RESOLUTION AGREEMENT
University of Mississippi
OCR Ref. 06102069

To ensure compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, at 34 C.F.R. Part 106 (2011), which prohibits discrimination on the basis of sex, the University of Mississippi (UM) makes the following commitments to the Office for Civil Rights (OCR) to resolve the complaint issues in the above-referenced complaint.

TITLE IX GRIEVANCE PROCEDURES & UM POLICIES/ PROCEDURES

Action Item 1

By February 29, 2012, UM will review and revise its current policies/procedures to ensure that all complaints received, whether verbal or written, alleging discrimination on the basis of sex, including allegations of harassment on the basis of sex or sexual violence, are appropriately investigated and responded to as required by Title IX and its implementing regulations. The policies/procedures will ensure a prompt and equitable response and resolution of complaints alleging sex discrimination including responsive actions taken by UM to reasonably prevent recurrence and assure that students are not restricted in their participation or benefits as a result of a sexually hostile environment created by students, employees or non-employees by the alleged conduct. UM shall ensure that the revised policies/procedures include, but are not limited to the following provisions, which will:

- notice that the procedures apply to complaints alleging sex discrimination (including sexual harassment, sexual assault, and sexual violence) by employees, students, or third parties;
- an explanation of how to file a complaint pursuant to the procedure;
- an explanation of the UM's informal complaint procedure and that such procedure is optional;
- the name or title, office address, and telephone number of the individual with whom to file a complaint;
- the timeframes for the UM to attempt to informally resolve a complaint;

- definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment, sexual assault, and sexual violence);

- provide for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;

- timeframes for the major stages of the investigation, with a provision indicating that the UM will comply with law enforcement requests for cooperation and such cooperation may require the UM to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence and that the UM will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the UM's investigation may be longer in certain instances;

- the UM will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community and the avoidance of retaliation;

- the UM will ensure that the victims are aware of their Title IX rights and available resources, such as counseling, the local rape crisis center and their right to file a complaint with a local law enforcement agency;

- an assurance that the UM will keep the complaint and investigation confidential to the extent possible;

- written notification to the parties of the outcome of the complaint;

- notice of the opportunity for the parties to appeal the findings;

- an assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker;

- an assurance that the UM will take steps to prevent recurrence of any discrimination, with examples of the range of possible disciplinary sanctions and the types of remedies available to address the discriminatory effects on victims and others; and

- a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.

Reporting Requirement:
By February 29, 2012, UM will provide OCR, for review and approval, with copies of the revised policies referenced in Action Item 1. By April 1, 2012, and subsequent to OCR's approval, UM will provide OCR with documentation evincing how the revised policy was disseminated to students and employees.

Action Item 2

By September 1, 2012, UM will notify all UM students, via the M Book, Student Orientation, and other means of communication of the revised policies/procedures referenced in Action Item 1. The notification will explain UM's responsibility to investigate and/or otherwise resolve Title IX issues, separate and distinct from UM's code of conduct.

Reporting Requirement:
By September 30, 2012, UM will provide OCR with documentation evincing how and when UM apprised its students of the revised policies they may utilize to report and resolve Title IX complaints, including sexual harassment, as referenced in Action Item 2.

Action Item 3

By February 15, 2012, UM will ensure that the Title IX coordinator is apprised, immediately, but no later than three days, of every student complaint or notification of any complaint of sexual harassment, including sexual assault, that is received by any UM employee. The Title IX coordinator shall document the notification and any action taken.

Reporting Requirement:
By June 30, 2012 and June 30, 2013, UM will provide OCR with documentation regarding all Title IX student complaints or notifications of alleged Title IX violations involving students (including complaints alleging sexual harassment or sexual violence) for the 2011 – 2012 and 2012 - 2013 school years. UM will provide OCR with documentation of the Title IX Coordinator's receipt of the notice and/or complaint and UM's response to resolve the Title IX issue, as referenced in Action Item 3.

Action Item 4

By April 30, 2012, and annually thereafter, UM will conduct a mandatory workshop for administrators and staff (e.g., Dean of Students, UPD, UM Counseling, Violence Prevention Coordinator, etc.) who are involved in processing, investigating and/or resolving complaints of sex discrimination, including sexual harassment, sexual assault or sexual violence. The training hall include a discussion of UM's responsibility to address and resolve Title IX issues, even if

they coincide with possible violations of UM's code of conduct. The training will also address the different types of conduct that constitute sex discrimination, including but not limited to sexual assault and student on student sexual harassment, and provide guidance on recognizing such conduct prohibited by Title IX. Additionally, the training will address Title IX's requirement, which prohibits the retaliation and intimidation of those persons involved in such investigations.

Reporting Requirement:
By May 31, 2012, and May 31, 2013, UM will provide OCR with a report detailing the date of the Title IX training workshop referenced in Action Item 4. Please include a copy of the agenda, copies of (or a list of) any handouts, qualifications or credentials of the trainer(s), and a sign-in sheet identifying all persons, by position, in attendance.

Action Item 5

By April 1, 2012, UM will inform all its employees via electronic mail, of UM's sexual assault policy and its prohibition against charging alleged victims of sexual assault with violations of the code of conduct (i.e., alcohol policy). In addition, the notification will provide guidance to all employees on recognizing sexually harassing conduct prohibited by Title IX and the appropriate response when employees either observe such conduct or receive verbal or written (by students, or all interested parties) reports of such harassing conduct. The notification will include the appropriate reporting procedures to UM administration to ensure that sexually harassing conduct is appropriately investigated and addressed.

Reporting Requirement:
By May 1, 2012, UM will provide OCR with a copy of the electronic message referenced in Action Item 5.

Action Item 6

By July 31, 2012, UM will review its campus police records for the 2009-2012 school years for any complaint of sexual assault that was treated solely as a criminal matter and/or where the Title IX Coordinator was not involved. UM's Title IX Coordinator will review the pertinent records to determine whether sexual harassment occurred in violation of Title IX and if it did, whether the remedies provided were effective. If the remedies were not appropriate, UM will promptly take measures (i.e., re-investigate the complaint, secure additional remedies) should the alleged victim or alleged perpetrator still be enrolled as a student, to ensure the sexual harassment was fully and effectively addressed.

Reporting Requirement:
By August 31, 2012, UM will make available to OCR documentation showing implementation of Action Item 6, including copies of the initial report, any campus police records, and the investigative files of both the campus police and UM's Title IX Coordinator showing the response and additional remedies obtained, if any.

INDIVIDUAL STUDENT REMEDIES

Action Item 7

By February 1, 2012, UM will reimburse Student 1 the following expenses: tuition/fees, housing/food and books, which she incurred for the spring 2010 semester minus any scholarship and grant assistance she received. For financial aid awarding purposes, these estimated costs (totaling $7153) are as follows: tuition $2553, books $600, housing $2400, and food $1600. Subtracting her Academic Excellence Scholarship of $625 and Mississippi Tuition Assistance Grant of $500, the net reimbursement amount should be $6028.

Reporting Requirement:
By February 29, 2012, UM will provide OCR with a copy of the certified letter, which accompanied the reimbursement check referred to in Action Item 7.

STUDENT FOCUSED REMEDIES

Action Item 8

By February 29, 2012, UM will establish a committee of students, with representation from various student groups (e.g., women's groups, female/male student athletes, Sorority/Fraternity leaders and other student leaders; UM's Title IX Coordinators and others, as appropriate) to identify strategies to ensure that students understand their rights under Title IX, understand how to report violations of Title IX and to ensure that UM takes each complaint seriously and provides a prompt and equitable response in accordance with the requirements of Title IX. Additionally, the committee will recommend additional strategies for the prevention of sexual harassment/sexual assault incidents, including outreach and educational activities.

Reporting Requirement
By May 1, 2012, UM will provide OCR with documentation that it has implemented Action Item 8 above, including a list of names and titles of the members of the appropriate student and employee groups, a copy of the group's recommended actions, and a detailed description of any strategies the group recommended to prevent incidents of sexual harassment/sexual assault, including any outreach or educational activities.

Action Item 9

By September 1, 2012, UM will include in its existing Freshman Orientation Program, a series of required informational topic(s) to ensure that students are aware of UM's prohibition against sex discrimination (including sexual harassment and sexual assault); can recognize such sex discrimination and sexual harassment when they occur; and understand how and with whom to report any incidents of sex discrimination (including sexual harassment and sexual assault). Additionally, at least one required topic will specifically address the connection between alcohol abuse and sexual harassment and sexual assault, and at least one will inform students that they may speak with a UM counselor if they are concerned about issues of sexual harassment and/or

sexual assault. In addition, the topics will cover the UM's revised procedures for Title IX complaints, as well as a general overview of what Title IX is, the rights it confers on students, the resources available to students who believe they have been victims of sexual harassment/assault, potential consequences to perpetrators, and the existence of OCR and its authority to enforce Title IX.

Reporting Requirement
By September 30, 2012, UM will provide OCR with documentation that it has implemented Action Item 9 above, including copies of the freshman orientation schedule, the names and titles of the employees who presented on the required topics and copies of any materials that were used or distributed regarding the required topics.

Action Item 10

By September 1, 2012, UM will include in any annual Residence Life Orientation for students residing in campus housing a topic to ensure that students are aware of UM's prohibition against sex discrimination (including sexual harassment and sexual assault); can recognize such sex discrimination and sexual harassment; are aware of Title IX and the rights it confers on students; understand how and with whom to report any incidents of sex discrimination (including sexual harassment and sexual assault), including where to find UM's grievance procedures for Title IX complaints on UM's website and the resources available to students who believe they have been victims of sexual harassment/assault; and potential consequences to perpetrators.

Reporting Requirement
By September 30, 2012, UM will provide OCR with documentation that it has implemented Action Item 10 above, including copies of the residence life orientation schedule and copies of any materials that were used or distributed regarding the required topics.

CLIMATE CHECKS

Action Item 11

By October 30, 2012, and October 30, 2013, UM will conduct a climate check or series of climate checks with all enrolled students to assess the effectiveness of steps taken pursuant to this agreement or otherwise by UM, to ensure a campus free of sexual harassment, including sexual assaults and sexual violence. This climate check may be accomplished through a written or electronic survey, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss this issue in person. If this method is selected, the written survey must be provided to OCR for review and approval prior to its use. Information gathered during these climate checks will be used to inform future proactive steps by UM.

Reporting Requirement
By December 31, 2012 and December 31, 2013, UM will provide OCR with a narrative summary regarding Action Item 11 and the information gathered via the climate check(s). The

report will also include a description of any action taken by UM in response to the results of the climate checks.

Action Item 12

By November 30, 2012 and November 30, 2013, the Title IX Coordinator will conduct a review of all Title IX, sexual harassment/sexual assault complaints it has received and investigated for that school year.

Reporting Requirement

By December 31, 2012 and December 31, 2013, UM will report to OCR with the following information regarding the Title IX complaints received and investigations conducted by UM: the complaint allegation, the parties involved, the issue investigated, the determination and the remedy secured.

IMPLEMENTATION AND ENFORCEMENT OF THIS AGREEMENT

UM understands that OCR will not close monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX at 34 C.F.R. §106.8, which was at issue in this case.

UM 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, UM understands that during the monitoring of this agreement, if necessary, OCR may visit the UM, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether UM has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX.

Daniel W. Jones

Dr. Daniel Jones, Chancellor
University of Mississippi

12-19-11

Date