

RESOLUTION AGREEMENT
University of North Carolina at Chapel Hill
OCR Complaint No. 11-13-2051

Without admitting to any violation of law, The University of North Carolina at Chapel Hill (the University) agrees to implement this Resolution Agreement (the Agreement) in the above-referenced complaint 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 at 34 C.F.R. Part 106. The Agreement includes terms that resolve an allegation under Section 303(b) of OCR's *Case Processing Manual* (CPM). The Agreement also includes terms to resolve an allegation that was not fully investigated prior to the conclusion of the investigation in accordance with Section 302 of the CPM. OCR appreciates the University's cooperation during the investigation and resolution of this complaint.

During the course of its investigation, OCR recognizes that the University has been proactive regarding its efforts to maintain a campus environment free from discrimination, harassment, and related misconduct, including sexual violence and sexual assault, including through strengthening its Title IX response policies, procedures, resources, and outreach.

Action Item A: Title IX Policies and Grievance Procedures

The University will continue to review its Title IX policies and grievance procedures with the assistance of the Title IX Coordinator, and will consider consolidating its policies and procedures into one document. The University will ensure that the procedures addressing complaints of sex discrimination (including sexual harassment and sexual violence) do not unnecessarily overlap with its other policies and procedures, are clear and easily understood and provide for the prompt and equitable resolution of student, employee, and third party complaints/reports alleging sex discrimination (including sexual harassment and sexual violence) filed against students, employees, and third parties. The University will ensure that all documents are internally consistent with respect to defined terms, reporting options, timelines, and investigation and appeal procedures, and that they do not contain any conflicting/contradictory information. The University may choose to add cross-references or links between documents and/or it may decide to delete some documents.

1. The University will review and, if necessary, revise its Title IX policies and grievance procedures to ensure they include, at a minimum, the following:
 - a. Notification to students, employees, and third parties about the policy and procedure that shall be utilized for complaints/reports of sex discrimination or sexual harassment/violence when filed by or against any member of the aforementioned groups, and clear and consistent explanations in all documents of the specific University policy and/or procedure that applies to each type of complaint/report investigation and of the scope of coverage.
 - b. A statement that to the extent permissible and consistent with FERPA, both/all parties will receive equitable written, concurrent notice of the completion and/or outcome of all stages of the grievance process, including but not limited to the investigation, adjudication and appeal phases.

- c. A statement to provide a description of the informal resolution process, including a reasonably prompt timeframe, factoring in the complexity of the matter and the severity and extent of the alleged harassment, and a statement that the process is voluntary and that the parties have a right to proceed to the formal resolution process at any time.
- d. Clarification that a Dean, Director or Department Chair may not reject investigative findings and recommendations of corrective actions in complaints against employees, to avoid conflict of interests and biases in the adjudicatory process and to prevent institutional interests from interfering with the impartiality of the adjudication.
- e. A statement or links to descriptions of appeal procedures available to both/all parties involving complaints against employees.

Reporting Requirements:

1. By November 1, 2018, the University will provide to OCR, for review and approval, its revised Title IX policies and grievance procedures developed in accordance with Action Item A above.
2. By the beginning of the Spring 2019 academic semester, or within 45 days of written notification from OCR of its approval of the revised grievance procedures, whichever is later, the University will provide documentation to OCR demonstrating that the revised procedures were adopted and implemented and that all faculty, staff and students were provided with written notice regarding the grievance procedures for resolving Title IX complaints/reports together with information on how to obtain a copy of the grievance procedures. The University, at a minimum, will publish this notification on the University's website; through email messages to faculty, staff, and students; and through any regularly issued newsletters (in print or online), or by any other means of notification the University deems effective to ensure that the information is widely disseminated and easily located. The University will also provide to OCR copies of or a link to its revised student handbooks, employee/faculty/staff handbooks, student codes of conduct, and any other publications that contain the procedures, and a link to its webpage where the revised Title IX procedures are otherwise located.
3. Once the University adopts the revised policies and procedures specified herein, the University will not substantially modify them during the period of the Agreement without the review and approval of OCR. All requests to modify such policies and procedures must be made in writing at least 90 days before the University proposes to adopt the modification.

Action Item B: Documenting Title IX Complaints/Reports

The University will continue to maintain and implement a confidential and centralized case management procedure or system for the maintenance of material records related to each incident or complaint/report of discrimination on the basis of sex (including sexual harassment and sexual

violence) received by the University, whether formal or informal, written or verbal.¹ The University will provide OCR with the name of the individual(s) responsible for collecting, maintaining, and reviewing these records, as well as the location where such records will be retained.

Under its procedure or system, the University will continue to maintain at a minimum, the following:

Documentation of the date and nature of the complaint or other report (e.g., impacted party, bystander or responsible employee report); the name of the complainant or indication that the report was anonymous; the location and date of the alleged conduct; identification of the alleged complainant/victim and the alleged respondent/perpetrator; whether the reporter/complainant made any request for confidentiality; an explanation of how the University balanced a request for confidentiality with the University's Title IX obligations to ensure campus safety; the name of the person(s) who received the complaint or made the report; the name(s) of the person(s) assigned to investigate the complaint, provide any interim measures, and bring disciplinary charges (where relevant); and any interim measures provided to the complainant, respondent, or for the University community. Documentation regarding any investigation, including witnesses interviewed, documents reviewed, and other information considered and related to the investigation, to include all relevant dates; final disposition of the complaint, including the date and basis for the disposition; standard of evidence used; corrective actions or disciplinary measures, if issued; records of any appeals; the date(s) and written notice to the parties of any decisions, including any appeals; and the date(s) of status updates provided to the parties during the pendency of the investigation.

Reporting Requirements:

1. By October 1, 2018, the University will provide to OCR for review and approval the above-referenced procedure. OCR will review the sufficiency of the procedure to ensure, as asserted by the University, that the University maintains, at a minimum, the elements identified in Action Item B above.
2. Within 45 days of OCR's approval of the procedure, the University will provide to OCR an assurance that such system is being maintained and consistently utilized; that appropriate training has been provided to those employees who are authorized to use the system; and provide several examples of the University's use of such system, including a screenshot or other information reflecting that all required elements of a material record, as set forth above, are included.

¹ A material record is one that is or reflects a substantive step in all of these phases of the process and includes, but is not limited to, information regarding: the complainant, the respondent, and witnesses; any statements or other evidence submitted or collected; interview notes; material correspondence relating to the investigation; corrective actions or disciplinary measures, if issued; cross-references to any prior University findings of sexual harassment and/or sexual violence, including any sanctions issued; records of findings and outcomes communicated to the parties; and records of any appeals.

3. For academic year 2018-2019, by December 31, 2018, and again on September 1, 2019, the University will submit to OCR for its review a spreadsheet from the electronic database documenting all complaints/reports involving students that it received/obtained that allege sexual harassment and sexual violence for the 2018-2019 academic year. The spreadsheet will reflect the information, documentation, and evidence, as described in Action Item B above. If the spreadsheet the University submits contains any complaints/reports that are not yet complete, the University will flag those complaints/reports as incomplete and will re-submit a spreadsheet providing the information listed above regarding those complaints/reports after they are completed. OCR may request a copy of the complete file for each complaint/report at a later date. To the extent OCR identifies any concerns regarding the information presented, OCR will schedule a meeting with the University to discuss any concerns and a proposal for corrective actions, if needed.

Action Item C: Title IX Training and Professional Development

1. The University will continue its existing comprehensive training program for all University students and employees, and (in consultation with the Title IX Coordinator) will augment that training with information about the revised policies and procedures, as developed in accordance with Action Item A.
2. In addition, the University will augment (in consultation with the Title IX Coordinator) its existing training program for:
 - a. Responsible Employees who are directly involved in receiving complaints/reports of sex discrimination, including sexual harassment and sexual violence. The training will include, but is not limited to the following:
 - i. The protocol for handling Title IX reports, including an explanation of the duty of responsible employees to share information with the Title IX Coordinator; and
 - ii. A written assessment requiring participants to demonstrate that they have learned the material in the Title IX training.
 - b. University employees who are directly involved in receiving, investigating, and/or resolving complaints/reports of sex discrimination, including sexual harassment and sexual violence, or who will otherwise assist in the coordination of the University's compliance with Title IX, including investigators, responsible employees, campus police, Equal Opportunity and Compliance Office personnel. The training will include, but is not limited to the following:
 - i. The protocol for handling Title IX reports, including an explanation of the duty of responsible employees to share information with the Title IX Coordinator;
 - ii. For employees involved in the Initial Assessment of reports, information clarifying the protocol to be used in conducting an Initial Assessment, including the scope of inquiry and decision-making; and
 - iii. A written assessment requiring participants to demonstrate that they have learned the material in the Title IX training.

Reporting Requirements:

1. By April 1, 2019, the University will provide OCR with verification that the training program(s) for all University students and employees includes information about the revised policies and procedures developed in accordance with Action Item A.
2. By April 1, 2019, the University will provide OCR with a draft of the proposed employee training materials and the name and title of the individual(s) to provide the training described in Action Item C(2) for review and approval.
3. The University will implement the employee training as outlined in Action Item C(2) within 60 days of OCR review and approval and provide documentation that the training has been provided, including: a copy of the training materials, dates(s), the name and contact information of the individual(s) who conducted the training, and the sign-in sheet identifying the name and position of each individual who received the training, along with a list of University employees within 15 days of completion.

Monitoring: General Principles

The University understands that OCR will review the University’s revised Title IX policies and grievance procedures, its case management system procedure, and its comprehensive training program (as described in Action Items A, B, and C above) to ensure that, in their entirety, they comply with Title IX.

The University 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, 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. Upon completion of the obligations under this Agreement, OCR will close this complaint.

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 will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Date

Dr. Carol L. Folt
Chancellor
University of North Carolina at Chapel Hill