

University of Southern California
Resolution Agreement
OCR Case Number 09-18-6901

The University of Southern California (the University) has entered into this Resolution Agreement to resolve the above-referenced directed investigation by the U.S. Department of Education, Office for Civil Rights (OCR), and to ensure the University's compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1681, and its implementing regulation, 34 C.F.R. Part 106. This Resolution Agreement does not constitute an admission by the University to the factual findings and legal conclusions in OCR's written resolution letter and does not constitute an admission that the University's response to complaints or concerns of sex discrimination related to this directed investigation was not in compliance with Title IX or its implementing regulations.

- I. **Title IX Structure/Centralized Title IX Compliance:** To ensure that the University's Title IX Coordinator and the Title IX Office: (1) have the independent authority to address and respond appropriately to reports of sex discrimination; (2) support the University's Title IX compliance efforts, including its efforts to ensure that services provided to students through the Keck Medical Enterprises are compliant with Title IX; and (3) to avoid potential conflicts of interest, the University will amend its Title IX structure, to the extent the structure is not already in place, as follows:
 - A. A newly-structured Office of Equity, Equal Opportunity and Title IX (Title IX Office) will report to the newly-hired Senior Vice President for Human Resources. Under this structure, neither the Title IX Office nor the Senior Vice President for Human Resources report, either directly or indirectly, to the General Counsel.
 - B. The University will ensure that the Title IX Office has the appropriate authority to effectively coordinate the University's compliance with Title IX, and that it oversees all of the University's Title IX investigations, including but not limited to, conducting investigations and resolutions of all complaints alleging sex discrimination, regardless of whether the complaint is filed against a student, faculty, or staff. The Title IX Office and staff will be overseen by a full-time, dedicated Title IX Coordinator, who will coordinate all University efforts to comply with Title IX. The University will provide the Title IX Coordinator and the Title IX Office with the resources, training, support, and responsibility to carry out their duties, including the ability to access all reports, complaints, personnel and disciplinary records as needed, and the authority to determine and oversee the implementation of appropriate interim/supportive measures in response to Title IX reports and complaints. The University will ensure that the Title IX Office has the proper authority and independence free from undue influence or pressure from other individuals or units within the University.
 - C. The Title IX Coordinator will designate a Deputy Title IX Coordinator within the Keck Medical Enterprise. The Title IX Coordinator will also designate one or more Title IX

Office employee(s) or external professionals as the Health Care Title IX Investigator(s) to focus on possible sex discrimination by Keck Medical Enterprise employees against students and employees. The Deputy Title IX Coordinator will have an office that is visible and accessible to the main Student Health Center building (Engemann); will conduct or coordinate the Title IX trainings for employees of the Student Health Center as described in **Part VII**; will be primarily responsible for overseeing the investigation of complaints or reports of sex discrimination regarding alleged incidents at the Keck Medical Enterprises and will coordinate with the Title IX Coordinator to implement policies and to provide oversight to ensure that Keck Medical Enterprises' provision of services to students complies with Title IX, including coordination to ensure a prompt and effective response where reports or complaints potentially involve both medical standard of care and Title IX issues.

Reporting Requirement: By April 6, 2020, the University will provide OCR with a proposed implementation plan for the revisions to its Title IX structure as described in items I.A, (B), and (C) above for OCR review and approval. Within 15 calendar days of receipt of OCR's approval, the University will begin implementing the plan. Following OCR's approval, the University will provide three status reports to OCR with regard to the status of the implementation of the plan at 60-calendar day intervals.

II. Tracking of Title IX Reports/Complaints: To ensure that the Title IX Office is aware of every complaint or report of potential sex discrimination, and able to identify when multiple or repeated complaints are filed against or by the same person or department, the University will do the following:

A. Personnel Evaluation Forms/Personnel Files: To ensure that Title IX investigations and, if appropriate, violation findings are recorded in a manner to ensure institutional knowledge of the same, the University will: (1) review and revise, as needed, all evaluation forms used to measure the performance of staff, administrators, and faculty (the employee) to include information about the employee's compliance with the University's policies against sex discrimination and to record, on the employee's annual or periodic evaluations, a) any oral or written reports or complaints expressed about the employee's compliance with these policies; b) an attestation that the employee identified, reported and/or took steps to prevent sex discrimination of which they were aware during the performance review period; and c) complied with annual training requirements; and (2) review and revise, as needed, all performance evaluations of supervisors, including faculty supervisors, to ensure that they are evaluated on whether they have received and, if so, promptly forwarded all reports and complaints of possible sex discrimination to the Title IX Office. In addition, the University will require that all final Title IX letters of finding against an employee are included in the employee's personnel file and the Title IX data system (described in **Part II.C**), consistent with state and local laws and University bylaws. Remedial measures (*e.g.*, warnings, training) and sanctions taken with respect to an employee

respondent will also be required to be documented in the employee’s personnel file and the Title IX data system.

- B. Centralized Reporting Directive: The University will issue a written directive mandating the following:
- i. To ensure that the University continues to have a comprehensive process for centralized reporting and responding appropriately to notice of sex discrimination, the University will issue a statement, distributed to all its employees, that employees designated in II.B.ii below will promptly forward all Title IX reports of which it is aware to the Title IX Office.
 - ii. The University has designated faculty, teaching assistants, academic advisors, residential assistants, and staff employees (including student employees) who hold supervisory positions, as employees who are required to report possible sex discrimination of which they are on notice (including but not limited to reports made in the context of a performance evaluations or reviews) to the Title IX Office. The University will continue to maintain and publish its policies and procedures that define the conduct that designated employees must report to the Title IX Office, describe how the University will determine if the policy on reporting has been violated, and describe the consequences for violating the policy and how the University will implement and document those consequences;
 - iii. In reference to **Part II.A**, all University supervisors will promptly inform the Title IX Office after completing an employee’s performance evaluation, if the evaluation revealed that 1) an oral or written report or complaint of sex discrimination was provided to the supervisor, or 2) information arises during the performance evaluation that suggests possible sex discrimination by the employee. The failure to do so may subject the supervisor to discipline or other personnel action; and
 - iv. Within 30 business days of the directive’s issuance, all University supervisors, including faculty supervisors, and human resources staff will review personnel files and other records, if maintained separately from the primary personnel files, for current employees within their purview for past complaints or reports of sex discrimination received from January 1, 2016, to the date of this Resolution Agreement and shall inform the Title IX Office of any reports or complaints not previously reported to the Title IX Office.
- C. Accurate and Complete Title IX Recordkeeping: The Title IX Office will maintain a data system that has the capacity to search for prior or concurrent complaints or reports

involving the same respondents and/or complainants¹ and the following minimum data categories: date of initial report/complaint receipt to a designated employee; date of initial report/complaint receipt to the Title IX office; closing date; manner of resolution and reason for closing/outcome of case; date of written notification to the complainant of conclusion of initial assessment; names of complainant and respondent; interim supportive and protective measures assessed/requested/provided; date of completion of investigation report; date of written notification to the complainant and respondent of the outcome, the sanction, and the rationale for each; date of notification of appeal to the parties at the evaluation and appeal stages; decision regarding appeal, sanction, and remedies; date of the resolution of the appeal; and, date of written notification to the complainant and respondent of the outcome of the appeal. Case records in the data system shall be reviewed by the Title IX Coordinator or designee for accuracy and completeness prior to case closure and documentation of this review shall be maintained in the system.

- D. Coordination: Upon the receipt of any report or complaint against an employee, the Title IX Office will run a query, in all applicable data systems (current, former, or updated systems), for any other complaint or report received at any prior time; will contact the employee's supervisor, manager, or head of department, school, or unit to find out about any prior complaints or reports alleging Title IX violations; and as needed, will obtain the employee's performance evaluations, personnel records, and other information. Once gathered, if a determination has been made to conduct a formal investigation, the Title IX investigator will take into account the totality of all information, to the extent that it is legally relevant and material, in gathering facts to assess whether sex discrimination has occurred or is ongoing. Documentation of such an assessment shall be included in the Title IX Office case file.

Reporting Requirements: By July 15, 2020, the University will provide for OCR review and approval the revisions to the forms and process regarding performance evaluations described in Section II A. Within 30 calendar days of OCR approval, the University will notify University departments of the revisions to the evaluation forms and performance evaluations process, and within 90 calendar days of OCR approval, will provide OCR with a status of the implementation of Section II(A).

By April 6, 2020, the University will provide for OCR review and approval a draft of the written mandate described in Section II B. Within 30 calendar days of OCR approval, the University will provide OCR with documentation demonstrating that the written directive has been issued to all employees pursuant to Section II B.

By April 30, 2020, the University will provide for OCR review and approval an implementation plan for the data system and tracking described in Sections II C and D.

¹ The University's Title IX policies refer to a complainant as a Reporting Party.

By July 15, 2020, the University will provide OCR with a progress report regarding implementation of Sections II C and D.

III. OCR Review and Self-Monitoring: For three years or nine academic terms beginning with the year or term in which this Agreement is signed, the University will provide the following information to OCR:

- A. Within 60 calendar days of concluding each term, a spreadsheet listing all reports and complaints of sexual harassment/violence that are pending as of the last day of the academic term; for each report or complaint, the spreadsheet will include, at minimum, the following information: (1) a case number coded to protect individual privacy; (2) the date that the report or complaint was received by a designated employee and an indication whether the report/complaint was promptly provided to the Title IX Office; (3) the complainant and respondent category (student, staff, faculty, etc.), and for employee respondents, the office, department, school, or unit in which the employee works; (4) all interim or supportive measures requested, considered and provided; and (5) the current status of the report or complaint. After OCR's review of the spreadsheet, the University will provide OCR with all requested documents or information related to any report or complaint within 20 business days of OCR's request.
- B. Within 60 calendar days of concluding each term, a spreadsheet listing all reports and complaints of sexual harassment/violence that were closed during the academic term. In addition to the information listed above for pending cases, the spreadsheet will include: (1) 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); (2) whether the findings were appealed, and if so, the outcome of the appeal, including whether the appeal resulted in any changes to the findings; (3) the final remedies or sanctions provided and any steps taken by the University to prevent recurrence and equitably remedy any discriminatory effects, as appropriate, if a violation was found. In addition, after OCR's review of the spreadsheet, upon OCR request, the University will provide to OCR the complete investigation file, including all documentation, interview notes, correspondence, and reports, for every report or complaint of sex discrimination that was closed during the academic term.
- C. Within 90 calendar days of concluding each term, the University will identify in a self-monitoring assessment report to OCR any concerns or issues with respect to the provision of a prompt and effective response to reports and complaints of sex discrimination that may require revisions to practices or procedures or other changes or training, and also identify areas of University service or program where multiple or repeated reports or complaints are arising, along with a proposed plan and timeline for addressing the concerns or issues for OCR review and approval. If 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.

- D. Within 90 calendar days of concluding each academic year, the Title IX Coordinator will provide a written report to the President, Provost, Senior Vice President for Human Resources, Vice President, Ethics and Compliance and Chief Compliance Officer, and Chair of the Audit Committee, providing them with a summary of the written self-monitoring assessments identified in **Part III.C**. In addition, the written report will include the number of Title IX reports received during the academic year; an analysis of the type of complaints filed (i.e., sexual harassment (verbal and physical), sexual assault, retaliation and other forms of conduct prohibited by the University's Title IX policy); and for employee respondents, the office(s), department(s), and school(s) or unit(s) where the respondent is/was employed; and whether there were repeat allegations and/or findings of responsibility for certain employees, categories of employees, or employees at certain offices, departments, schools, or units. The Title IX Coordinator's report will also include proactive and preventive steps that the Title IX Office and the University will take over the next academic year to address any trends or continuing areas of concern, as well as a review of the proactive and preventive steps taken in the current or prior academic years and an assessment of their effectiveness or impact.

Reporting Requirement: Within 60 calendar days of concluding each academic term, the University will provide the spreadsheets and information to OCR identified in Section III A and B above. Within 90 calendar days of the conclusion of each academic year, the University will provide OCR with the written reports described in Section III C and D above.

- IV. Employee Review:** As part of the remedial actions in response to the findings identified in OCR's resolution letter, the University will conduct a Title IX self-assessment of current and former employees who had supervisory responsibilities over Employee 1, who were reported to have received notice, prior to Employee 1 being placed on leave in June 2016, of complaints or concerns of sex discrimination committed by Employee 1, or who were responsible for implementing the University's Title IX policy in response to concerns about Employee 1. The self-assessment will evaluate whether the current or former employee took action consistent with their role and authority, Title IX and University policies at the time, as well as whether there were any policy or practice considerations that may have impacted effective implementation. The University will determine what further remedial actions, if any, are appropriate to remedy the issues identified in this remedial self-assessment. The University will document any remedial actions taken with respect to policies, procedures, and practices, or remedial actions taken with respect to a current or former employee in the employee's or former employee's personnel file consistent with the revision to its documentation policies pursuant to **Part II.A**. The University will not be required to engage in actions that are inconsistent with its obligations under governing law related to the employment relationship and due process concerns. It is understood

that the University may have limited or no disciplinary authority over, or access to, former employees, and limited access to witnesses that may have relevant information.

The list of employees subject to review under this Part must include: all current and former employees who had supervisory responsibilities over Employee 1, and to the extent not included in the foregoing, the following former employees identified in OCR's letter of findings as: Lead Physician 1, Medical Director, Executive Director 2, Nursing Director 1, Clinic Administrator 1, Nursing/Clinical Director, Nursing Manager, Quality Manager, Senior Investigator 1, Senior Investigator 2, Title IX Coordinator 1, ED of Human Resources, ASVP of HR, VP of Student Affairs 1, VP of Student Affairs 2, ASVP of Compliance, and SVP of Administration; and, the following current employees identified in OCR's letter of findings as: Lead Physician 2, Interim Co-Medical Director, Clinic Administrator 2, and Title IX Coordinator 2. Identification of a current or former employee on this list does not constitute any pre-determination that the employee did not take appropriate action under University policy or Title IX.

Remedial actions to be considered, as warranted, include, but are not limited to, the following: revisions to policies and procedures; remedial or educational steps; written reprimand; performance improvement plan; suspension; termination; revocation of tenure; revocation of honorary and other titles; demotion; reassignment; prohibition from University facilities, programs, and activities; and/or other responsive action(s) consistent with state law.

Reporting Requirement: By July 15, 2020, the University will provide OCR documentation confirming the Title IX review, as described above, has been completed. The documentation for each current or former employee will include relevant facts, findings, and required remedial actions, if any. To the extent that the University's review includes information protected by attorney/client privilege, that information may be redacted and the University will provide OCR with a corresponding privilege log. By September 14, 2020, the University will provide OCR with documentation that the remedial actions, if any, have been taken with respect to each employee or former employee.

V. Review and Revision of Title IX Procedures: To the extent not already captured in writing, the University will review and revise the written Title IX procedures, as necessary, to ensure that the following elements are included:

A. Notice to Parties and Witnesses of Applicable Procedures: The Title IX procedures will include a provision that the Title IX Office will promptly provide written notice of the Title IX grievance procedures to all students or employees who: (1) make a report of potential sex discrimination; (2) are identified as parties to a Title IX matter (*e.g.*, complainants and respondents); and (3) who participate as witnesses in a Title IX matter. Written notice will include, as appropriate, notice of the Title IX grievance procedure, examples of interim/supportive measures that are available and the

process for assessing and obtaining them, the type of corrective actions that are available upon finding that sex discrimination has occurred, and notice of prohibition against retaliation and how to report any concerns about retaliation.

- B. Identification of Complainants: The Title IX procedures will include a provision that throughout the investigation of a Title IX matter, the Title IX investigator will be alert to whether a witness may have been impacted by the effects of the reported sex discrimination, and if so, whether the witness should be reclassified as a complainant under the Title IX grievance procedure, and therefore entitled to equitable access to process afforded to complainants and respondents.
- C. Notice of Outcome: To ensure that Title IX proceedings are equitable to both complainants and respondents, the Title IX procedures will include a written provision that the University will provide simultaneous written notice of the outcome, the sanction and the rationale for each to both parties.
- D. Written Notice Regarding Whether an Investigation Will Proceed and Appeal of Decision to Not Proceed: The Title IX procedures will include a provision that for all reports or complaints received, the Title IX Office will conduct an initial assessment of the report, and will provide written notice to the complainant at the conclusion of the initial assessment, typically within 10 business days of receiving a report, as to whether an investigation into the allegations will proceed. The Title IX procedures will include a written overview of the initial assessment process, including how the Title IX Office resolves a request for anonymity or that no investigation proceed, the determination as to the appropriate form of resolution, and whether the Title IX Office has jurisdiction over the matter or the Respondent. As part of the initial assessment, the Title IX Office may determine that a report or complaint, even if proved, would fail to constitute a Title IX violation. The Title IX procedures will also include a provision that if the Complainant requests a review of the decision to not proceed to an investigation, the Complainant may request that the determination be reviewed by the Vice President for Equity, Equal Opportunity and Title IX.
- E. Prohibition of Retaliation: The University will post a statement on the home page of its website, on the Title IX web page, and in its Notice of Nondiscrimination that Title IX prohibits retaliation against reporters of sex discrimination, including reports of sex discrimination against administrators and other employees. The statement will include assurance that the University will investigate alleged retaliation for participation in the Title IX process. The University will distribute the statement to all employees and students at the beginning of each academic year as part of the notice of the University's Title IX grievance procedures.

Reporting Requirement: By April 30, 2020, the University will provide a draft of the revised Title IX procedures for OCR's review and approval. By August 24, 2020 (the start of the academic year), the University will provide OCR with documentation that it has

adopted the revised Title IX procedures. By September 14, 2020, the University will provide OCR with documentation that it has disseminated the revised Title IX procedures, including copies of any electronic notices sent to students and employees, as well as a link to an online publication containing the revised Title IX procedures.

VI. Notice to University Community: The University will provide the following notice:

- A. Title IX Notice: The University will provide notice of nondiscrimination on the basis of sex, of the revisions to the Title IX procedures detailed in **Part V**, and of the prohibition against retaliation (collectively, “Title IX Notice”) in compliance with Title IX regulations at 34 C.F.R. § 106.71; 34 C.F.R. § 106.8(a); 34 C.F.R. § 106.9(a)(1); and 34 C.F.R. § 106.9(b). The Title IX Notice will be posted prominently on appropriate University web pages, including the University’s Title IX web page, the Keck School of Medicine web page, the Keck Medical Enterprises internal web page, the Integrated Risk Management system computer interface, and in visible locations throughout the main and health sciences campuses, including but not limited to the Student Health Centers, and will also be distributed to all employees and students at its adoption and at the beginning of each following academic year.
- B. Notice of Outcome of This Directed Investigation: The University will notify its community, including students, staff, faculty, and alumni, that OCR’s investigation of this Directed Investigation has been completed, and provide a summary of OCR’s findings and this Agreement, along with a link or information on how to access a copy of OCR’s letter of findings and this Agreement.

Reporting Requirement: By April 6, 2020, the University will provide for OCR review and approval a draft of the Title IX Notice described in Section VI A above. Within 30 calendar days of OCR’s approval of the Title IX Notice, the University will provide OCR with documentation that it has disseminated the notices.

VII. Training and Guidance

- A. On an ongoing basis, the University will continue to require all students to complete training on sexual harassment, including sexual violence. Training will be part of a comprehensive curriculum that includes, at a minimum, one in-person or online training annually. The training will address, among other topics: what constitutes possible sexual harassment and how to report it, including how to identify or report sexual harassment by employees or sexual harassment that occurs in the context of receipt of health care service; the University’s procedures for responding to reports of sexual harassment; interim and other supportive measures that are available; corrective remedies and actions available to address a finding of sex discrimination in the form of sexual harassment; and the prohibition against retaliation for making a report.

- B. In addition to mandatory training at onboarding, on a biennial basis, the University will require all employees (including all staff, faculty, administrators, and trustees) to complete training on sexual harassment, as follows:
- i. All employees will receive biennial sexual harassment training, which will include, among other topics: information on the University's Title IX policies and procedures; notice that a failure to report possible sexual harassment may result in employee sanctions and discipline; and notice that interfering with, threatening, or retaliating against students or employees who have reported possible sexual harassment is prohibited and may result in employee sanctions and discipline.
 - ii. For employees whose primary job responsibilities are in the University's Student Health Centers, the training will be annual and conducted in-person, constituting a minimum of two hours per year, and will include information that is relevant, appropriate to their job responsibilities, and specific to potential Title IX issues that can arise in the context of medical provider--patient relationship, the role and responsibility of the medical chaperones, and identification of those qualified and charged with determining medical standard of care when such issues arise in the context of a possible Title IX matter.
 - iii. For supervisory employees, in addition to the topics described above, the training will address the duty of supervisors to promptly inform the Title IX Office when they observe or receive a report or complaint of possible discrimination on the basis of sex and that failure to do so may result in discipline or other personnel action; the prohibition on supervisors addressing possible discrimination on the basis of sex internally without referring the report or complaint to the Title IX Office and that such action may result in discipline or other personnel action against the supervisor; and the duty of supervisors to document concerns, reports, or complaints of possible sex discrimination or other non-compliance with the University's policies prohibiting sex discrimination (including failure to report, failure to attend training, etc.) by employees they supervise in their performance evaluation. Supervisory employees in the Student Health Centers will receive the annual training in person, lasting a minimum of two hours, and that includes information that is relevant and specific to potential Title IX issues arising in the context of delivering medical care.
 - iv. The Title IX Coordinator and the Title IX investigators will complete an annual Title IX training that includes investigation skills, legal developments, and effective practices for Title IX investigations, policies, and practices.

Reporting Requirement: By July 15, 2020, the University will provide for OCR review and approval with draft training materials/information to be used to comply with Section VII A and B above. Within 90 calendar days of the beginning of each academic year during the course of the monitoring of this agreement, the University will provide OCR with documentation that it has implemented the training for students, staff, and employees described in Section VII(A) and (B) above.

VIII. Repair of University and Student Health Center Climate

- A. The University has taken and will continue to take steps to assess the impact of Employee 1's conduct on access to University programs and activities by current and former students, and has engaged in efforts to equitably remedy the impact on climate and the effects of discrimination in order to prevent recurrence. Those steps include: participation in the 2019 AAU Campus Climate survey, creating an Independent Women's Health Advocate position, incorporating additional patient survey questions, biannual training on safety and risk management reporting for all Student Health employees, creation and dissemination of Sensitive Health Exams booklet, hiring new physicians to ensure physician preference based on gender, enhanced background screening and training, expanded information in consent for treatment forms, adoption of a sensitive exam chaperone policy, including student representation on the Trauma Informed Care Committee and as Community Health Organizers, and providing an online opportunity for anonymous feedback, questions, concerns and complaints. The University will continue to offer an opportunity to the University community to provide input through various forums, including those that protect the confidentiality of the students, former students, and employees such as through on-line reporting, surveys, individual meetings, or other means.
- B. On an annual basis while this Agreement is in effect, the Title IX Coordinator will provide a written report to the President, Provost, and Chairman of the Board of Trustees regarding the status of the implementation of the plan, including the actions taken and an assessment of their effectiveness as well as proposals for the next academic year. The University will provide similar information to the University community in an annual letter to the community.

Reporting Requirement: By June 1, 2020, the University will provide OCR with documentation of the steps taken to date and an outline of any climate assessments and plan developed as described in Section VIIIA above. Within 10 calendar days of dissemination of the annual report and letter described in Section VIIIB above, the University will provide OCR with a copy of the report and annual letter described in VIIIB above.

IX. Individual Remedies

- A. Based on information reasonably available to the University, the University will evaluate requests for remedies related to Employee 1, excluding any requests that have been raised through the state civil litigation or resolved through the federal class action settlement. The University will provide to OCR documentation demonstrating that it has provided notice to all women who were students at the University at any time from July 1989 through June 2016 of the opportunity to participate in the federal class action litigation, which provides access to individual remedies. The University will develop a plan to notify students and former students who may have experienced sex discrimination in the form of sexual harassment engaged in by Employee 1 about any additional remedies that may be available, such as counseling, academic accommodations, and the opportunity to retake classes. The notice to current and former students may be satisfied by inclusion of information about remedies in the notice of outcome of the directed investigation required by Section VI.B of this Agreement. The University will also develop a plan to notify employees and former employees who worked with Employee 1 in the SHC that they may be entitled to appropriate remedies, such as counseling or other workplace remedies, due to sex discrimination in the form of sexual harassment engaged in by Employee 1. The University will develop a plan to evaluate appropriate remedies, and restore, if warranted and as necessary, their access to the University's programs and activities. This Agreement does not require the University to take any action in contravention of the federal class action settlement as approved by the court or any remedy that is not tied to a factual predicate to support Title IX relief.

- B. The University will make reasonable efforts to contact the individuals identified as Patients 1-9 in OCR's letter of findings, to the extent that their identities are known, and explain that it has contacted them pursuant to this Agreement. To the extent that the individuals are represented by counsel and this is known to the University, the outreach shall be to the individual's counsel of record. The nature and content of the outreach may vary based on the legal posture of each Patient in the state and federal litigation related to Employee 1. The outreach regarding individual remedies will offer to remedy any sex discrimination caused by Employee 1 that denied Patients 1-9 the ability to participate in or benefit from the University's program or activities. Where Employee 1's conduct has been found to constitute a hostile environment, the University will provide appropriate individual remedies to the individual, such as counseling, academic accommodations, and/or the opportunity to retake classes without penalty. This Agreement does not require the University to take any action in contravention of the federal class action settlement as approved by the court or any remedy that is not tied to a factual predicate to support Title IX relief.

- C. The University will provide the individual identified as Nurse Supervisor in OCR's letter of findings with access to the University's January 31, 2017 letter of findings regarding Employee 1. The identities of the parties and witnesses may be redacted in accordance with FERPA. In addition, the University will make reasonable efforts to contact the Nurse Supervisor and explain that it has contacted her pursuant to this

Agreement and offer to complete an investigation of her complaint that she was subjected to retaliation for reporting sexual harassment of students by Employee 1. If the individual consents to such an investigation, the Title IX Office will conduct a prompt and effective investigation of her complaint consistent with its Title IX policies and procedures. If retaliation is found to have occurred, the University will provide appropriate remedies to the individual.

Reporting Requirements: By June 1, 2020, the University will provide OCR with copies of the plans described in Section IX(A) above. By July 15, 2020, the University will provide OCR with copies of all communications with students, former students, employees and former employees with regard to Section IX(A) and to Patients 1-9, including the rationale for the nature and content of outreach to each individual, with regard to Section IX(B) above. As appropriate, the University will provide copies of documents showing the measures the University took to equitably remedy sexual harassment or retaliation and prevent its recurrence regarding the individuals referenced in Section IX(B) and (C) above.

General Requirements

The University understands that, by signing this Agreement, it agrees to provide the foregoing 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, if necessary, 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 at 34 C.F.R. §§ 106.8 and 106.31. OCR will monitor the University's compliance with the terms of this Agreement for a period of three years, commencing on the date the University executes the Agreement, and upon completion of the obligations under this Agreement, OCR will 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 this Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University's representatives below.

For University of Southern California:

By: /s/
Carol Folt
President

By: /s/
Rick J. Caruso
Chair, Board of Trustees

Date: 2/21/20

Date: 2/21/20

For Office for Civil Rights:

By: /s/
Anamaria Loya
Acting Regional Director

Date: 2/21/20