

**Resolution Agreement  
Mars Hill University  
OCR Complaint No. 11-14-2282**

Mars Hill University (the University) agrees to fully implement this resolution agreement (the Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-2282 (the Complaint). This Agreement does not constitute an admission by the University of a violation of Title IX of the Education Amendments of 1972 (Title IX) or any other law enforced by OCR.

**Action Item: Policies and Procedures**

1. By January 30, 2015, in order to ensure that the University's Title IX grievance policy and procedures provide for the prompt and equitable resolution of complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence) filed by students, faculty, and other employees, it will modify its policy and procedures to include:
  - provisions ensuring that the parties are afforded similar and timely access to any information used at the Review Board hearing;
  - clarification that any informal resolution mechanism set forth in the procedures will only be used if the parties voluntarily agree to do so and that the parties must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process;
  - a statement that the preponderance of the evidence standard will be used for investigating alleged sex discrimination and sexual harassment complaints;
  - a statement making grievants aware of their right to simultaneously file a Title IX complaint with the University and a criminal complaint with a local law enforcement agency;
  - a statement that the parties will be notified on a regular basis of the status of the University's investigation and adjudication into their Title IX grievance; and
  - an assurance that the grievant's prior relationship history with anyone other than the alleged perpetrator should not be considered during the investigation or adjudication of his or her Title IX complaint.

**Reporting Requirements**

- a) By February 6, 2015, the University will provide its revised grievance procedures to OCR for review and approval.
- b) Within thirty (30) days of the University's receipt of OCR's approved revised grievance procedures, the University will provide OCR with documentation to substantiate that it has formally adopted the OCR-approved revised procedures; updated its printed publications and on-line publications with the revised procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the revised grievance procedures to students, faculty, and other employees. This documentation will include at a minimum (i) printouts or a link to all on-line publications containing the revised grievance procedures; (ii) evidence of the electronic dissemination of the revised grievance procedures to students, faculty, and employees; and (iii) if not yet finalized, copies of inserts for printed publications.

- c) By September 4, 2015, the University will provide to OCR copies of the printed versions of all publications disseminated to students and employees containing the revised grievance procedures.

**Action Item: Training**

- 2. By May 29, 2015, and annually thereafter, the University will provide training to its Title IX Coordinator, all Grievance Administrators or other Title IX investigators, all members of the Review Board, and any other University official who will be involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence), or who will otherwise coordinate the University's compliance with Title IX. The University's training will cover the University's revised grievance procedures (pursuant to Action Item 1) for Title IX complaints and will provide attendees with instruction on recognizing and appropriately addressing allegations and complaints pursuant to Title IX. The training will include information concerning what constitutes sex discrimination (with an emphasis on the appropriate definition of sexual harassment, including that an individual need not intend to harass an individual for the conduct to constitute sexual harassment) and the University's responsibilities under Title IX to address allegations of sex discrimination/harassment.

**Reporting Requirements**

- a) By February 27, 2015, the University will provide OCR with its draft training materials (including presentation materials and trainer identification and credentials) for review and approval.
- b) By May 29, 2015, the University will provide documentation demonstrating that it provided the initial training in accordance with Action Item 2 above. The documentation will include, at a minimum, the date(s) and time(s) of the training(s) and the names of staff in attendance.

**Action Items: Hostile Environment Determination**

- 3. By January 16, 2015, the University will notify the Complainant in writing that it is reviewing its determination regarding whether a sexually hostile environment existed while the Student XXXX.

**Reporting Requirement:** By January 21, 2015, the University will provide OCR documentation of the notice to the Complainant required by Action Item 3.

- 4. By March 20, 2015:
  - a. The University will appoint a neutral party to conduct a prompt and equitable review of the findings of the initial Grievance Administrator's investigation into the Student's complaint applying the proper legal standard of sexual harassment/hostile environment. If necessary, the investigator will interview new witnesses and/or re-interview witnesses from the first investigation. Any and all investigatory steps will be documented. In

addition to using the appropriate legal definition of sexual harassment, the investigation will take into account the following: that a variety of factors should be examined to determine if a sexually hostile environment was created and that the conduct in question should be viewed from both an objective and subjective perspective; the more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment; the University has notice of harassment if a responsible employee actually knew or, in the exercise of reasonable care, should have known about the harassment; and if the University delayed in responding to allegations of sexual harassment or responds inappropriately, its own action may subject the student to a hostile environment;

- b. The University will conduct a climate assessment of the Mars Hill XXXX, such as through the development and administration of a climate survey, to assess whether, in fact, a sexually hostile environment currently exists XXX; and
- c. In accordance with the timelines specified below, the University will take appropriate steps to address any finding of hostile environment on XXXX, including those described below.

### **Reporting Requirements**

- a) By February 6, 2015, the University will provide OCR with a detailed description of how it intends to conduct the climate assessment, including (if applicable) its draft climate survey, for review and approval.
- b) By March 20, 2015, the University will conduct the climate assessment of XXXX and will provide OCR a summary of the results and a description of the steps it will take in response to the results for OCR's review and approval.
- c) By March 20, 2015, the University will provide OCR with a copy of the investigative steps taken and the conclusions made by the neutral party appointed to conduct the review of the initial Grievance Administrator's findings as described in Action Item 4a.
- d) If either the investigation or the climate assessment indicates that a hostile environment exists, the University will, in accordance with the timelines specified below:
  - i. Assess whether actions need to be taken to address the impact of the hostile environment on XXXX;
  - ii. Provide education and training to the Mars Hill XXXX and coaches designed to increase awareness of sexual and gender-based harassment and inform them of the University's sexual harassment policies and procedures. The training will inform XXXX of the consequences of sexual and gender-based harassment, explain what they should do if they believe they or another student is being harassed based on sex and gender, and encourage them to report harassment. If applicable,

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- a. By April 10, 2015, the University will provide documentation supporting its assessment of whether actions needed to be taken to address the impact of the hostile environment on XXXX and will provide verification within fifteen (15) calendar days of each action taken.
  - b. By April 10, 2015, the University will provide OCR with its draft training materials (including presentation materials and trainer identification and credentials) for review and approval.
  - c. By May 29, 2015, the University will provide documentation demonstrating that it provided training in accordance Action Item 4 above. The documentation will include, at a minimum, the date(s) and time(s) of the training(s) and the names of students and staff in attendance;
- iii. Within five (5) business days after OCR approves the University's investigation and any proposed remedies, the University will provide written notice to the parties of the outcome of the investigation and, if appropriate, of any steps it will take to prevent the recurrence of discrimination and to correct the hostile environment created by the University;
  - iv. Within five (5) business days of the notice provided to the parties, the University will provide OCR a copy of that notice; and
  - v. To the extent that remedies were implemented in response to the investigation, the University will provide documentation verifying the actions that were taken. Documentation will be submitted to OCR within five (5) business days of each action taken.

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. §§106.8 and 106.31, which were at issue in this case. 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, if necessary, and with notice to the University, 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 and 106.31, which were at issue in 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

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administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceeding to enforce this agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

11/25/2014 \_\_\_\_\_ /s/  
Date President  
Mars Hill University