

**Cedarville University
Resolution Agreement
OCR Docket #15-13-2163**

Cedarville University (the University) voluntarily submits this Resolution Agreement (the Agreement) to the U.S. Department of Education's Office for Civil Rights (OCR), to ensure its compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106. This Agreement is being voluntarily submitted by the University pursuant to Section 302 of the OCR's Case Processing Manual and prior to the completion of OCR's investigation and any issuance of findings and does not constitute an admission that the University is not in compliance.

The University has embarked on the development and revision of policies specifically designed to implement the statutory requirements and relevant guidance from governmental agencies, and to develop better practices in its processes of prevention and response to these issues. To date, actions already taken by the University have included the following:

- ❖ Appointment of a Title IX Coordinator with electronic and public forum communications about the appointment and role;
- ❖ Implementation of an interim Title IX Sexual Misconduct Policy with campus wide notification of and links to the policy;
- ❖ Appointment of a task force to provide review and input on related issues and inquiries;
- ❖ Training on Title IX issues for the University community, from in depth multi-session training for individuals with specific responsibilities under the policy to numerous sessions for targeted departments or administrative groups, as well as presentations at campus wide forums;
- ❖ Retention of local and national experts to train, review and advise on both specific matters and the overall improvement of policies and procedures.

In furtherance of these efforts, the University has taken and/or agrees to take the following steps:

Title IX Coordinator

1. By June 30, 2014, the University will develop a new separate description of Title IX responsibilities and corresponding training requirements for its Title IX Coordinator and, as appropriate, any deputy coordinators. The job description and corresponding training will cover the investigation of Title IX complaints filed by faculty, staff, and students and will require the Title IX Coordinator or his/her designee(s) to oversee the University's implementation of the Agreement. If the University opts to designate additional coordinators to assist the Title IX Coordinator, it will make clear the scope of each coordinator's duties and will ensure that the Title IX Coordinator has ultimate oversight responsibility over the other coordinators, which will be clearly stated in that coordinator's description of duties and responsibilities as the Title IX Coordinator.

2. By August 22, 2014, the University will provide notification of the University's Title IX coordinator(s) and contact information for how that person can be reached, including the name or title, office address, e-mail address, and telephone number, including identification of their role, as applicable (i.e., coordinator for students, employees) consistent with the Title IX implementing regulation at 34 C.F.R. § 106.8(a). The University will provide this notice in an appropriately relevant announcement, bulletin, handbooks, or application form which it makes available to students and employees, either written or on-line, and will insert the notice on the University's website and in any on-line versions of University employee and student publications. If the University opts to designate more than one Title IX coordinator in accordance with Action Item 1, above, its publications will make clear the scope of each coordinator's responsibilities (e.g., who will handle complaints by faculty, by staff and by students) and who is the Title IX Coordinator who has ultimate oversight responsibility over the other coordinators, who will be given titles that clearly indicate that they are in a deputy or supporting role to the Title IX Coordinator.

REPORTING REQUIREMENTS: By September 30, 2014, the University will provide OCR with documentation that it has implemented Action Items 1 and 2 above, including the name and title of the Title IX Coordinator and any deputy coordinators, a copy of the job descriptions(s) and training requirements for these positions, and copies of the publications including notice of the designated Title IX Coordinator and any deputy coordinator(s).

Title IX Grievance Procedures

3. The University currently has in place the following Title IX policies and procedures: an interim Title IX Sexual Misconduct Policy, Sexual Harassment Policy contained at Section 3 of the Cedarville Personnel Policy Handbook and Primary Responsibility for Administration/Enforcement of the Sexual Harassment Policy at Section 4.5 of the Cedarville University Staff Handbook. By June 30, 2014, the University will finalize its ongoing revisions to the aforementioned interim Title IX Sexual Misconduct Policy. In addition, by September 30, 2014, the University will review the other aforementioned policies and procedures, and any other University policies that may affect its compliance with Title IX, to determine what revisions, whether collectively or individually, are necessary to ensure that any Title IX policy or procedure fully complies with the Title IX implementing regulation, OCR's 2011 Dear Colleague Letter on Sexual Violence, and provides for the prompt and equitable resolution of complaints filed by faculty, staff, and students and will revise, as necessary, any related publications to ensure that they are consistent or coordinated with one another. The University will submit its revised, or newly developed, Title IX grievance procedure(s), and any related materials, to OCR for review and approval prior to making them effective. At a minimum, the revised policy/procedure will include:
 - a. a statement that the procedures apply to complaints of any form of sex discrimination, including gender discrimination or harassment, sexual harassment and sexual assault, made against students, employees or third parties;

- b. explanation of how to file a complaint pursuant to the procedure;
- c. the name and/or title, office address, and telephone number of the individual with whom to file a complaint and clarification that this individual is responsible for ensuring that the University complies with Title IX. If the University opts to use any deputy Title IX Coordinators, it should identify all the deputy coordinators, describe their responsibilities, clearly identify those who are serving as deputy coordinators, and clearly state the name and title of the individual who has ultimate oversight responsibility as the primary Title IX Coordinator;
- d. definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment and sexual assault);
- e. the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to identify witnesses and other evidence;
- f. a statement that it is the University's responsibility to respond appropriately to any notice of possible sex-based harassment or discrimination regardless of whether a formal complaint is filed;
- g. a requirement that all persons conducting investigations have training or experience in handling complaints of sex based harassment and discrimination and in the applicable University policies and complaint procedures;
- h. explanation that, in instances where conduct of a criminal nature is involved:
 - i. the University may only be required to suspend its fact-finding process under Title IX during a law enforcement authority's initial evidence gathering process to determine if criminal charges will be prosecuted;
 - ii. upon notification from the law enforcement authority that it has completed its evidence gathering process, the University will resume its fact-finding portion of its Title IX investigation; and
 - iii. during the pendency of the initial evidence gathering by the law enforcement authority, the University is not precluded from providing witnesses and parties with information about their Title IX rights or resources for victims nor from taking such interim actions as may be necessary to ensure the safety of any victims and the University community;
- i. a statement that responsible employees have a duty to report any form of sex discrimination or sexual harassment of which they become aware;
- j. if the University chooses to include an informal mechanism for resolving complaints, notice that the informal resolution process is voluntary, that the

complainant will be informed of his/her right to end the informal resolution process at any time and access the formal grievance process, and that mediation will not be appropriate in some circumstances (e.g., sexual assault);

- k. designated and reasonably prompt timeframes for the major stages of the investigation, including any extensions of time;
 - l. explanation that the University utilizes a preponderance of the evidence standard to evaluate sex-based discrimination complaints (*i.e.*, it is more likely than not that sex-based discrimination occurred);
 - m. written notification to the parties of the outcome of the investigation;
 - n. a statement that the University will take steps to prevent recurrence of any discrimination found to have occurred, with examples of the range of possible disciplinary sanctions and steps to remedy the discriminatory effects on the victims(s) and others as appropriate, with examples of the types of remedies available to victims;
 - o. a statement that the University will provide for the availability of interim measures during the University's investigation of possible sexual harassment (such as how to obtain counseling and academic assistance in the event of a sexual assault, and what interim measures can be taken if the alleged perpetrator lives on campus and/or attends classes with the victim), and that such interim measures will not disproportionately impact the victim;
 - p. a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or otherwise participates in a complaint investigation;
4. Within 60 calendar days of written notification from OCR approving the revised Title IX grievance procedure referenced in Action Item 3 above, the University will adopt and implement the policies and procedures and will provide all students and employees with written notice regarding the revised procedure together with information on how to obtain a copy. The University, at a minimum, will make this notification through the University's website, electronic mail messages to employees and students, and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the University deems effective to ensure that the information is widely disseminated. The University will further certify that it has reviewed all of its other existing policies and procedures that cover sex discrimination and harassment and revised them, as necessary, to ensure they are consistent or coordinated in order to eliminate confusion for students, faculty, and staff.

REPORTING REQUIREMENTS: By June 30, 2014, the University will submit the revised interim Title IX Sexual Misconduct Policy, and by September 30, 2014 the other aforementioned policies and procedures referenced in Action Item 3 above. Within 60 calendar days after receiving written notification from OCR approving the revised procedures referenced in Action Item 3 above, the University will provide OCR with

documentation demonstrating its compliance with Action Item 4 above, including: copies of the notices issued to students and employees; a link to all of the revised Title IX policies and procedures on the University's website, and copies of any other additional means of notification the University uses. By January 2, 2015, and again by June 30, 2015, , the University will submit to OCR copies of all Title IX grievances filed by students, staff, and third parties pursuant to the OCR-approved Title IX grievance procedures alleging sexual harassment. The University will provide OCR with documentation related to the investigation of each complaint, such as witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, any final disposition letters, disciplinary records, and documentation regarding any appeals. OCR reserves the right to extend the time period the University is required to submit copies of Title IX grievances alleging sexual harassment if OCR identifies any compliance concerns identified in the University's responses to complaints received.

Training for Staff/Faculty and Professional Development

5. Within 90 calendar days of receipt of the OCR-approved revised Title IX policies and procedures, the University will provide its Title IX Coordinator, any designated Title IX deputy coordinators, any Title IX investigators, and any University staff, faculty, administrators or other personnel who will be directly involved in processing, investigating, and/or resolving complaints of sex discrimination (including sexual harassment and sexual assault), or who will otherwise coordinate the University's Title IX compliance, with training on the University's OCR-approved revised Title IX policies and procedures, on how to investigate a complaint of discrimination or harassment, how to remedy the discriminatory effects on the victim(s) and others as appropriate, and how to effectively prevent the recurrence of sexual harassment when it is found to have occurred.
6. Within 90 calendar days of receipt of the OCR-approved revised policies and procedures, the University will provide training, which it will thereafter conduct on an annual basis, to all University personnel on the University's revised Title IX policies and procedures. The University will require that all new employees are given the training at the time of hire. The training will address, but need not be limited to, the following: making staff aware of the existence of the Title IX policies and procedures, including providing essential guidance and instruction on recognizing and appropriately addressing allegations and complaints of sex discrimination; notifying responsible employees of their duty to report any alleged discrimination or harassment of which they become aware and where to report such allegations; and explaining the University's responsibilities under Title IX to address allegations of sex discrimination, including sexual harassment and sexual assault.

REPORTING REQUIREMENTS: Within 90 calendar days of receipt of the OCR-approved revised policies and procedures, the University will provide OCR with documentation that it has provided University personnel with the training referenced in Action Items 5 and 6, above, including the dates and duration(s) of the trainings; the

name, title and qualifications of the trainer(s); and copies of any training materials used or distributed during the trainings (e.g., outlines, handouts, power points) and sign-in sheets with the names and titles of the individuals who attended each training. The University will also provide OCR with documentation that the training has been incorporated into its training program for new employees.

Student Information Sessions

7. Within 90 calendar days of receipt of the OCR-approved revised policies and procedures, the University will offer a series of information sessions to students so that they are aware of the campus' prohibition against sex discrimination (including sexual harassment, sexual assault, and sexual violence) and how it differs from the University's purity policy; how to recognize such sex discrimination and sexual harassment when it occurs; and how and with whom to report any incidents of sex discrimination (including sexual harassment, sexual assault, and sexual violence). In addition, the sessions will cover the campus' revised grievance procedures for Title IX complaints, as well as a general overview of Title IX, the rights it confers on students, the resources available to students who believe that they have been victims of sexual harassment/assault/violence, and the existence of OCR and its authority to enforce Title IX. At least one required session will specifically address the connection between alcohol abuse and sexual harassment and sexual violence, and at least one of the sessions shall inform students that they may speak with a University counselor if they are concerned about issues of sexual harassment and/or sexual violence. These sessions may be provided as part of the existing annual student orientation for new and returning students, and existing annual residence life orientation for students residing in campus housing.

REPORTING REQUIREMENTS: Within 90 calendar days of receipt of the OCR-approved revised policies and procedures, the University will provide documentation to OCR demonstrating that training and education referenced in Action Item 7 above, was provided to students, incoming and returning, by the University, including copies of freshman and returning student orientation schedules, a description of each information session, the names, titles, and qualifications of the individuals who presented at the informational sessions, the date(s) these sessions were held, and copies of any materials that were used or distributed at each informational session. By June 30, 2015, the University will provide OCR with such documentation regarding any such training provided during the second half of the 2014-2015 academic year, and again by June 30, 2016 and June 30, 2017.

Climate Checks

8. By October 15, 2014, and again by the end of the 2014-2015 and 2015-2016, and 2016-2017 academic years, the University's Title IX Coordinator will conduct periodic assessments of campus climate to assess the effectiveness of steps taken pursuant to this Agreement, or otherwise by the campus, to provide for a campus free of sex discrimination, including sexual harassment and sexual violence. The purpose of the climate checks is to, at a minimum, assess the scope of the students' knowledge of what constitutes sex discrimination (including sexual harassment and sexual violence); any

personal or observed experiences with sex discrimination while attending the University; the student's view of the current climate at the University regarding these issues and any potentially problematic areas on campus (e.g., dormitories, athletic facilities), including whether any University policies have a chilling effect on reporting sex discrimination and sexual harassment; the students' knowledge and understanding of the University's Title IX policies and procedures and to whom to report sex discrimination (including sexual harassment and sexual violence) should they witness it or be a victim to it; and suggestions for steps the University could take to effectively address these issues. A climate check can be conducted in many ways, including but not limited to a survey distributed in-person or online, or a poll conducted in-person or online. In addition, the campus may organize an open forum information session for students and employees, and designated, publicized walk-in hours for campus community input. If the University opts to use a survey or poll, the University first will submit the survey or poll to OCR for review and approval prior to its distribution. The University will use information gathered during these climate checks to inform future proactive steps taken by the campus to provide for a safe educational environment and compliance with Title IX. Finally, part of the University's ongoing climate checks will include ensuring students know who they can report concerns about sex discrimination to, such as the Title IX Coordinator or a counselor and which sources are confidential sources and which are required to report the information to the University, as described in other provisions of this Agreement.

REPORTING REQUIREMENTS: By December 31, 2014, the University will provide OCR with documentation demonstrating implementation of Action Item 8, including a description of how, when, and by whom the climate check(s) were completed, copies of any student written responses to surveys or narrative summaries of verbal responses, summaries of other relevant information obtained, and documentation demonstrating the actions that the University plans to take in response to the information gathered during the climate checks. By June 30, 2015, the University will provide OCR with such documentation regarding periodic assessments conducted in the second half of the 2014-2015 academic year, and again by June 30, 2016 and June 30, 2017.

GENERAL REQUIREMENTS

The University understands that by signing this Agreement it agrees to provide data and other information in a timely manner. 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 Title IX and its implementing regulation at 34 C.F.R. § 106.8(a) and (b), which were at issue in this complaint.

The University understands that OCR will not close the monitoring of the Agreement until OCR determines that the University has fulfilled the terms of the Agreement and is in compliance with Title IX and its implementing regulation at 34 C.F.R. § 106.8(a) and (b).

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.

/s/ John E. Hart
University Authorized Representative

6/9/14
Date