

Resolution Agreement
Chapman University
Case No. 09-15-2476

Chapman University (University), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement), in order to resolve the concerns identified by the U.S. Department of Education Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106 in the above referenced case.

I. Title IX Policy and Procedure

- A. The University will revise its Sexual Misconduct, Sex-Based/Gender Discrimination Policy and Procedure, and as necessary the Student Conduct Code, that are used to address sexual harassment and sexual assault complaints. The revised policy and procedure will address and clarify the following elements:
 - 1. Designated and reasonably prompt timeframes for major stages of the grievance process, as well as the process for extending timeframes to complete the investigation, and prompt timeframe for completion;
 - 2. Description of an informal resolution process, and how it works for sexual harassment and assault complaints and clarification that mediation cannot be used for sexual assault complaints;
 - 3. Status updates to the parties at regular intervals;
 - 4. Potential conflicts of interest, real or perceived, by those handling the procedures;
 - 5. Maintenance of documentation of investigations and process for doing so; and
 - 6. If an appeal process is provided, a description of such process for complaints against staff/faculty and third parties, as well as timeframes that would apply in consideration of appeals in general.
- B. The University will revise its policy and procedure to comply with 34 C.F.R. § 106.9.

Reporting Requirement:

By March 1, 2017, the University will provide OCR with a draft of the policy and procedure described in Section I for review and approval. Once OCR approves the revisions, the University will formally adopt them, and provide documentation to OCR that it has done so in writing.

II. Distribution of Revised Policy and Procedure

- A. Within 30 days of adopting the revised policy and procedure referred in Section I, the University will distribute the policy and procedure by including a link on the homepage of the University's website to the policy and procedure and the Title IX Coordinator's contact information and provide the same link to all staff and students through electronic mail.

- B. By May 15, 2017, the University will provide training to all staff involved in implementing provisions of its Sexual Misconduct, Sex-Based/Gender Discrimination Policy and Procedure and the Student Conduct Code, including staff in the Title IX office, Student Conduct office, and staff who serve as hearing officers on Title IX complaints. The training will review and describe new elements to the policy and procedure, including but not limited to: stated timeframes for complaint investigation, provisions to prevent potential conflict of interest, a description of how an informal resolution process works for sexual harassment and sexual assault complaints, maintenance of documentation of investigations and process for doing so, and, if the University decides to provide one, the appeal process for complaints against staff/faculty and third parties, as well as timeframes that would apply in consideration of appeals in general.

Reporting Requirements:

Within 35 days of adopting the policy and procedure referred to in Section I, the University will provide OCR with the link on the homepage to the items described in IIA and documentation that the email with such a link was sent to all staff and students.

By April 15, 2017, the University will provide OCR with a draft of its training materials and the qualifications of its proposed trainer for review and approval. Within 30 days of receiving approved, the University will provide OCR with evidence of the training under II(b), including the training materials and sign-in sheets from the training.

III. Monitoring

- A. 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 the Agreement and is in compliance with the statute(s) and regulation implementing Title IX and its implementing regulations, which were at issue in this case.
- B. The University understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with Title IX and its implementing regulations.
- C. 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.

_____/s/_____
Daniele C. Struppa, President

December 14, 2016