

VOLUNTARY RESOLUTION AGREEMENT

University of Montana Missoula
OCR Reference No. 10182006

I. INTRODUCTION

The University of Montana Missoula (University) enters into this agreement to resolve the allegations in a complaint (Reference No. 10182006) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX).

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10182006.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10182006 based upon the University's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. The University understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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.
- D. The University understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the University understands that during the monitoring of this agreement, OCR may visit the University's campus, 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 the regulation implementing Title IX, at 34 C.F.R. § 106.31, which was at issue in this case.
- E. The University understands that OCR will not close the monitoring of this agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX at 34 C.F.R. § 106.31.

RESOLUTION PROVISIONS

A. Review of Reports

1. Using its case review process, the University will review the processing of the reports of sexual assault and retaliation that were the subject of this complaint. The review will not revisit findings, determinations, or sanctions but rather will assess whether the processing of the cases was comparable and effective for all parties involved.
2. If the University identified any issues related to the comparability and effectiveness of the process for the parties, the University will determine if there remain actions that still may be available for the affected parties that may address any issues of comparability and effectiveness that may have been identified to stop any ongoing discrimination, prevent it from occurring again, and to the extent possible, remedy harm done. Appropriate remedies may include, but are not limited to, an offer by the University to speak with the affected parties about their experience in an effort to understand and learn from that experience and/or an explanation to the affected parties of additional actions the University identifies as improving its process.
3. The University will consider whether the additional or different actions that were identified in its review under Section III.A.1 require that the University take additional action beyond that contemplated in Section III.A.2 to ensure that the University's process is prompt and effective. Such action may include providing University employees with additional guidance or revising the University's existing policies, procedures, or guidelines.

Reporting Requirements:

4. By April 30, 2018, the University will complete the review described in Section III.A.1 and submit a report identifying the steps undertaken in its review of the underlying reports of sexual assault and retaliation and whether additional or different actions could be taken in the future to ensure an equitable, prompt and effective process for all parties. If OCR determines that the review or resulting report was insufficient, OCR will provide the University with a response identifying what steps need to be taken to ensure the review is completed in a manner that satisfies the requirements of III.A.1. OCR will provide the University an opportunity to discuss the scope of OCR's required additional steps. The University will resubmit the report to OCR within 21 days of receiving OCR's notice of the required additional steps, for OCR's approval. The University and OCR will repeat this procedure until OCR approves the review and the University's determination about any deficiencies.
5. By May 14, 2018, if the University has identified additional or different actions that could have been taken or could be taken in the future by the University in its

response to the reports of sexual assault and retaliation, the University will submit a plan identifying what remedial actions it will take, if any, for the affected party or parties pursuant to Section III.A.2. OCR will notify the University if OCR determines that the University should take different or additional actions, and/or provide any different or further remedies or notifications. The University will resubmit the plan to OCR within 21 days of receiving OCR's notice of the required actions, for OCR's approval. The University and OCR will repeat this procedure until OCR approves the University's plan. The University will issue its response to the parties within 45 calendar days of receipt of OCR's approval of the proposed responses.

6. By May 14, 2018, the University will submit to OCR a plan regarding the actions it will take as described in Section III.A.3 above and a timeframe for when those actions will be completed. OCR will notify the University if OCR determines that the additional action beyond that contemplated in Section III.A.2 to ensure that the University's process is prompt and effective such as providing University employees with additional guidance or revising the University's existing policies, procedures, or guidelines was insufficient. If OCR determines that the identified actions or the plan was insufficient, OCR will provide the University with a response identifying what steps need to be taken to ensure the actions are completed in a manner that satisfies the requirements of III.A.3. OCR will provide the University an opportunity to discuss the scope of OCR's required additional steps. The University will resubmit the plan to OCR within 21 days of receiving OCR's notice of the required additional steps, for OCR's approval. The University and OCR will repeat this procedure until OCR approves the plan.
7. Within 30 days after the last action is taken pursuant to Section III.A.3 above, the University will provide OCR with a report regarding the implementation of all actions it has taken pursuant to this section. The report will include, at a minimum, the action taken and the date it was taken.

B. Notice and/or Training

1. The University will provide training to all Office of Equal Opportunity and Affirmative Action employees regarding the University's obligation to provide a prompt and effective process with respect to reports and complaints of sexual harassment, including sexual assault, and best practices for responding to reports of retaliation. This training will include, at a minimum, information about comparable and effective methods of communicating with and providing information to parties and any other appropriate guidance identified by the University's review pursuant to Section III.A.
2. The University will provide notice and/or training to all applicable University employees regarding the actions the University took with respect to Section III.A.3, above.

