

RESOLUTION AGREEMENT

Stanford University

OCR Case Nos. 09-15-2070, 09-15-2405 and 09-16-2213

Without admitting any violation of law, Stanford University (University) agrees to implement this Agreement in the above-referenced consolidated cases investigated by the U.S. Department of Education, Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation. OCR recognizes that the University has been proactive in working on the issue of sexual assault on campus. The University has also worked cooperatively with OCR during the course of the investigation.

I. NOTICE OF NONDISCRIMINATION

- a. Consistent with the requirements of 34 C.F.R. §§ 106.8 and 106.9, the University will amend its notices of nondiscrimination to include a statement that inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or OCR. The University will publish the revised notice in all required locations, including but not limited to the University's website, its promotional materials, the student and employee handbook, application forms and registration materials, policies and procedures, student pamphlets, and other electronic and printed publications that provide information to employees, applicants, and students about the University.
- b. **Reporting Requirement:** By June 1, 2018, the University will provide OCR with a copy of its notice of nondiscrimination for review and approval, along with an explanation of the distribution plan and an assurance that the University will continue to distribute the notice of nondiscrimination approved by OCR in compliance with the regulation. Within 45 days of OCR's approval of the notice of nondiscrimination, the University will provide OCR with documentation of its dissemination of the notice of nondiscrimination, including web links to the aforementioned publications containing the notice of nondiscrimination and, to the extent a publication is only provided in print form, the title page of that publication and the page(s) on which notice appears. If the University makes changes to the notice of nondiscrimination and/or distribution plan while this Agreement is in effect, the University will provide the revised notice of nondiscrimination and/or distribution plan to OCR within 45 days of such decision.

II. POLICIES, PROCEDURES, AND PROCESS

- a. The University will revise its policies and procedures in effect as of March 1, 2018 to: 1) ensure they are internally consistent and that each document contains consistent explanations regarding the specific University policy and/or procedure that applies to each type of report investigated; and 2) clarify or remove any references to procedures or definitions that are not currently in use, e.g., the Alternative Review Process and the previous definition of consent.
- b. The University will revise:
 - i. the Student Title IX Process and Administrative Guidance 1.7.3 to:

1. Provide a reasonably prompt timeframe, factoring in the complexity of the matter and the severity and extent of the alleged harassment, for issuance of the Notice of Concern after receiving a report or complaint;
2. Provide clarification that a complainant will receive notice of the University's decision not to issue a Notice of Concern and investigate the matter further, along with a reasonably prompt timeframe for such notice, factoring in the complexity of the matter and severity and extent of the alleged harassment; and
3. Eliminate the word "reasonably" in the Student Title IX Process in reference to the scope of the right under Title IX to be protected from retaliation, consistent with the use and definition of that term in other University policies, which provide that: it is a violation of University policy to retaliate against any person making a complaint of sexual harassment or sexual violence or against any person participating in the investigation of (including testifying as a witness to) any such allegation of sexual harassment or sexual violence.

ii. the Title IX Administrative Policies and Procedures and A.G. 1.7.1 to:

1. Provide a description of the informal resolution process, including a reasonably prompt timeframe, factoring in the complexity of the matter and the severity and extent of the alleged harassment, and a statement that the process is voluntary and that the parties have a right to proceed to the formal resolution process at any time;
2. Provide a statement that the "Outcome Letter" will include a determination as to whether the conduct occurred and, if sanctions are proposed, the applicable procedure that will be used to determine sanctions and a general explanation of the parties' equitable rights to participate and provide evidence in such a procedure;
3. Provide that a responsible employee, which includes any employee who has authority to take action to redress sexual harassment, who has the duty to report to appropriate officials regarding sexual harassment or other types of misconduct by students or employees, or an individual who a student could reasonably believe has such authority or responsibility, must promptly make a report to the appropriate official after receiving notice of a report or complaint of sexual harassment or sexual violence under Title IX. For the definition of responsible employee, the University can utilize the language addressing the same issue from the Student Title IX Process and A.G. 1.7.3, which was in effect as of the date of OCR's last review in November 2017;
4. Include a statement that addresses the prejudicial effect that evidence of past sexual relationships with individuals other than the parties to the investigation may have on the proceedings. To meet this requirement, the University can utilize language addressing the same issue from the Student Title IX Process, which was in effect as of the date of OCR's last review in November 2017; and

5. Provide adequate notice of the names of the applicable disciplinary processes for respondents who are faculty, staff or other non-student members of the University community.

iii. the Statement on Faculty Discipline to:

1. Provide that a student impacted party in a Title IX matter has equitable rights to the faculty respondent in the hearing process, including but not limited to an advisor, the right to present evidence and respond to evidence presented, to request information from the University regarding the matter, and to receive notice of the outcome;
 2. Provide a reasonably prompt timeframe, factoring in the complexity of the matter and the severity and extent of the alleged harassment, for the Evidentiary Hearing, Final Hearing before the Advisory Board, Advisory Board's decision, President's decision, for further hearings, and for the resulting decisions.
- c. The University will create a two-page accessible guidance memorandum explaining which policies and procedures apply for reports and complaints concerning sexual harassment, sexual misconduct and sexual assault filed by students against students, faculty, staff, and third parties.
 - d. If the University decides to replace the Student Title IX Process, which the University has been piloting since February 2016, with a different policy(ies) and/or procedure(s), the University will promptly provide the proposed policies and/or procedures to OCR for review and approval.
 - e. The University will draft and implement a protocol for addressing violations of no-contact directives/orders, which includes information about the investigation and resolution process related to alleged violations in existing policies and procedures and the potential disciplinary consequences, and a system for identifying when complainants and respondents are enrolled in the same class or are enrolled in classes in the same building. The protocol will be shared with any parties who are subject to no-contact directives/orders at the time that they are issued.
 - f. The University will draft and implement a protocol for coordination between the Title IX Coordinator and the Americans with Disabilities Act (ADA)/Section 504 Compliance Coordinator, if a disability accommodation is raised by the impacted party student or respondent student at any point during the investigation, informal resolution, hearing, sanction or appeal process.
 - g. The University Provost will invite the Student in case number 09-16-2213 and the Student in case number 09-15-2405 to each participate in a separate meeting in which the Provost will explain the ways in which the grievance process has been revised to meet the Title IX requirements for the parties and provide each Student with an opportunity to share concerns regarding their experiences with the University's handling of their complaints.

h. Reporting Requirements

- i. By July 1, 2018, the University will provide OCR with a draft of the revised policies and procedures, guidance memorandum, and protocols for review and approval.
- ii. Within 90 days of receipt of OCR's approval, the University will provide documentation to OCR showing that it has: 1) adopted the revised policies and procedures and guidance memorandum and disseminated them to students, staff and faculty by email, the web, in person postings, and other appropriate means; and 2) provided the protocol in II.e. and f. to appropriate staff in the Title IX, Sexual Harassment Policy, and Diversity and Access Offices.
- iii. Once the University adopts the revised policies, procedures, protocols, and memorandum related to sexual harassment and sexual violence as described in II.a.-c. and II.e.-f., the University will provide any substantive modifications to such policies, procedures, protocols, and memorandum in writing at least 90 days before the University proposes to adopt the modification to ensure consistency with this Agreement.
- iv. To the extent, as described in II.d., the University decides to replace the Student Title IX Process, which the University has been piloting since February 2016, with another policy(ies) and/or procedure(s), or return to the Alternative Review Process, the University will promptly provide any proposed policies and/or procedures and a revised guidance memorandum to OCR for review and approval. Within 90 days of receipt of OCR's approval, the University will provide documentation to OCR showing that it has adopted the revised policies and procedures and the guidance memorandum and disseminated them to students, staff and faculty by email, the web, in person postings, and other appropriate means.
- v. By June 1, 2018, the University will provide OCR with a draft of the meeting invitations described in Section II.g. for review. The University will mail the statement to the Students' last known addresses and email addresses within ten (10) days of OCR approval.

III. EDUCATION AND INFORMATION REGARDING REVISED POLICY AND PROCEDURE

- a. The University will include in its existing training program for University employees who are directly involved in receiving, investigating, and/or resolving reports of sex discrimination, including investigators, evidentiary specialists, responsible employees and campus police, and other University faculty and staff, information about the University's revised policies and procedures, guidance memorandum, and protocols for Title IX reports, which are described in Section II.
- b. The University will continue to ensure that all new employees complete training within six months of their employment start date.

- c. The Title IX Coordinator will augment the student training program to provide information about the University's revised sexual harassment/sexual violence policies and procedures, guidance memorandum, and protocols.
- d. **Reporting Requirements:**
 - i. By December 31, 2018, the University will provide OCR with a test module for online trainings and a description of live trainings and the office affiliations of the trainer(s) for review and approval.
 - ii. The University will implement faculty and staff training after OCR review and approval during the 2019 Winter Quarter or early in 2019 Spring Quarter and provide documentation that the training has been provided, including a copy or description of the training materials, dates(s), the office affiliations of the individual(s) who conducted the training, and logs identifying the name and position of each faculty and staff member who received the training, within 30 days of completion of the biannual training period.
 - iii. The University will implement the revised student training referenced in III.c. starting in the 2018-2019 academic year and provide documentation of implementation to OCR by December 1, 2018 and December 1, 2019.

IV. **RECEIVING REPORTS/COMPLAINTS AND SELF-MONITORING ASSESSMENT**

- a. The University will continue to maintain and implement a confidential electronic database for the maintenance of material records related to all reports, complaints, investigations, findings, the basis for those findings, and appeals. A material record is one that is or reflects a substantive step in all of these phases of the process, and includes: the complaint or report; the names of the complainant, the respondent, and witnesses; any statements or other evidence submitted or collected; interview notes; material correspondence relating to the investigation; material actions taken on behalf of the parties, including interim measures; corrective actions or disciplinary measures, if issued; cross-references to any prior University findings of sexual harassment and/or sexual violence, including any sanctions issued; records of any discipline or proposed discipline with respect to the present conduct; records of findings and outcomes communicated to the parties; and records of any appeals.
- b. **Reporting Requirements:**
 - i. By June 1, 2018, the University will provide an assurance to OCR that such system is being maintained and consistently utilized and that appropriate training has been provided to those employees who are authorized to use the system, and provide several examples of the University's use of such system, including a screenshot or other information reflecting that all required data fields are included.

- ii. On September 30, 2018, the University will provide OCR with a spreadsheet from the electronic database that will document all reports and complaints received by the University for the 2017-2018 academic year. The spreadsheet will include similar data fields to those provided to OCR during the investigation of the above-referenced matters. If OCR determines that the University's response to any report or complaint identified in the spreadsheet requires further review, OCR will request copies of the relevant case file(s), and the University will promptly provide the requested documents. To the extent OCR identifies any concerns regarding the information presented or any case file reviewed, OCR will schedule a meeting with the University to discuss any concerns and a proposal for corrective actions, if needed.

V. **MONITORING**

The University understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the University understands that during the monitoring of the Agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement. Upon the University's satisfaction of the commitments made under the Agreement, OCR will close the 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 sixty (60) days to cure the alleged breach.

_____/s/_____

Persis S. Drell
Provost

_____04/06/2018_____

Date