

Resolution Agreement
Case No. 09-17-2423
University of California Santa Barbara

Without admitting to any violation of law, in order to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the University of California Santa Barbara (the University) pursuant to Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulation, the University agrees to take the actions in this Resolution Agreement (Agreement).

I. Plan

A. The University will develop and implement a plan (the Plan) to address: 1) how to ensure that Title IX investigations will be resolved in a reasonably prompt manner, particularly in situations in which a respondent has been subject to an interim suspension; 2) ensuring that the University is tracking promptness from the date a report is received, as opposed to solely the date an investigation is initiated; 3) how the University will communicate effectively with respondents when a student has received an interim suspension but where a formal investigation has not yet been initiated; and 4) a protocol for how the University will consistently implement the provision of Section 105.08 of the University of California's Sexual Violence and Sexual Harassment policy to provide a "prompt hearing on the Interim suspension."

B. Reporting Requirements:

1. By November 01, 2018, the University will submit to OCR a draft of the Plan required by Section I.A. for OCR's review and approval. Within 30 days of OCR's approval of the Plan, the University will distribute the final Plan to all relevant staff and provide documentation to OCR that it has distributed the Plan. The University will subsequently provide OCR with documentation sufficient to demonstrate that the University has effectively implemented the Plan.
2. By August 1, 2019, the University will provide information sufficient for OCR to determine that the University is resolving Title IX allegations in a prompt manner. That information shall include, at a minimum, the date the allegation was made, the date of any interim suspension, the date recommended findings were made by the Title IX office, the date the Office of Judicial Affairs issued its final decision, and any communications with parties regarding investigations that last longer than the time period set out in University policy. This information will be provided for all Title IX allegations made from the date of this agreement through the end of the 2018-19 school year.

II. Training

A. By December 31, 2018, the University will provide training to all Title IX staff on the approved Plan described in Section I.A.

B. Reporting Requirements:

1. Within 30 days of OCR's approval of the Plan, the University will identify an individual with relevant experience to conduct the training required by Section II.A and provide the name, title, and qualifications of this individual and a copy of the agenda and training materials for OCR's review and approval.
2. Within 30 days of completing the training, the University will provide OCR a report that includes documentation that demonstrates the training occurred, including the date of the training, the name(s) of the trainer(s), sign-in sheets with participant names and titles, a list of Title IX Office staff, and a copy of the final materials used by the University in the training.

III. Monitoring

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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____
David Marshall, UCSB Executive Vice Chancellor

09/27/2018
Date