

Resolution Agreement
Embry-Riddle Aeronautical University (Prescott, Arizona)
OCR Case Number: 08-13-2197

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced complaint against Embry-Riddle Aeronautical University (the University, pursuant to 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. Prior to the completion of OCR's investigation, the University asked to resolve the issues of this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). Accordingly, to ensure compliance with Title IX and its implementing regulation and to resolve the issues of this case, the University voluntarily agrees to take the following actions:

ACTION TERMS

• **Title IX Grievance Procedures**

1. The University will submit to OCR for its review and approval draft Title IX grievance procedures (including notice of non-discrimination and designation of the Title IX coordinator) to address complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence), as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b). The University will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sex discrimination and will include, at a minimum, the following:
 - a. Notice to students, and employees of the grievance procedures, including where complaints may be filed;
 - b. Application of the grievance procedures to complaints alleging sex discrimination, including sexual violence, carried out by employees, students, or third parties;
 - c. Adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
 - d. Designated and reasonably prompt time frames for the major stages of the complaint process;
 - e. Notice to the complainant and alleged perpetrator of the outcome of the complaint;
 - f. An assurance that the school will take steps to prevent recurrence of any sexual harassment and to correct its discriminatory effect on the complainant and others, if appropriate.

Reporting Requirement 1:

The University will provide OCR documentation demonstrating completion of Term 1 by **August 15**, 2014.

2. The University will consider and respond to OCR’s feedback with respect to the draft Title IX grievance procedures until OCR notifies the University in writing that the revised grievance procedures developed in accordance with Term 1 are consistent with Title IX requirements. Within 45 calendar days of such notice, the University will adopt and implement the procedures and will provide all students and employees written notice regarding the new grievance procedures for resolving Title IX complaints together with information on how to obtain or locate a copy of the grievance procedures. 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 to faculty, staff, and students.

Reporting Requirement 2:

The University will provide OCR documentation demonstrating completion of Term 2 within 60 calendar days after OCR notifies the University in writing that the revised grievance procedures developed in accordance with Term 1 are consistent with Title IX requirements.

- **Training for Student Teams**

3. The University will submit to OCR for its review and approval draft Title IX training for its men’s and women’s XXXXX teams, all XXXXX Coaches and Assistant XXXXX Coaches, its Athletic Director, and any University officials and administrators who will be directly involved in processing, investigating, or resolving complaints of sex discrimination (including sexual harassment, sexual assault, or sexual violence and retaliation) or who will otherwise coordinate the University’s compliance with Title IX. This training will cover the University’s new grievance procedures for Title IX complaints resulting from this Agreement and will provide attendees with instruction on recognizing and appropriately addressing allegations and complaints pursuant to Title IX. The training will cover sex discrimination (including sexual harassment, sexual assault and misconduct, sexual violence, and retaliation) and the University’s responsibilities under Title IX, regardless of whether the actions are potentially criminal in nature.

Reporting Requirement 3:

The University will provide OCR documentation demonstrating completion of Term 3 within 45 calendar days after OCR notifies the University in writing that the revised grievance procedures developed in accordance with Term 1 are consistent with Title IX requirements.

4. The University will consider and respond to OCR’s feedback with respect to the draft Title IX training until OCR notifies the University in writing that the training is in accordance with Term 3. Within 60 calendar days of such notice, the University’s Title IX Coordinator will conduct the training, and the training will be incorporated into the University’s annual training plan.

Reporting Requirement 4:

The University will provide OCR documentation demonstrating completion of the initial training required in Term 4 within 90 calendar days after OCR notifies the University in writing that the training is in accordance with Term 3.

- **Student-Focused Remedies**

5. The University will complete its consideration of a report of sexual harassment made on XXXXX, against the women’s XXXXX Coach and report to OCR and the student who made the report its findings along with the action, if any, it took as a result of that consideration.

Reporting Requirement 5:

The University will provide OCR documentation demonstrating completion of Term 5 by **August 1**, 2014.

6. The University will complete its resolution of retaliation allegations made by the Student on behalf of whom complaint 08-13-2197 was filed (the Student) against the women’s XXXXX Coach, documenting its findings and providing the Student with a written resolution based on those findings.

Reporting Requirement 6:

The University will provide OCR documentation demonstrating completion of Term 6 by **August 1**, 2014.

7. By **November 1**, 2014, the University will conduct an initial “climate check,” and annually thereafter, beginning within 60 calendar days after OCR notifies the University in writing that the revised grievance procedures developed in accordance with Term 1 are consistent with Title IX, the University will conduct a “climate check” or series of “climate checks.” These “climate checks” will be purposeful meetings with students on campus to assess the effectiveness of steps taken pursuant to this Resolution Agreement, or otherwise by the University, to ensure a campus free of sex discrimination, including sexual harassment. The information gathered during these “climate checks” will be used to inform future proactive steps taken by the University to provide for a safe educational environment and compliance with Title IX.

Reporting Requirement 7:

The University will provide OCR documentation demonstrating completion of the initial “climate check” required in Term 7 by **December 1**, 2014, and the first annual “climate check” within 60 calendar days after OCR notifies the University in writing that the revised grievance procedures developed in accordance with Term 1 are consistent with Title IX requirements.

- **Individual Remedies**

8. By **August 1**, 2014, the University’s Title IX Coordinator will offer to meet individually with the Student on whose behalf this complaint investigation was initiated and provide

her the opportunity to discuss any remaining concerns she has about the incidents of alleged sexual harassment she experienced or witnessed as a member of the University's women's XXXXX team. During the meeting, the University will emphasize its commitment to having a University environment free from all harassment. At the same time, the University will provide the Student a letter expressing the University's regret for her experience and its commitment to preventing sexual harassment in the future while she is at the University.

Reporting Requirement 8:

The University will provide OCR documentation demonstrating completion of Term 8 by **August 15**, 2014.

9. The University will offer the Student **12** hours of counseling sessions through any resource selected by the Student and at no expense to the Student. The purpose of the counseling will be to address the sexual harassment the student experienced.

Reporting Requirement 9:

The University will provide OCR documentation demonstrating completion of Term 9 by **August 15**, 2014.

10. Within 14 days of the adoption of the University's revised Title IX grievance procedures as required in Term 2, the University will individually notify the Student in writing of the revised procedures and provide her a copy.

Reporting Requirement 10:

The University will provide OCR documentation demonstrating completion of Term 10 concurrent with the reporting requirement at Term 2.

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 106.71, 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 the regulation implementing Title IX.

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/
President or designee
Embry-Riddle Aeronautical University

 July 16, 2014
Date