

RESOLUTION AGREEMENT

Howard University

OCR Case No. 11-16-2077

Howard University (the University) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-2077. This Agreement does not constitute an admission by the University of any violation of Title IX of the Education Amendments of 1972 (Title IX), Title VI of the Civil Rights Act of 1964 (Title VI) or any other law enforced by OCR. Full implementation of this Agreement by the University resolves the allegations in OCR Case No. 11-16-2077.

CORRECTIVE ACTIONS:

1. By October 27, 2016 the University must review and revise the Title IX policies and procedures to clarify the use of formal and informal investigative processes as well as the filing of formal versus informal complaints, when each is used, what each process consists of, and the potential outcomes of each. The University should also clarify that all complaints, whether formal or informal, must be investigated by the University. The policy must make clear that an informal complaint can be converted to a formal complaint by the Complainant and outline the process for the conversion. The University must remove the last sentence on page 1 of the most-recent Title IX policy (April 29, 2016). The sentence that the University will remove is as follows: “Therefore, upon learning of potential prohibited activity, the University may take action to investigate an allegation even if the alleged victim does not file a formal written complaint.”
2. By November 4, 2016, the University will disseminate to students and employees a copy of its revised procedures identified in Provision 1 above, by publishing its revised procedures on its website.
3. No later than August 30, 2017, the University will disseminate to students and employees a copy of its revised procedures by publishing them in its student handbook(s) and/or the University catalog.
4. By January 30, 2017 the University will provide in-service training to all academic deans, the Title IX Coordinator, the Employee Relations Officer/s and all ~~XXXX~~ School staff members regarding the University’s responsibilities and obligation to comply with its procedures for resolving racial harassment, sexual harassment and gender-based complaints in educational programs or activities. This training will include instruction on Title IX’s procedures to be followed in investigating and timely issuing a final determination on a complaint of sexual discrimination or harassment.
5. The University will conduct an investigation into the Complainant’s allegations of racial and sexual harassment, as outlined in OCR Complaint number 11-16-2077, within 60 days of the date the agreement is signed. This investigation will, at a minimum, include an interview of the professor who is the subject of the allegations, the Complainant, any staff that may have witnessed the alleged harassment, and any other witnesses named by

the Complainant or the subject of the investigation. The University will also review any records that would indicate when the Complainant was in the XXXX and assess any available surveillance video evidence.

REPORTING REQUIREMENTS:

1. By August 29, 2016, the University will submit for OCR's review and comment draft revised procedures under Provision 1 above. OCR will provide comments within 10 calendar days of the University's submission.
2. By October 28, 2016, the University will submit to OCR a copy of the final procedures adopted by the University.
3. By November 4, 2016, the University will submit to OCR documentation that the revised procedures have been disseminated to students and employees. By August 31, 2017, the University will submit to OCR documentation that the revised procedures have been included in the student handbook(s) and University catalog. With these submissions, the University will also provide the website or webpage address (or link), where it publicizes to students, employees, and third parties the revised procedures.
4. Within **30 days of approval of the revised procedures**, the University will provide for OCR's review and approval a schedule and training materials for providing in-service training to all academic deans, Employee Relations Officer/s, the Title IX Coordinator, and XXXX School staff regarding the University's responsibilities and obligation to comply with its procedures for resolving racial harassment, sexual harassment and gender-based complaints in educational programs or activities. OCR will provide comments within 10 calendar days of the University's submission of the proposed schedule.
5. Within 5 school days of the completion of training specified in Corrective Action Item 4, the University will submit the name(s) and title(s) of the in-service trainer(s), the date of the in-service training, the materials used, and the sign-in sheet indicating the names and titles of participants.
6. Within 14 days of the completion of the investigation, the University will provide a report to OCR, for approval concerning adequacy under Title IX and Title VI, with its investigation results and interview notes, any documents that were reviewed, and any other evidence relied upon.

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. Part 106 and Title VI, at 34 C.F.R. Part 100.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner, as listed in 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. Part 106 and Title VI, at 34 C.F.R. Part 100, 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 proceedings 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.

By: _____ /S/ _____
8/8/2016
Florence W. Prioleau
Vice President and General Counsel

Date