

**Resolution Agreement**  
**Indiana State University**  
**05-12-2179**

The Indiana State University (University) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case #05-12-2179. The University submits this Agreement to ensure its compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §2000d, and its implementing regulation at 34 C.F.R. Part 100 and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681, and its implementing regulation, 34 C.F.R. Part 106. Title VI prohibits discrimination on the basis of national origin by recipients of Federal financial assistance, and Title IX prohibits discrimination based upon sex in any educational program or activity operated by a recipient of Federal financial assistance and both statutes prohibit retaliation. The University agrees to take the following actions:

Effective immediately, the University will take all steps necessary to ensure that students enrolled in the University are not subjected to a hostile environment on the basis of national origin or sex and are not subjected to retaliation. To this end, the University will promptly investigate all incidents of harassment of students on the basis of sex and/or race, color or national origin or retaliation of which it has notice and take appropriate disciplinary action against the individual(s) engaging in harassing and/or retaliatory behavior. The University will take appropriate responsive action to end the retaliation or hostile environment if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment or retaliation on the affected students.

**ANTI-HARASSMENT STATEMENT**

1. By January 7, 2013, the University President will issue a statement to all University students, administrators and staff, which will be widely published, including by printing in the University's newspaper and on the University's website and posting in all University buildings, stating the University's policy that it does not tolerate harassment on the basis of sex or national origin and does not tolerate retaliation for complaining of discrimination. The statement will acknowledge that the prohibited harassment includes sexual violence and any other harassment based on sex and/or national origin. The statement will encourage any student who believes he or she has been subjected to harassment or retaliation to report the incident(s) to the University and note the University's commitment to conducting a prompt investigation, including the procedures under which students may file a complaint of harassment or retaliation. The statement will identify the individual(s) responsible for investigating complaints of harassment or retaliation, will contain time frames for completion of such investigations and notice to complainants, will provide for appropriate disciplinary sanctions of individuals who engage in harassment or retaliation, and make clear that such discipline may include, if circumstances warrant, suspension or dismissal of a student and suspension or termination of an employee. The statement will include identification of a Title IX coordinator who will be responsible for ensuring that the University complies with and carries out its responsibilities under Title IX, including

investigation of complaints alleging noncompliance with Title IX. The identification of the Title IX coordinator will include the individual's name, office address, email and telephone number.

**REPORTING REQUIREMENT:** By January 18, 2013, the University will submit to OCR documentation that the statement referenced in item #1 has been widely published, including copies of the University's newspaper and relevant pages of its website and documentation of the postings in the buildings.

### HARASSMENT POLICIES AND PROCEDURES

2. By January 7, 2013, the University will review and revise, as necessary, its written policies and procedures relating to harassment on the basis of sex and/or national origin to ensure that they adequately address incidents of harassment based on sex and/or race, color or national origin and provide for the prompt and equitable resolution of complaints alleging such harassment. The University will also develop grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action, which would be prohibited by the Title VI and Title IX regulations. With respect to sexual harassment, the University will ensure that these policies and procedures include, at a minimum, the following:
  - a. a statement setting forth the University's commitment to having an educational environment free from all sexual harassment, explaining that the University prohibits sexual harassment in the University environment or that initially occurred off school grounds, outside a school's education program or activity, encouraging students to immediately report incidents of harassment, emphasizing that staff are required to promptly report incidences of harassment to the harassment complaint coordinator, and specifying that the University will investigate formal and informal complaints of sexual harassment by students, employees and third parties;
  - b. examples of the type of conduct and behavior that is covered by the policy, including examples sexual violence and of staff-to-student and student-to-student conduct;
  - c. identification of the kinds of activities and sites where prohibited conduct could occur;
  - d. an explanation of how to report sexual harassment and/or file a complaint (formally or informally) and notice of student's right to file and pursue a concurrent criminal complaint;
  - e. an explanation of the interim measures that can be taken by the University to respond to allegations of sexual harassment or violence;

- f. a description of the formal complaint procedures, including a complaint form, timeframes for major stages of the investigation and for completion of the investigation of a complaint, a requirement that written notice of the outcome be provided to the parties, notice of student's right not to appear in same hearing room as accused, a requirement that both parties will be given equal opportunity to present evidence, a requirement that the investigation, including at any hearing disallows evidence of past relationships with third parties, an assurance that both parties will receive periodic status updates, an appeal process for both parties conducted in an impartial manner by an impartial decision-maker, and that the University will keep the complaint and investigation confidential to the extent possible;
- g. an assurance that the University will not require a student who complains of harassment to work out the problem directly with the alleged harasser, and a statement that the student has the right to end the informal process at any time and begin the formal stage of the complaint process and that mediation will not be used to resolve sexual assault complaints;
- h. an assurance that the University uses the preponderance of the evidence standard of review in its investigation of complaints;
- i. specific information as to the name or title and contact information (including office and email address and telephone number) for the University employee(s) responsible for receiving the complaint form and/or investigating reports of sexual harassment;
- j. a prominent statement that the complainant has the option to pursue a criminal complaint with an appropriate law enforcement agency, to pursue a sex harassment/sex assault complaint under the with the University's harassment complaint procedures or to pursue both processes simultaneously;
- k. a requirement that all employees who observe acts of sexual harassment intervene to stop the harassment, unless circumstances would make such intervention dangerous, and document all such incidents;
- l. in conjunction with item k., above, a requirement that the University establish a protocol for recordkeeping of such incidents;
- m. a statement that the University will take appropriate disciplinary action against students and staff who violate the University policies and procedures addressing harassment, and examples of the range of possible disciplinary sanctions;

- n. prohibition of retaliation against persons who report harassment or participate in related proceedings, and discipline of individuals who engaged in retaliation;
- o. a statement that the University will, where appropriate, take steps to remedy the harm to the victim(s) and others and examples of the types of remedies available, including the provision of counseling to students who have been subjected to or who have engaged in sex-based harassment and that counseling services will be made available to the harasser; and including the provision of counseling, academic support, and if necessary recalculating any course grades; and
- p. identification of the means to investigate incidents of sexual harassment, including but not limited to the various steps the University will take to conduct adequate, reliable timely, and impartial investigations of reported incidents, an assurance that the University will take action to stop the harassment, remedy the harassment, and prevent recurrence, and the University's standards for determining whether a hostile environment exists.

**REPORTING REQUIREMENT:** By January 18, 2013, the University will submit to OCR for its review and approval its revised policies and procedures referenced in item #2.

- 3. By January 7, 2013, the University will examine the University's Student Code of Conduct and disciplinary procedures for students to determine whether the current rules of behavior and offense categories appropriately and adequately address violations of the University's harassment policies and procedures, as developed pursuant to item #2, and will revise the codes of conduct and disciplinary procedures to the extent necessary to ensure it contains such rules of behavior and offense categories.

**REPORTING REQUIREMENT:** By January 18, 2013, the University will submit to OCR for its review and approval its revised policies and procedures referenced in item #3.

- 4. Within 30 calendar days of receipt of notice of OCR's approval of the policies and procedures referenced in items #2 and #3, the University will adopt, implement and publish the revised policies and procedures. Publication will include written notice of the anti-harassment policy, including its formal and informal complaint procedures, to the University community, including students, administrators and staff. The University will make this notification available through the University's website, revised student handbooks, and the University newspaper, as well as by any other additional means of notification the University deems effective to ensure that the information is widely disseminated. In publishing the new policies, the University will also take further steps to ensure that all references and links to University policies

and procedures no longer in effect are removed from the University's website and will assure that the policies are easily accessible by potential complainants.

**REPORTING REQUIREMENT:** Within 30 calendar days after the completion of item #4, the University will provide OCR with documentation that it has completed item #4, including a copy of the written notice to students, administrators and staff regarding the revised policies and procedures and a description of how the notices were distributed, a copy of its revised student handbook, copies of the newspapers with the revised policies and procedures, a link to its webpage where the revised policies and procedures are located, and documentation of any other additional means of notification used by the University.

### TRAINING

5. By June 1, 2013, the University will provide all administrators, department heads and staff in the Office of Diversity and Affirmative Action, Office of Student Conduct and Integrity, Office of Judicial Affairs and Residential Life Office, all members of the University's Sexual Violence Response Team, the Title IX Coordinator and all other staff members the University deems appropriate with training on the University's harassment policies and procedures. The training will review the University's revised harassment policies and procedures referenced in this Agreement, and include the following components at a minimum:
  - a. The University will remind all staff of its commitment to having an educational environment free from harassment and explain what they should do if they believe students have been subjected to harassment, including their duty to immediately report all allegations of possible harassment.
  - b. The program will include a review of the University's Title VI and Title IX policies and procedures, including an explanation of what constitutes sexual and national origin harassment, as well as disciplinary sanctions related to findings of violations of its harassment policies and procedures and/or the policy prohibiting retaliation and intimidation.
  - c. The University will provide a general overview of Title VI and Title IX, including how the laws' non-discrimination and non-retaliation provisions apply to students, the names and contact information for the designated staff member(s) to whom students or others may report allegations of harassment, where to locate the University's harassment policies and procedures on the University's website, and the existence of OCR and its authority to enforce Title VI and Title IX.
  - d. The University will distribute written materials (during the program) that contain the information discussed.

**REPORTING REQUIREMENT:** By June 15, 2013, the University will provide OCR with documentation that it has provided appropriate University staff with the training referenced in item #5, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the University staff who attended the training.

6. By September 1 of each subsequent academic year starting in 2014, the University will provide the training referenced in item #5 to all University personnel in the positions identified in item #5.

**REPORTING REQUIREMENT:** By September 15, 2014, the University will provide OCR with documentation that it has provided appropriate University staff with the training referenced in item #6, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the University staff who attended the training.

7. By May 1, 2013, the University will provide training to all University staff who are directly involved in processing, investigating and/or resolving complaints or other reports of harassment complaints and to any counselors or other University personnel who are likely to receive confidential reports of harassment, including sexual harassment. The training will review the University's policies and procedures referenced in items #2 and #3 of this Agreement and include instruction on how to conduct and document adequate, reliable, timely and impartial harassment investigations, including the appropriate legal standards to apply in such investigations. By September 1 of each academic year beginning in 2013-2014, the University will provide this training to all new staff who are directly involved in processing, investigating and/or resolving complaints or other reports of harassment complaints and to all new counselors or other University personnel who are likely to receive confidential reports of harassment, including sexual harassment.

**REPORTING REQUIREMENT:** By May 15, 2013, September 15, 2013, and September 15, 2014, the University will provide OCR with documentation that it has provided appropriate University staff with the training referenced in item #7, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the University staff who attended the training.

8. By September 15, 2013, for all students and September 15 of each subsequent year for new students, the University will provide a mandatory orientation session that includes the following minimum components:
  - a. A reminder to students that it does not tolerate sexual harassment, that it encourages any student who believes he or she may have been subjected to sexual harassment to report the incident(s) to the University, and of its commitment to

- having a campus environment free from all harassment and an explanation to students what they should do if they believe they or other students have been subjected to sexual harassment and a reminder that students and staff should work cooperatively to prevent acts of sexual harassment.
- b. A review of the University's revised sexual harassment policies and procedures, including an explanation of what constitutes sexual harassment, the University's commitment to conducting a prompt investigation as well as disciplinary sanctions (including if appropriate suspension or expulsion) related to findings of violations of the University's sexual harassment policies and procedures and/or the University's policy prohibiting retaliation and intimidation.
  - c. The names and contact information for the designated staff member(s) to whom students may report allegations of sexual harassment.
  - d. The names and contact information of University employees that the students may contact if they wish to confidentially discuss any concerns they have and a reminder of the availability of counseling services.

**REPORTING REQUIRMENT:** By September 15, 2013, and September 15, 2014, the University will provide OCR with documentation that it has provided students with the orientation referenced in item #8, including the dates of the orientation, the names and titles of the presenter(s), and a copy of any materials used or distributed during the training.

#### **STUDENT-FOCUSED REMEDIES**

9. By December 1, 2012, in connection with the Complainant's [REDACTED] and [REDACTED] complaints, the University will conduct an investigation to determine whether Professor A's conduct constituted national origin discrimination. If the University determines that a violation did not occur, it will provide the Complainant written notice of its determination and provide her the opportunity to appeal the determination. If the University determines that a violation did occur, the University will provide a written determination to the Complainant and University staff will meet with the Complainant to assess whether the Complainant requires any remedial actions as a result of the alleged discrimination based on national origin by Professor A. The remedial actions may include payment for future counseling, reimbursement for previously received counseling, changes to grades, or other remedial actions as deemed appropriate by the Complainant and the University. The University will provide the Complainant written notice of its determination of whether it has determined that remedial actions are necessary for Complainant and of the timeframe for providing such actions and will implement the remedial actions as specified in the timeframe. If the Complainant and the University are unable to agree on appropriate remedial actions, the University will submit to OCR its proposed actions, and OCR will determine whether those actions are sufficient to meet the terms of this Agreement. In addition, by December 1, 2012, the University will provide the Complainant written notice of its previous conclusions regarding her allegations of sex

discrimination and retaliation and will provide her notice of the procedures by which she may appeal these conclusions.

**REPORTING REQUIREMENT:** By December 15, 2012, the University will provide to OCR all documentation related to its investigation and notice to the Complainant of its determinations and, if applicable, documentation of the remedial actions agreed upon by the Complainant and the University or, if the parties are unable to agree, the actions the University proposes to take. By June 30, 2013, the University will provide to OCR all documentation related to appeal(s) filed by the Complainant of its decisions. By June 30, 2013, and June 30, 2014, the University will provide an update to OCR of all remedial actions taken in the previous year.

#### MAINTENANCE OF OTHER DATA

10. Effective immediately, the University agrees to maintain documents relating to specific complaints or other reports of sexual or national origin harassment of students, including the following:
  - a. a copy of all written reports for complaints or any other reports of incidents involving allegations of sexual or national origin harassment;
  - b. a narrative of all actions taken in response to the reports by University personnel, including any written documentation;
  - c. a copy of any and all disciplinary sanctions issued to students or employees for violations of the harassment policies and procedures;
  - d. documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the accused and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
  - e. a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

**REPORTING REQUIREMENT:** By January 15, 2013, June 15, 2013 and June 15, 2014, the University will provide to OCR copies of the documentation referenced in item #10.

11. By January 2, 2013, the University will develop a monitoring program to assess the effectiveness of its anti-harassment efforts. At the conclusion of each academic year starting with 2012-2013, the University will conduct an annual assessment of the effectiveness of its anti-harassment efforts. Such assessment shall include:
  - a. student surveys and/or public meetings to identify student concerns;



- b. evaluation and analysis of the data collected, including any proposed recommendations for improvement.

REPORTING REQUIREMENT: By June 15, 2013 and June 15, 2014, the University will provide documentation it has implemented the steps referenced in item #11 for the most recently completed academic year.

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 the regulations implementing Title VI, 34 C.F.R. §100.3 and Title IX, at 34 C.F.R. §106.31, which were at issue in this complaint.

The University understands that the OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, 34 C.F.R. §100.3 and Title IX, at 34 C.F.R. §§ 106.8, 106.9 and 106.31, which were at issue in this complaint.

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 or judicial proceedings to enforce the specific terms and obligations of 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.

Approved and agreed to on behalf of Indiana State University.

/Melony A. Sacopulos/  
General Counsel

11/12/2012  
Date