

Resolution Agreement
East Carolina University
OCR Complaint No. 11-15-2003

The University agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-2003 (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.

Written Policies and Procedures

- I. The University will revise its Title IX grievance policies and procedures to ensure that they provide for the prompt and equitable resolution of allegations of sex discrimination, including sexual harassment, gender-based harassment, and sexual violence, as required by Title IX. At a minimum, the revised policy and its procedures will include:
 - a. prompt timeframes for major stages of the investigation (including a timeframe by which the Vice Chancellor issues his/her letter informing both parties of the outcome of the investigation);
 - b. notice to all members of the University community that the grievance procedures apply to complaints of sex discrimination against third parties, including contractors and visitors, and which particular procedures apply to complaints against third parties;
 - c. an assurance that the University will take steps reasonably calculated to prevent recurrence of any sexual harassment, with examples of the range of possible disciplinary sanctions, and will remedy the effects of the harassment or a hostile environment on the victim(s) and others who may have been affected by the /harassment/hostile environment, with examples of the types of remedies available to victims and the steps the University may take beyond remedies for the victim to address a hostile environment;
 - d. An assurance that documentation of all proceedings are maintained, including any appeals;
 - e. An assurance that all students are informed at regular intervals of the status of the investigation;
 - f. A clear identification of the titles of the employees who can take confidential reports; and
 - g. A clear statement that evidence of the complainant's past sexual relationships with anyone other than the alleged perpetrator should not be permitted as part of the investigation or appeals.

REPORTING REQUIREMENT: On April 15, 2016, the University will provide drafts to OCR of all of its revised Title IX policies and procedures for OCR's review and approval.

2. The University has already adopted revised policies and procedures. The University will adopt further revised policies and procedures meeting the requirements stated in Provision I within 30 calendar days of approval from OCR or prior to the first day of

class in the regular semester immediately following OCR approval, whichever occurs later.

3. By September 1, 2016, the University will provide all students and employees with written notice regarding the revised policies and procedures required by Provision I, as well as information about how to obtain a copy of the policies and procedures. The University, at a minimum, will make this notification available through the University's website, electronic mail messages to employees and students, any regularly issued newsletters (in print or online), and any other means of notification the University can use to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: Within **10** calendar days after notice is provided to students and employees of the revised grievance procedures, the University will provide OCR with documentation that it implemented Provision 3 of this Agreement, including copies of the written notices issued to students and employees regarding the revised procedures; a description of how the notices were distributed; and a link to the website where the revised procedures are located.

4. The University will ensure that its description of the Title IX Coordinator's responsibilities and corresponding training requirements include,
 - a. Ensuring coordination for such purposes as tracking trends on any patterns or systemic problems and soliciting feedback on the efficacy of the overall response to sexual misconduct;
 - b. Reviewing and approving information provided to individuals regarding their Title IX rights and the University's grievance processes and obtaining assurance of the delivery of such information;
 - c. Conducting a semiannual review of all formal and informal Title IX complaints, misconduct, any other grievance procedures, and/or independently investigated by the University in order to identify and address any patterns or systemic problems;
 - d. Communicating with law enforcement regarding the University's obligations under Title IX and serving as a resource on these issues;
 - e. Periodically assessing the efficacy of the University's overall Title IX compliance efforts;
 - f. Ensuring that the Coordinator and any deputies will not have other responsibilities that create a conflict of interest; and
 - g. Regularly assessing and participating in activities designed to raise awareness in the University's community about sex discrimination (including sexual harassment).

If the University decides to designate these responsibilities to other departments, it will make clear the scope of the delegation and it will ensure that the Title IX Coordinator has ultimate oversight responsibility over Title IX-related policies and processes, including actual knowledge of the roles of any deputies.

REPORTING REQUIREMENT: By March 31, 2016, the University will provide OCR with documentation that it has implemented this item, including the name and title of the Title IX Coordinator or designee(s) and a copy of the job descriptions and training requirements for the positions for OCR's review and approval.

REPORTING REQUIREMENT: Within 30 days of receipt of notice of OCR's approval of the Title IX Coordinator's description, the University will provide OCR with documentation that the Title IX Coordinator and any designees have met these requirements.

Title IX Training

5. The University will provide training on its revised Title IX grievance procedures and how to respond to complaints of sexual harassment. At a minimum, the training should provide attendees with essential guidance and instruction on recognizing, appropriately addressing and reporting allegations and complaints of sex discrimination, including the differences between sex discrimination, sexual harassment, sexual assault, and sexual violence, the University's responsibilities under Title IX to address allegations of sexually inappropriate behaviors, including the availability of interim steps and confidentiality. The training participants will include all staff involved with sexual harassment complaints, including all investigators, members of the hearing board in the Level II grievance process, the Board of Trustees, the Due Process Committee, the Title IX Coordinator, any deputy coordinators, Chancellors, Vice Chancellors, and all University faculty and administrators who participate in any adjudication or review of Title IX complaint decisions.

REPORTING REQUIREMENT: By July 31, 2016, the University will provide for OCR's review and approval its proposed training materials, schedule, and the minimum qualifications of the individual who will perform training for purposes of compliance with this agreement and the name of the person scheduled to perform such training.

REPORTING REQUIREMENT: By January 15, 2017, the University will provide documentation to OCR demonstrating that training was provided and will include, at a minimum, the name(s) and credentials of the trainer(s); the date(s) and time(s) of the training(s); the type of audience and estimated number of attendees; and copies of any training materials distributed.

Individual Student Remedies

6. The University will review all complaints during the 2013-2014 and 2014-2015 school year where a student filed a sexual harassment complaint against a faculty member. For each complaint, the University will determine whether each complaint was handled consistent with the criteria set forth in Provision I above. The University will take appropriate action to address any problems identified regarding the manner in which these complaints were handled, including providing appropriate remedies that may still be available for the complainants in these cases, such as counseling or academic

adjustments, and taking steps beyond remedies for the victim to address a hostile environment.

Reporting Requirement: By June 15, 2016, the University will provide for OCR's review and approval documentation of the University's review of previous situations of students who filed a sexual harassment complaint against a faculty member for the 2013-2014 and 2014-2015 school years, including (a) the information it reviewed; (b) its determination about whether individual relief is appropriate for each student; and (c) if applicable, any proposed remedies as a result of its review. Within 30 days of receipt of notice of OCR's approval of the University's review and proposed remedies, the University will offer any approved remedies to students as appropriate.

Reporting Requirement: If applicable, within 60 days of receipt of notice of OCR's approval of proposed remedies, the University will provide to OCR documentation that it provided any approved remedies to students who accepted the remedies, as identified above.

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, 106.9, 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, 106.9 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 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 of sixty (60) calendar days to cure the alleged breach.

_____/S/_____
East Carolina University

Date: _____2/24/16_____