

**RESOLUTION AGREEMENT**  
**Washington State University**  
**OCR Reference Nos. 10122142, 10152153, and 10182046**

Without admitting any violation of law, Washington State University (University) agrees to implement this Resolution Agreement (Agreement) to voluntarily resolve three complaints (Reference Nos. 10122142, 10152153, and 10182046) 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. The Agreement includes terms that resolve issues for which OCR identified violations under Section 303(b) of OCR's *Case Processing Manual* (CPM). The Agreement also includes terms that the University has entered into and agreed to in order to resolve issues that were not fully investigated prior to the conclusion of the investigations in accordance with Section 302 of the CPM.

OCR recognizes that during the course of the investigations, the University implemented a number of policies, procedures, and practices to improve its response to complaints of alleged sex discrimination, including sexual violence and sexual harassment, and that the University has been proactive in its work on the issue of sexual assault on campus. The University has worked cooperatively with OCR over the course of the investigations.

**I. Title IX Sexual Harassment Procedure**

A. Action Items

1. The University will clarify its procedures regarding sexual harassment,<sup>1</sup> including its procedure entitled "Procedural Guidelines for Responding to Allegations Implicating WSU EP 15" (Procedure), to ensure it is clear that certain rights and obligations apply to both complainants and respondents. The clarifications will include:
  - a) That complainants and respondents may both present witnesses and evidence. Although this is stated in the University's template notification letter to respondents as well as in its Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct (Executive Policy 15), it must be more clearly communicated in the Procedure;
  - b) That input from both complainants and respondents will be requested and considered when determining the appropriate resolution path;
  - c) That the University will provide information to complainants and respondents equally regarding its prohibition against retaliation. Although it is clear in Executive Policy 15 and in the University's template notification letter to respondents that the prohibition applies to both parties, this prohibition must be more clearly communicated in the Procedure; and
  - d) Clarification that individualized and appropriate interim measures are available to both complainants and respondents and will be considered and implemented based on the information available to the University.

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<sup>1</sup> Sexual harassment includes sexual violence.

2. The University will submit the revised Procedure to OCR for review and approval. Upon OCR's approval, the University will adopt and implement the Procedure.
3. The University will ensure that outdated procedures are removed from and not available anywhere on the University's website to the extent practicable, and that all references to them have been removed from current University publications.
4. The University will ensure that notice is provided to students and employees of clarifications to the Procedure and that these materials are widely distributed in accordance with Section II.A.2. below.

B. Reporting Requirement: Within 45 days of the University President's signature on this Agreement, the University will provide OCR a copy of its draft Procedure, revised pursuant to Section I.A.1. of the Agreement, for OCR's review and approval. If OCR requires any changes to the draft Procedure, the University will make the changes and re-submit the draft Procedure within 20 days of receiving OCR's required changes. OCR and the University will repeat this procedure until OCR approves the revised Procedure.

## **II. Notice of University Title IX Policy and Procedure**

### **A. Action Items**

1. Within 60 days of receiving written notification from OCR of its approval of the Procedure clarified in accordance with Section I.A., and annually thereafter, the University will amend its current regular notifications, as needed, to ensure all employees and students are notified of the following:
  - a) The University prohibits sex discrimination (including sexual harassment and sexual violence);
  - b) The University has a policy and procedure to address sexual harassment and where to find it;
  - c) How and where to file complaints of sexual harassment;
  - d) Retaliation against complainants, witnesses, and others involved in Title IX reports, complaints, or investigations is prohibited;
  - e) Sanctions will be imposed for violation of the prohibitions against sexual harassment and retaliation;
  - f) The prohibition against sexual harassment and retaliation extends to individual students and advisors acting on behalf of student organizations at the University; and
  - g) Resources are available, including interim measures, during an investigation.
2. The first of the above annual notifications also will include notice that the Procedure has been clarified in the areas set forth in Section I.A.
3. The notice issued under Section II.A1., above, will also be sent to advisors and

officers of record for student organizations whether on or off campus, including fraternities and sororities, along with notice that the Procedure has been clarified in the areas set forth in Section I.A. A cover letter will be included, addressed to the organizations, that provides the organizations with a contact person for any questions that might arise regarding Title IX sexual harassment or retaliation, and the opportunity for the organization to request in-person training from the University's Title IX Coordinator.

- B. Reporting Requirement: Within 60 days of receiving written notification from OCR of its approval of the clarified Procedure, and by October 1 of 2019 and 2020, the University will provide documentation to OCR demonstrating implementation of Sections II.A.1., 2. and 3., including a copy of the notice(s).

### **III. Training**

- A. Action Item: The University will provide a refresher training on the Procedure, which will include the clarifications set forth in Section I.A. Specifically, the University will modify its existing training, if needed, to ensure it includes a discussion of the University's obligations under Title IX to: take immediate and appropriate steps to investigate allegations of sexual harassment about which it has notice; take prompt and effective steps to end any harassment, eliminate a hostile environment if one has been created, and prevent recurrence of harassment; remedy the effects of harassment on the individual student or students who were harassed if the University's action or inaction contributed to the hostile environment; and ensure that all rights and responsibilities under the Procedure are applied equitably to both the complaining and responding parties. The training will be provided to the following staff members: (1) all Title IX deputy coordinators and campus liaisons, (2) all Office for Equal Opportunity investigators, (3) all student conduct officers, (4) all presiding officers, student conduct board members, and appeals board members who participate in adjudications of matters implicating Title IX, and (5) any other appropriate staff as identified by the University's Title IX Coordinator.

#### **B. Reporting Requirements**

1. Within 90 days of OCR's approval of the clarified Procedure, the University will provide OCR with a draft of the proposed training materials for review and approval, along with the name(s), title(s) and qualification(s) of the proposed trainer(s) for review and approval.
2. Within 60 days of receiving OCR's approval of the proposed training, the University will conduct the training and within 30 days of conducting the training, the University will provide OCR with documentation which will include, at a minimum, the dates of the training and a copy of any materials presented or distributed during the training. Additionally, the University will provide a list of the names and position titles of each individual who received the training, along with a list of persons who are involved in

the investigation and resolution of Title IX complaints and have yet to be trained, and a plan for make-up training.

#### **IV. Timely Processing of Complaints**

##### **A. Action Items**

1. The University will review its current resources and processes for responding to Title IX sexual harassment complaints and reports in order to evaluate whether it has sufficient resources and processes in place to ensure that the processing of Title IX sexual harassment complaints and reports occurs in a timely manner, consistent with the University's Procedure and applicable Title IX regulations. The review will include, but not be limited to, a review of the staffing and workload for all employees who are directly involved in receiving, investigating, resolving, and, when necessary, imposing sanctions regarding complaints and reports of sexual harassment.
2. Based upon the review conducted pursuant to Section IV.A.1., above, if the University identifies deficiencies in resources or processes impacting timely responses to complaints and reports of sexual harassment, the University will develop and submit to OCR for review and approval, a proposed action plan that details specific steps the University will take to address the deficiencies. The action plan will include a timeline for the implementation and completion of the action plan. Upon OCR's approval, the University will implement the plan.

##### **B. Reporting Requirements**

1. By January 31, 2019, the University will provide OCR with a report that contains a written summary of the information gathered and considered during the review, and a copy of any materials or reports developed as a part of the review conducted pursuant to Section IV.A.1., above. The report will include the names and position titles of the persons who conducted the review.
2. By January 31, 2019, the University will submit to OCR for its review and approval, either a copy of a proposed action plan developed pursuant to Section IV.A.2., above, or a written explanation supporting a University determination that there are no deficiencies requiring an action plan. If OCR requires revisions to a proposed action plan, the University will re-submit a revised action plan to OCR within 30 calendar days of receiving notice of the revisions required by OCR. OCR and the University will follow the same process until OCR approves the action plan.
3. Within 180 days of receiving OCR's approval of the action plan, if one is determined necessary, and every 180 calendar days thereafter until completion, the University will report to OCR the steps completed under its action plan.

**V. Recordkeeping and Future Reports**

A. Action Item: The University will review and, if necessary, revise its centralized record keeping system for documenting, reviewing, and examining complaints, reports, investigations, interim measures, and resolutions of student, employee, and third party conduct that may constitute sexual harassment to ensure that such reports are adequately, reliably, promptly, and impartially investigated and resolved. The University will continue to maintain a recordkeeping system whereby the Title IX Coordinator or her or his designee enter into an electronic, confidential database or other system the following fields of information: the date and nature of the complaint or other report (bystander or responsible employee report); the name of the complainant and/or affected party or that the report was anonymous; the location and date of the alleged conduct; the name of the person(s) who received, made or forwarded a report; the name(s) of the respondent; the name(s) of the person(s) assigned to investigate the report; any interim measures taken, and any disciplinary charges issued; the date and a summary of the investigative findings; the date and a summary of the outcome of any appeal; and a summary of the final remedial and disciplinary actions taken, if any.

B. Reporting Requirements

1. Within 45 days of the University President's signature on this Agreement, the University will provide a detailed description of its system for documenting sexual harassment reports described in Section V.A. to OCR for review and approval. If OCR requires changes to the system, the University will re-submit its description of the system within 30 days of receiving OCR's notice of required changes. OCR and the University will follow the same process until OCR approves the system.
2. Within 60 days of OCR approval of the system, the University will make changes, if any, to its existing system as needed to comply with OCR's notice of required changes.
3. Until such time as OCR closes the monitoring of this Agreement, within 30 days of the end of each six month period (ending on June 30 and December 31 of each calendar year), the University will provide OCR with a list of all reports, including all fields of information, entered into the electronic database described in Section V.A. for the preceding six month period.

**VI. Individual Remedy for Complainant in OCR Reference No. 10152153**

A. Action Item: Without admitting liability or any violation of law, the University shall send a letter via e-mail to the complainant in this case, expressing its regret for the length of time the University took to resolve the matter.

B. Reporting Requirement: Within 45 days of the University President's signature on this Agreement, the University will provide OCR with a copy of the e-mail sent to the

complainant.

**VII. Individual Remedy for Complainant in OCR Reference No. 10182046**

- A. Action Item: Without admitting liability or any violation of law, the University shall send a letter via e-mail to the complainant in this case, expressing its regret for the length of time the University took to resolve the matter.
- B. Reporting Requirement: Within 45 days of the University President’s signature on this Agreement, the University will provide OCR with a copy of the e-mail sent to the complainant.

**VIII. Monitoring: General Principles**

The University understands that OCR will not close the monitoring of this Agreement until such time that 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. §§ 106.8, 106.9, and 106.31, which were at issue in these cases. The University also understands that by signing this Agreement, it agrees to provide data and other 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, 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 the regulations implementing Title IX, at 34 C.F.R. §§ 106.8, 106.9, and 106.31. In addition, the University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including to enforce this Agreement, OCR shall give the University written notice of the alleged breach and sixty (60) days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the President or his designee below.

**Washington State University**

Signed:

/s/

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Kirk Schulz  
President  
Washington State University

June 22, 2018

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DATE