

**University of Akron  
Resolution Agreement  
OCR Docket #15-14-2157**

The University of Akron (the University, or UA) submits this Resolution Agreement to the U.S. Department of Education's Office for Civil Rights (OCR) to resolve the above-referenced complaint and to ensure the University's 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 voluntarily submitted by the University and does not constitute an admission that the University violated Title IX or any other laws or regulations.**

**I. Designation of Title IX Coordinator(s) and Notice of Nondiscrimination**

- A. By March 30, 2018, the University will revise its notices of non-discrimination used throughout University departments/programs to ensure that it consistently meets the requirements of the regulation implementing Title IX, including listing the name, title, and contact information (telephone number, office address, and e-mail address) for its Title IX Coordinator and Deputy Title IX Coordinators and stating that inquiries concerning the application of Title IX may be referred to the pertinent Title IX Coordinator or to OCR. The notice will also contain a brief description of the responsibilities of each coordinator, consistent with past practice. The University will broadly publish its revised notice of nondiscrimination, including it on the University's website and in promotional materials, student and employee handbooks, application forms, and other published materials in accordance with 34 C.F.R. § 106.9(a). The notice may be combined with other required notices concerning non-discrimination based on sex, race, national origin, color, and age as described in that publication. The University may provide such notice in publications by referencing its nondiscrimination statement, including its Title IX Coordinator information, on its website.
- B. Within 90 calendar days of OCR's approval of the revised, consistent notice of nondiscrimination, the University will update all printed publications and online publications with the revised notice (inserts may be used pending reprinting), and electronically disseminate the revised notice to students, employees, and other University community members.

**Reporting Requirements:**

- By March 30, 2018, the University will provide OCR with a copy of its amended notice of nondiscrimination for review and approval.
- Within 90 calendar days of OCR's approval of the notice of nondiscrimination, the University will update all printed publications and online publications with the revised notice (inserts may be used pending reprinting), and electronically disseminate the revised notice to students, employees, and other University community members. The

University will provide OCR with a list of the titles of the publications in which the notice appears, as well as copies of a sampling of publications or links to online publications containing the revised notice (or, if not yet finalized, a copy of the insert for printed publications).

## **II. Title IX Policies and Grievance Procedures**

A. The University currently has policies and grievance procedures relative to Title IX compliance. By March 30, 2018, the University will develop or revise for OCR's review and approval a single set of grievance procedures it will use to ensure the prompt and equitable resolution of complaints alleging all forms of sex discrimination as required by the Title IX implementing regulation at 34 C.F.R. § 106.8(b), including, but not limited to, sexual harassment/sexual violence, gender-based discrimination, pregnancy or marital status-based discrimination, different treatment based on sex, and Title IX athletics issues. Recognizing that the University already has most of the following in its "Reporting Sexual Misconduct and Sexual Assault: Protocol for Sex-based Offenses," the University agrees that the grievance procedures will include, at a minimum:

1. notice that the procedures apply to complaints alleging all forms of sex discrimination against employees, students, and third parties by students, University personnel, or third parties, including unknown perpetrators;
2. appropriate, consistent definitions and examples of what types of actions may constitute sex discrimination;
3. accurate names, titles, and contact information (telephone number, office address, and e-mail address) for the Title IX Coordinator and Deputy Title IX Coordinators, as well as notice of the role and duties of each in the processing of complaints of sex discrimination, including sexual harassment, assault, and violence;
4. a statement clarifying that the University's policy and procedures for addressing complaints of sex discrimination, including sexual harassment, assault, and violence, apply not only to education- and/or employment-related issues but also to all University programs and activities, including those conducted off-campus;
5. a statement that the University will redress a hostile environment that occurs on campus or involving a University program or activity even if it relates to off-campus activities;
6. a statement that all University employees, other than any non-professional counselors or advocates and employees legally regarded as confidential resources, are required to promptly report sexual and gender-based harassment, assault, and violence that they observe or learn about;

7. notice of the procedures and how to file a complaint that is easily understandable, easily located, and widely distributed; such notice must include the contact information (name or title, office address, telephone number, and e-mail address) for the individual(s) with whom complaints may be filed;
8. a provision notifying complainants that they may pursue a complaint with the University and the police simultaneously; that the University may need to briefly suspend the fact-finding aspect of a Title IX investigation at the request of law enforcement while the law enforcement agency is in the process of gathering evidence; that the University will maintain regular contact with law enforcement to determine when it may begin its investigation after that stage; that the University will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process, or sooner if the University determines that the evidence-gathering process will be lengthy or delayed; and that the University will not delay its investigation until the ultimate outcome of the criminal investigation;
9. a provision clarifying that University law enforcement or other personnel will not close a complaint due to non-cooperation of a complainant without providing time to respond that is adequate and reasonable under the circumstances (although a complaint may still go forward pursuant to item #11 below) and that University law enforcement or other personnel will not prohibit the complainant or others from discussing a complaint;
10. if the procedures include an informal complaint resolution option or an alternative resolution option, clarification that any such process may be used only if the parties voluntarily agree to do so and may not be required before a formal complaint may be pursued and that both parties must be notified, before an informal or alternative process begins, of their right to end that process at any time and begin a formal complaint;
11. a statement that the University has an obligation to promptly take steps to investigate or otherwise determine what occurred and then to take appropriate steps to resolve complaints, to the extent feasible, when it knows or reasonably should know about possible discrimination (from any source), regardless of whether a complainant declines to participate in the process or a respondent withdraws from the University. It will also contain a statement that the University will seek to balance a complainant's request for anonymity or not to participate in an investigation with its broader obligation to campus safety; and that the University will respond to complaints, reports, or information about incidents of sex and gender-based discrimination in order to stop prohibited discrimination, eliminate any hostile environment, take steps to prevent the recurrence of the discrimination, and address any effects on campus or in the context of any University programs and activities regardless of location;

12. provisions for the prompt, adequate, reliable, impartial, and equitable investigation of complaints by a single University process (a separate process for students and for employees is permissible), including the opportunity for the parties equitably to identify witnesses and other evidence and to have equitable and timely access to information being considered in the grievance process;
13. designated and reasonably prompt timeframes for the major stages of the grievance process, including provisions for extensions of time, that apply equally to the parties;
14. a statement that, prior to resolution of a complaint involving Title IX issues, the pertinent Title IX coordinator will review any proposed resolution (finding and sanctions, if any) for compliance as part of the Coordinator's responsibility to ensure the University's compliance with Title IX;
15. provision for notice of the outcome of the complaint to all parties, including the respondent, the alleged victim, and, if different, the complainant;
16. a description of possible disciplinary or other applicable sanctions, including suspension, expulsion, or termination, that might result from a finding of sexual harassment, assault, or violence against respondents who are students, University personnel, or, to the extent possible, third parties; and of possible remedies, including counseling, academic assistance, schedule and housing changes, campus training, etc., that might be found to be necessary to remedy discriminatory effects of sexual harassment on complainants and others as appropriate;
17. if the procedures allow for appeals, notice of the opportunity for both parties to appeal the findings at all permissible levels and for both parties to participate equally in the appeal process, even if the party has not herself or himself filed an appeal, with the exception of decisions regarding a respondent's responsibility and/or disciplinary sanctions, for which the procedures may allow appeal either solely by the responding party or by both parties, in which case any appeal procedures must be equally available to both parties;
18. provision for notice of the outcome of the appeal to all parties, including the respondent, the alleged victim, and, if different, the complainant;
19. a statement that in cases where sexual harassment, assault, or violence is found to have occurred, the University will determine appropriate, enforceable sanctions and other measures reasonably calculated to stop the harassment and prevent its recurrence, including a mechanism by which such measures will be implemented;
20. a statement that Title IX prohibits retaliation, including retaliatory harassment, against any individual who files a sex discrimination complaint with the University or participates in a complaint investigation in any way, and a clear

explanation of how retaliation or retaliatory harassment can be reported to the University; and

21. a statement that the Title IX Coordinator will coordinate University efforts and responsibilities to ensure compliance with Title IX.

**B.** Within 90 calendar days of OCR’s approval of the revised policies and procedures, as well as any related materials used by the University, the University will formally adopt the revised documents, update all printed publications and online publications with the revised documents (inserts may be used pending reprinting of these publications), and electronically disseminate the revised grievance procedures to students, employees, employee union leaders, and other University community members.

**Reporting Requirements:**

- By March 30, 2018, the University will provide for OCR’s review a draft of the revised procedures and any additional policies or informational documents that address complaints alleging discrimination on the basis of sex (including but not limited to sexual harassment, assault, and violence). OCR will review these grievance procedures and related materials in order to ensure that they comply with Title IX and this Agreement.
- Within 90 calendar days of OCR’s approval of the revised policies and procedures, as well as any related materials used by the University, the University will document to OCR that the University has formally adopted the revised documents, updated all printed publications and online publications with the revised documents (inserts may be used pending reprinting of these publications), and electronically disseminated the revised grievance procedures to students, employees, employee union leaders, and other University community members; a list of the titles of the publications in which the information appears (e.g. college catalog, website, student handbook); as well as copies of a sampling of publications or links to on-line publications containing the revised grievance procedures (or, if not yet finalized, a copy of the insert for printed publications).
- Within 30 calendar days of the conclusion of each of the two semesters following the University’s implementation of Items II.B. and III of this Agreement, excepting summer semester, the University will submit to OCR copies of all student Title IX grievances or complaints that allege sexual harassment, sexual assault, or sexual violence that were referred to the University’s Office of Student Conduct and Community Standards for investigation and that were received and/or processed during that semester. Upon request, the University will also make available to OCR for review documentation related to the investigation of particular complaints processed during that semester, such as witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, any final disposition letters, hearing records, disciplinary records, documentation of any remedies provided related to the complainant or the University community, and documentation regarding any appeals. OCR will review this information

to determine if the University is processing the complaints in accordance with its revised Title IX procedures, the terms of this Agreement, and Title IX.

### **III. Training**

Within 90 calendar days of OCR's approval of the University's revised Title IX grievance procedures, the University will make training available and make every reasonable effort to train all currently enrolled students, faculty, and staff regarding the University's revised Title IX procedures. Online participation in such programming is acceptable. The training will be designed in a manner to include commuter students. The training will include distribution of copies of revised Title IX grievance procedures to all trainees or refer trainees to locations of the procedures within the publications trainees already possess. Should OCR's review find the training insufficiently addresses all aspects of the revised procedures, OCR will inform the University and may require additional training to be conducted within the academic year to address the area(s) identified.

#### **Reporting Requirements:**

- Within 90 calendar days of OCR's approval of the University's revised Title IX grievance procedures, the University will provide OCR with information documenting the training it provided pursuant to Item III above. For in-person training, the documentation will include the date(s) of the training; the name(s), title(s), and qualifications of the trainer(s); a copy of any materials used or distributed during the training; who was required/invited to attend the session; and a sign-in sheet with the names and titles of the individuals who attended the training or other proof that training was completed; and participation percentages. For online training, the University will provide documentation verifying who was required/invited to take the training, as well as a list of all students and employees to whom the online training was provided and a copy of any materials used during the training.

### **IV. Review of the Student's File**

By March 30, 2018, the University will review all documentation related to the Student's complaint, to determine whether the University investigated all aspects of the complaint, including any harassment or retaliation the Student reported during the University's processing of the complaint, and will take appropriate action to address any problems identified in the manner in which it handled the complaint, including providing appropriate remedies that may still be available, such as counseling or reimbursement for counseling and academic assistance or adjustments; tuition or housing reimbursements; or other appropriate relief. The University will also take steps to determine if any sexual or gender-based harassment related to the program in which the Student was enrolled is ongoing and, if any such sexual or gender-based harassment is determined to be ongoing, will take appropriate measures to address such sexual or gender-based harassment.

#### **Reporting Requirements:**

- By March 30, 2018, the University will submit to OCR for review and approval the results of its review conducted pursuant to Item IV and the University’s planned action(s) to address any problems identified in the review.
- Within 90 calendar days of submitting the results of its review to OCR, the University will take appropriate action to address the problems identified in its review, if any, and will provide OCR with documentation that it implemented any necessary remedial actions.

### **General Requirements**

The University understands that, by signing this Agreement, it agrees to provide the foregoing 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 and is in compliance with Title IX and its implementing regulation at 34 C.F.R. §§ 106.8, 106.9, and 106.31. Upon completion of the obligations under this Agreement, OCR will close 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University’s representative below.

University of Akron

By: \_\_\_\_\_/s/\_\_\_\_\_

Its: \_\_\_\_\_President\_\_\_\_\_

Date: \_\_\_\_\_November 13, 2017\_\_\_\_\_