

Resolution Agreement
South Dakota State University
Office for Civil Rights Docket Number 07132238

The South Dakota State University (University), Brookings, South Dakota, submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case #07132238. The University submits this Agreement to ensure its compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 1681 *et seq.* and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 106, which prohibits discrimination based upon sex in any education program or activity receiving Federal financial assistance.

By entering into this Agreement the University does not admit any violation with regarding to the allegations raised in this complaint. Nothing contained in this Agreement shall be considered, construed as or used as an admission of wrongdoing, liability, statutory or regulatory violation, or any other illegal or improper act by the University.

ACTION STEPS

Title IX Investigation

1. The University acknowledges its obligations under Title IX and its implementing regulation at 34 C.F.R. Part 106, to promptly and equitably investigate formal and informal complaints alleging violations of Title IX. The University also acknowledges that any investigation under Title IX must be adequate, reliable and impartial. By **March 31, 2014**, the University will refer for investigation the complaint of sex discrimination filed by the Complainant on or about XXXXX XX, XX. The referral for investigation will include:
 - a. Notice to the Complainant of the opportunity to provide additional evidence, information, and witnesses;
 - b. A consideration of whether additional information, such as prior grades provided to students by the accused or other incidents of alleged data fabrication or plagiarism wherein the accused provided advise or input on the handling of those matters, may be available for review to investigate the Complainant's allegations; and
 - c. A consideration of whether the accused followed appropriate grading procedures in handing the Complainant's final grade for XXXXX XXXXX in the spring of 2013.
2. The University will notify the Complainant and the accused of the outcome of its investigation. If the University determines that the complaint of sex discrimination is

substantiated, the University will take steps to prevent the recurrence of any discrimination by the alleged perpetrator and remedy the effects of the discrimination of the Complainant.

Reporting Requirements

- By **May 30, 2014**¹, the University will provide OCR with:
 - documentation demonstrating the University's compliance with Action Step 1, including a copy of the notification sent to the Complainant, the identification of all witnesses who were interviewed by name and title, and copies of any other information gathered; and
 - copies of its investigative report, notice to the parties of the outcome of the investigation, and a description of the steps taken by the University to prevent the recurrence of any discrimination on the Complainant, if applicable.

Revisions to Policies

3. By **May 30, 2014**, the University will develop proposed draft institutional policies and procedures implementing South Dakota Board of Regents policy 1:17 and 1:17:1 including either contact information for the Title IX Coordinator/EEO Coordinator and/or deputies or a reference to where individuals can find contact information for the Title IX Coordinator/EEO Coordinator and/or deputies. To the extent any other University policies reference a Title IX Coordinator/EEO Coordinator and/or deputies and does not provide the specific contact information, the policy will be amended to include the either contact information or a reference to where the contact information can be found for the Title IX Coordinator/EEO Coordinator and/or deputies.
4. Within sixty (60) calendar days of written notification from OCR that the revised policies developed in accordance with Action Step 3 above meet the requirements of Action Step 3, the University will adopt and implement the policies and will provide all students and employees with written notice regarding the new policies. 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.

¹ This date may be reasonably extended upon written notice by the University to OCR that additional time to resolve the complaint: 1) has been agreed to by the Complainant and University, or 2) if required by the policies applicable to the status of the individual to whom action must be taken, if applicable.

Reporting Requirements

- By **June 6, 2014**, the University will submit to OCR for its review and approval its revised policies referenced in Action Step 3.
- Ten (10) University business days after the sixty (60) calendar days period triggered by written notification from OCR of approval of University policies in Action Step 4, the University will provide OCR with documentation that it has implemented Action Step 4 above, including copies of the written notices issued to students and employees regarding the new policies and a description of how the notices were distributed and a link to its webpage where the revised policies are located.

Training

5. By **May 30, 2014**, the University will schedule Title IX training for its Title IX coordinator, any other coordinators, and any University personnel who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual harassment, sexual assault or sexual violence) or who otherwise coordinate the University's compliance with Title IX. The training should also be required for administrators and faculty academic appeal committee members. The training will include: instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title IX; as well as sex discrimination, including sexual harassment/assault and violence; the University's responsibilities under Title IX to address allegations of discrimination, including but not limited to different treatment, or harassment, and its Title IX grievance procedures; and instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation (which differ from a criminal investigation).

Reporting Requirement

- By **August 29, 2014**, the University will have provided the training required by Action Step 5 and will provide documentation to verify to OCR that the training session(s) was/were conducted. The documentation shall include the following: a) the date(s), time and location of the training; b) the topics addressed at the training (the University may provide OCR an outline of the training and a copy of the materials disseminated at the training); c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and d) the name and title of each University administrator or employee who attended the training (a sign-in sheet or other documentation with the attendees' names and titles is sufficient).

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 IX at 34 C.F.R. §§ 106.8 and 106.31, which were at issue in this complaint.

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 regulations implementing Title IX at 34 C.F.R. §§ 106.8 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 (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 from the University's receipt of such written notice of any alleged deficiencies, to cure the alleged breach.

/s/ *David Chicoine*
Dr. David Chicoine, President or President's Designee
South Dakota State University

3-13-2014
Date