remedial options. If the Complainant accepts any aspect of the University's offer, the University will work with her to engage in a discussion about remedial options and/or to implement the remedy. To the extent that the University's XXXXXXXX XX, 2017 conversation with the Complainant included elements (1), (2), and (3) above, the University's letter to the Complainant will restate those elements and confirm her response, as appropriate.

REPORTING REQUIREMENTS

Within 45 days of the execution of this Agreement, the University will provide OCR with its letter to the Complainant, her response, and any discussion and agreement reached by the University and the Complainant regarding an individual remedy for her, including a timeline for implementing a remedy, if any.

By April 30, 2018, University will provide documentation of its completion of implementation of the remedy, if any.

General Provisions:

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 Title IX and its implementing regulation, which were at issue in these cases. Upon completion of the obligations under this Agreement, OCR shall close and dismiss the cases.

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. Sections 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/_____
Todd R. Dickey
Senior Vice President for Administration
University of Southern California

01/29/2018
Date