

VOLUNTARY RESOLUTION AGREEMENT

Southern Methodist University OCR Case Numbers 06112126, 06132081, and 06132088

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Regional Office initiated case investigations with Southern Methodist University (SMU or University) on June 2, 2011, March 8, 2013, and March 20, 2013, respectively, pursuant to 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 (which prohibit discrimination based on sex in any education program or activity receiving Federal financial assistance). The complaint investigations examined the University's policies and procedures relating to gender harassment, sexual harassment, and sexual violence and the University's implementation of those policies and procedures.

This Agreement has been entered into voluntarily and does not constitute an admission by the University that it has discriminated or failed to comply with Title IX or its implementing regulation at 34 C.F.R. Part 106 or OCR Title IX Guidance, or otherwise committed any error, omission, or wrongdoing regarding the complainants in OCR Case Nos. 06112126, 06132081, and 06132088. SMU expressly denies any and all fault or liability arising under any applicable Federal, state, or local law, and it expressly reserves any and all rights, defenses, and causes of action pertaining in any way to the allegations set forth in the three subject complaints. OCR recognizes that SMU has entered into this Agreement voluntarily, has cooperated with OCR in all three cases, has engaged in ongoing and proactive efforts to enhance the effectiveness of its policies and procedures, and has expanded educational and programming initiatives.

OCR's investigation found that SMU has implemented and commits to maintaining a number of policies and procedures: (i) to ensure that students enrolled in the University are not subjected to a hostile environment on the basis of sex; (ii) to promptly investigate all incidents of sexual harassment of which it has notice (hereinafter, the term "sexual harassment" will include sexual assault, sexual violence, sexual misconduct and any other harassment based on sex); (iii) to take appropriate disciplinary action against students, faculty, and staff who violate the University's policies and procedures addressing sexual harassment; and (iv) to take prompt and effective responsive action to end sexual harassment and prevent its recurrence, and where appropriate take steps to remedy the effects of sexual harassment on the affected students.

On November 6, 2014, the Complainant in Case No. 06132081 notified OCR of the Complainant's withdrawal of all complaints against SMU.

During the course of OCR's investigation, the SMU President established the SMU Task Force on Sexual Misconduct Policies and Procedures (Task Force) to "re-examine the University's procedures and policies relating to sexual misconduct." Among the 20 members of the Task Force were external experts, including a representative of the Dallas County District Attorney's Office and the executive director of the Sexual Assault Nurse Examiner (SANE) Initiative, as well as SMU Trustees, faculty, students, and staff. During their 12 meetings and additional small group meetings, the Task Force reviewed more than 45 benchmarking reports, including student conduct codes and task force reports from other universities and government agencies.

The Task Force issued its 41 recommendations on April 22, 2013, and the President accepted all of the recommendations on May 8, 2013. The University has implemented most of the recommendations, continues with that process, and remains strongly committed to full implementation. The Task Force specifically reaffirmed “the University’s ongoing commitment to respond in a timely manner when a sexual misconduct incident has been reported to University personnel.” (Recommendation 12). The Task Force also affirmed “SMU’s existing *Interim Title IX Harassment Policy 2.5.1* delineating the University’s process for investigating sexual harassment, including sexual misconduct, in accordance with the requirements of Title IX and the implementing provisions of the *Dear Colleague Letter*” and recommended that “Interim Policy 2.5.1 become a permanent SMU policy as soon as the Task Force recommendations have been reviewed and approved by appropriate University personnel.” (Recommendation Item 14). The Task Force stated that “SMU must do all that it can to ensure compliance with the requirements of Title IX and the *Dear Colleague Letter*.”¹ (Recommendation Item 32). This Agreement incorporates and includes the following Task Force recommendations set forth, and revised, below as requirements in this Agreement:

No later than sixty (60) calendar days after January 1, 2015, SMU will:

Sexual Misconduct Reporting

- 1) Provide “clear information regarding both internal and external support services available to the campus community in the event of sexual misconduct, regardless of which office initially receives a sexual misconduct report.” (Recommendation Item 1).
- 2) Encourage complainants “to undergo a health assessment offered by Texas Health Presbyterian Hospital of Dallas’ Sexual Assault Nurse Examiner (SANE) program or a comparable program as soon as possible.” (Recommendation Item 2).
- 3) Encourage students “to report sexual misconduct to SMUPD [SMU Police Department] or other law enforcement agencies, depending upon where the alleged misconduct occurred.” SMU will inform students “that a police report does not automatically lead to charges being filed or criminal prosecution, and “that even if they talk with the police, they still will have some input about the case.” SMU will also emphasize at the same time, “that it is important to report the incident to the police as soon as possible so that police can collect evidence and other information that may be helpful in building a criminal case, even if the student decides to wait until a later date to file charges.” (Recommendation Item 3).
- 4) Explicitly define “[c]onfidential and non-confidential campus resources.” “Confidential resources include SMU Counseling and Psychiatric Services and the SMU Chaplain’s Office. Other campus resources – including the Office of the Dean of Student Life and SMU Women’s Center – are required to notify SMU’s Title IX

¹ Dear Colleague Letter on student-on-student sexual harassment and sexual violence, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>. See also Questions and Answers on Title IX and Sexual Violence, <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

Coordinator of sexual misconduct reports. SMU's Health and Safety website, smu.edu/liveresponsibly, designates confidential and non-confidential resources." SMU will develop a "confidentiality chart" and include it in all sexual misconduct information materials. The chart will delineate "where students can expect confidential assistance and where their report of an incident must be reported or escalated and to whom it will be reported or escalated." (Recommendation Item 4).

- 5) Ensure that information related to sexual misconduct reporting informs students that any sexual misconduct reported to a non-confidential resource must be referred to the SMU Title IX Coordinator. (Recommendation Item 5).
- 6) Ensure that complainants have the ability to anonymously report a sexual misconduct incident. (Recommendation Item 6).
- 7) Ensure that complainants can request anonymity. Requests "for anonymity by a student who is informally reporting an incidence of sexual misconduct to a faculty or staff member [will] be respected if the student does not consent to the release of personally identifiable information. In these cases, the University employee will report the details of the sexual misconduct incident to the Title IX Coordinator as they have been disclosed, excluding the name of the complainant. The name of the complainant will be released by the person who received the initial report only when deemed absolutely necessary by the Title IX Coordinator after preliminary investigation of the details released." The University will "apply any remedies that can be effective within the bounds of complainant privacy, and that it breach complainant privacy only when a comprehensive investigation and/or full formal resolution are required to prevent the possible occurrence of another sexual misconduct incident." (Recommendation Item 7).
- 8) "[F]und after-hours counselors and/or publicize the Dallas Area Rape Crisis Center (DARCC) 24-hour rape crisis hotline across campus so that complainants will have confidential resources available at all hours." (Recommendation Item 8).
- 9) "[E]nsure that adequate resources are provided to the SMU Health Center for specially trained and dedicated sexual assault counselors and to SMUPD for specialized training for police officers." (Recommendation Item 9).
- 10) Develop an "instruction document, such as a pocket-sized card" "for all SMU employees with information about how to support students who report sexual misconduct." These instructions will "be formulated in consultation with campus and community experts and law enforcement agencies" and will be "available online and included in employee training." (Recommendation Item 10).
- 11) Develop a checklist "for staff members who may meet with a student to more formally review the sexual misconduct reporting process." The checklist will "outline the rights of complainants and respondents, and identify the resources available to them as part of the University's investigation of sexual misconduct." The

Task Force recommended “that this checklist be developed by the Dean of Student Life Office and Title IX Coordinator in consultation with other campus offices as appropriate. One side of the checklist might provide information for complainants and the other side for respondents, so each is aware of the information provided to the other.” (Recommendation Item 11).

- 12) As part of its “ongoing commitment to respond in a timely manner when a sexual misconduct incident has been reported to University personnel”, ensure that the SMUPD continues to operate a 24-hour emergency line and that the. Counseling and Psychiatric Services’ hotline, is available to students 24 hours a day. SMU will also maintain a “‘Dean on Call’ procedure, whereby a Student Affairs staff members is always available to police or other SMU staff when an emergency involving a student occurs.” (Recommendation Item 12).
- 13) Will “ensure the complainant is provided with the reasonable support and protection necessary to continue her or his education while the sexual misconduct complaint is investigated.” SMU will include language in the University’s sexual misconduct policy to “affirm that the complainant will be provided this support and protection.”(Recommendation Item 13).

Title IX Policies

- 14) (Recommendation Item 14 - described above).
- 15) “[E]nhance efforts to educate students about the role of the Title IX Coordinator in response to incidents of sexual misconduct.” (Recommendation Item 15).
- 16) Ensure that its Title IX Coordinators and Deputy Title IX Coordinators do “not directly oversee the student conduct process.”² *SMU noted that it already has implemented this recommendation.* (Recommendation Item 16).

Student Conduct Process and the Student Code of Conduct

- 17) Revise the language in the preamble to the Student Code of Conduct to make it “more accessible to students and reflect a more conversational tone” and add definitions and specific examples to the Code “that will facilitate students’ understanding of the terms used.” SMU will consider “whether changes should be made in the organization and language of SMU’s code to make it more readable and easier to understand.” (Recommendation Item 17).
- 18) Organize the Code so that the SMU sexual misconduct policy constitutes a separate section of the broader Student Code of Conduct. (Recommendation Item 18).

² SMU acknowledges that this recommendation does not contravene the Title IX Coordinator’s assigned responsibilities to oversee the University’s compliance with Title IX.

- 19) Take specific steps to ensure that students are informed about “the difference between pursuing a sexual misconduct case through the University conduct process and pursuing a criminal process, and their option to pursue both or either process.” (Recommendation Item 19).
- 20) Ensure that the Student Code of Conduct uses the appropriate definitions and explanation of “consent.” *Note that the Task Force recommended that SMU review the conduct codes of other specific universities. This Resolution Agreement does not require SMU to review those codes, but does require that the Code include appropriate definitions and an explanation of consent.* (Recommendation Item 20).
- 21) Permit hearing boards to “continue to be included in the student conduct process for sexual misconduct cases where their use is appropriate and/or at the complainant’s request.” (Recommendation Item 21).
- 22) *Recommendation Item 22 not included in Resolution Agreement.*
- 23) *Recommendation Item 23 not included in Resolution Agreement.*
- 24) Ensure that the SMU sexual misconduct policy “forbid[s] retaliation against the complainant and others involved in the reporting of a sexual misconduct incident in clear language and []include examples” and that this aspect of the policy “be strongly emphasized in training related to the sexual misconduct policy.” (Recommendation Item 24).
- 25) Ensure that when an incident of sexual misconduct is reported, SMU takes “clear steps to address the possibility of retaliation and adjudicate any retaliatory behavior immediately. University personnel who meet with complainants, respondents, and other members of the student community must underscore the University’s policy of not tolerating retaliation and make it clear to all that such instances will be grounds for a separate adjudication.” (Recommendation Item 25).
- 26) Add “language to the Student Conduct Code indicating that it may be possible to extend the amnesty policy for alcohol and drug violations to students in sexual misconduct cases.” (Recommendation Item 26).
- 27) Ensure that the complainant and the respondent are “treated fairly throughout the process. Any campus office involved in responding to sexual misconduct incidents or providing support to students involved in such incidents must be equally available to both students.” Additionally, SMU will provide both the complainant and the respondent with a “student conduct liaison and counselor from Counseling and Psychiatric services; both students should be encouraged to utilize both of these resources.” (Recommendation Item 27).

- 28) Under the direction of the Vice President of Student Affairs, the University will “use the multidisciplinary teams currently in place – including representatives from SMUPD, Counseling and Psychiatric Services, the Dean of Student Life Office, the University Chaplain’s Office, Legal Affairs, Risk Management, and the Office of the Vice President for Student Affairs – to determine whether a respondent should be removed from campus, and where any other temporary action should be taken to protect the complainant prior to a formal disciplinary hearing. SMU [will] extend accommodations for all reasonable requests for the complainant’s education, housing, and well-being. The Student Code of Conduct clearly states the University’s right to take such action.” (Recommendation Item 28).
- 29) “[A]ffirm in the sexual misconduct policy that the University may serve as the complainant in the student conduct process.” (Recommendation Item 29).

Marketing and Communication

- 30) “[D]evelop a comprehensive print and online publication that addresses sexual misconduct prevention and the availability of support resources. This publication should contain information about resources similar to that included in SMU’s Health and Safety website, smu.edu/liveresponsibly.” (Recommendation Item 30).
- 31) [D]evelop an outreach/advertising/marketing team through the Health Education Office that coordinates social norming, manages web information, and reaches out to residence halls and other peer-focused programs. Materials about campus and community resources (such as SANE, DARCC, etc.) [will be]available in all residence halls as well as in campus libraries, the Health Center, the Dedman Center for Lifetime Sports, the Hughes-Trigg Student Center, and other areas of the campus frequented regularly by students. Such materials might include posters on each floor, in the restrooms and in elevators. Materials should also be posted that let victims of sexual misconduct know they are not alone and to encourage them to call Counseling and Psychiatric Services and other campus resources for support and information.” The Task Force recommended that “a peer education and peer advocate team be developed to support these efforts.” (Recommendation Item 31).

Accountability

- 32) “[M]obilize its internal auditing department or another appropriate department to monitor Title IX compliance. In addition, the departments charged with administering the specific recommendations in this Task Force report [will] evaluate the status of implementation of the recommendations each year, and provide a progress report to the president or his designee.” (Recommendation Item 32).
- 33) “Establish regularly scheduled communication between University representatives and the District Attorney’s Office, local law enforcement agencies and local service providers.” (Recommendation Item 33).

Education and Training

- 34) Take steps to ensure that student leaders “ encourage the student body to develop, adopt and disseminate a new SMU Values Statement, such as the following: “I, as a citizen of the SMU Community, commit myself to upholding the values of intellectual integrity, academic honesty, personal responsibility and sincere regard and respect for all SMU students, faculty, and staff.” (Recommendation 34).
- 35) Request that “the Residential Commons leadership (including staff, faculty-in-residence, and student leaders) develop a mandatory citizenship program for first-year students as a component of SMU’s new Residential Commons model. The citizenship program – whether a series of classes, seminars or other experiences – would focus on the variety of factors involved in being a responsible member of the SMU community, including sexual misconduct issues.” SMU will administer “within individual Residential Commons to enhance the sense of community, but should be consistent across the various residences. All first-year members of the Residential Commons (including commuting students assigned to that RC) [will] required to participate in the program. Second-year and upper-level students in the RC could help deliver the program, which may be investigated as a way to fulfill the University Curriculum Community Engagement requirement.” (Recommendation 35).
- 36) Review and evaluate all current sexual misconduct prevention education and training programs with student leaders and develop recommendations to improve these programs. (Recommendation Item 36).
- 37) Ensure that the training of student leaders emphasizes “their importance as role models in fostering positive values for students and developing a culture where sexual misconduct is not tolerated.” (Recommendation 37).
- 38) Carefully review the definitions of consent, sexual misconduct and sexual assault “with incoming students during orientation and in other training programs focused on sexual misconduct. SMU [will] continue its practice of a training program focused on these issues for all first-year students within the first week of classes each fall semester. This training [will] continue to take place every year, and similar training should occur for students of all academic standings. For upper-level students, this training [will] be mandatory for key leadership groups including, and not limited to, the Student Senate, resident assistants, Orientation leaders, student athletes, any Greek organization seeking certification to house second-year students, and other student leadership groups. This training has already been implemented in the Mandatory Organization Meetings (MOM) for leaders of all student organizations in accordance with the Texas State law HB2639/SB1138.” (Recommendation Item 38).
- 39) [I]nitiate an upper-level student and faculty and staff mentorship program. SMU [will] also develop activities through the Residential Commons to foster respect for others that include a focus on sexual misconduct (Recommendation item 39).

40) Develop a bystander intervention program. (Recommendation Item 40).

41) Educate the parents of incoming students about its sexual misconduct policies and definitions. (Recommendation Item 41).

REPORTING REQUIREMENT: No later than sixty (60) calendar days after January 1, 2015, and by no later than March 30, 2015, for the 2014-2015 academic year, and by March 30 annually thereafter during the 2015-2016 and 2016-2017 academic years, SMU will provide OCR with documentation of its efforts to implement the SMU Task Force recommendations during the preceding academic year. Documentation will include the name and title of the individual(s) responsible for implementing the recommendation, a narrative description of the steps taken to implement the recommendation, and any documents, pamphlets, policies or procedures created during the implementation of the recommendations. SMU will also provide OCR any progress reports or status updates developed by the University's internal auditing department, specific departments charged with administering the Task Force recommendations, or another appropriate department pursuant to Recommendation Item 32 concerning the implementation of the Task Force recommendations.

In addition to the steps outlined above regarding the Task Force recommendations, SMU will take the following steps.

GRIEVANCE PROCEDURES

1. No later than sixty (60) calendar days after January 1, 2015, SMU will revise its *Interim* Title IX Harassment Policy 2.5.1 pursuant to the Task Force recommendations. The policy will be redesignated as "Title IX Harassment Policy 2.5.1," deleting the word "Interim" from the title. SMU reserves the right to further revise Policy 2.5.1 in a different format or style, and consistent with the substantive requirements of this Agreement. Any such revisions to Policy 2.5.1 not specifically covered by this Agreement will be submitted to OCR for prior review and approval. SMU will also revise the Policy to ensure that:

- (a) Section 8.2.8, *Interim Protective Steps*, provides that interim protective steps will be taken as appropriate to protect the complainant as well as other members of the SMU community; language that steps will be taken "in its discretion" will be deleted;
- (b) all parties are advised in Section 8.3.3, *Informal Resolution*, that informal resolution may be terminated at any time and the complaint may proceed to investigation;
- (c) the President's discretion to review student conduct decisions in complaints involving Title IX allegations set forth in Section 8.5.7 complies with the statutory and regulatory provisions of Title IX. Specifically, SMU will remove "is not limited in any way" from Section 8.5.7 and clarify that the President's review will be in accordance with Title IX;
- (d) the grievance procedures include a statement that a typical investigation takes approximately 60 calendar days following receipt of the complaint, that the 60 calendar day timeframe encompasses the fact-finding investigation, holding a hearing or engaging in another decision-making process to determine whether sexual violence occurred and created

a hostile environment, determining what actions the school will take to eliminate the hostile environment and prevent a recurrence, and the imposing of sanctions against the perpetrator and providing remedies for the complainant and the school community as appropriate; the timeframe does not include appeals.

(e) the grievance procedures include a complaint resolution process that applies equally to both parties to the complaint and a designated and reasonably prompt timeframe for the University to process any appeals by either party to a complaint.

REPORTING REQUIREMENT: No later than sixty (60) calendar days after January 1, 2015, SMU will provide to OCR a copy of its revised Title IX Harassment Policy 2.5.1.

2. Within forty-five (45) calendar days of written notification from OCR that the University's Title IX Harassment Policy 2.5.1 complies with Title IX, SMU will adopt and implement the revised policy and will provide all students and employees with written notice regarding the grievance procedures for resolving Title IX complaints together with information on how to obtain a copy of the grievance procedures. SMU will make this notification through the University's publicly available website and electronic mail messages to students and employees. At its discretion, SMU may also use additional means of notification to ensure wide dissemination of the Grievance Procedures.

REPORTING REQUIREMENT: Within thirty (30) calendar days of the completion of Action Item No. 2, SMU will provide to OCR the following: (1) a link to SMU's website page showing the location of the Grievance Procedures, and (2) a copy of the notification(s) that SMU provided to students and employees via electronic mail concerning the publication of the Grievance Procedures. SMU will provide OCR the names of the policy manuals and student or employee handbooks that include the revised Grievance Procedures.

REPORTING REQUIREMENT: No later than sixty (60) calendar days after January 1, 2015, SMU will submit to OCR copies of all Title IX grievances filed under the prior Title IX Harassment Policy 2.5 and *Interim* Title IX Harassment Policy 2.5.1, by or on behalf of students, faculty or staff, alleging sexual harassment, gender harassment, sexual assault, or sexual violence, during the 2012-2013 and 2013-2014 academic years. No later than June 30, 2015, of the 2014-2015 academic year, and by the same date thereafter during the 2015-2016 and 2016-2017 academic years, SMU will submit to OCR copies of all Title IX grievances filed under Title IX Harassment Policy 2.5.1, by or on behalf of students, alleging sexual harassment, gender harassment, sexual assault, or sexual violence, during the preceding academic year. For both reporting dates, SMU will provide OCR with documentation related to the investigation of each complaint, such as witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, any final disposition letters, disciplinary records, and documentation regarding any appeals. Any copies of grievances or other SMU documents that come into the possession of OCR shall be subject to the privacy and confidentiality protections of the Freedom of Information Act, 5 U.S.C. § 552, and other applicable laws. If no Title IX grievances were filed during the year in question, SMU will so notify OCR in writing.

NOTICE OF NONDISCRIMINATION & TITLE IX COORDINATOR

3. No later than thirty (30) calendar days after January 1, 2015, SMU will draft and submit to OCR for review and approval a notice of nondiscrimination pursuant to 34 C.F.R. § 106.9, which will notify students and employees that SMU does not discriminate on the basis of sex in the education programs or activities that it operates and that SMU is required by Title IX not to discriminate in such a manner. Additionally, the notice will state that the requirement not to discriminate in the University's education programs and activities extends to employment with and admission to the University and that inquiries concerning the application of Title IX may be referred to the Title IX Coordinator, or to the Assistant Secretary. The policy shall include the name or title, office and email addresses, and telephone number for the University's Title IX Coordinator, as required by 34 C.F.R. § 106.8. The University will publish this information consistent with the requirements of Title IX at 34 C.F.R. § 106.9.

REPORTING REQUIREMENT: No later than sixty (60) calendar days after January 1, 2015, the University will submit to OCR for its review and approval the nondiscrimination notice referenced in Action Item No. 3.

4. Within forty-five (45) calendar days of written notification from OCR that the University's notice of nondiscrimination complies with Title IX, SMU will ensure that, to the extent required by Title IX at 34 C.F.R. § 106.9, each of its electronic and printed publications of general distribution that provide information to employees and students about University services and policies contain the notice of nondiscrimination. Inserts may be used pending reprinting of these publications.

REPORTING REQUIREMENT: Within thirty (30) calendar days of the completion of Action Item No. 4, SMU will provide to OCR a link to SMU's website page showing the location of the nondiscrimination notice revised pursuant to Action Item Nos. 3 and No. 4.

TRAINING

5. Following its implementation of the revised policies and procedures above and no later than forty-five (45) calendar days after SMU receives written notification from OCR of approval of Title IX Harassment Policy 2.5.1, the University will develop, and submit to OCR for review and approval, proposed training for its Title IX Coordinators and any University officials, administrators, faculty, staff, and students directly engaged in processing, investigating, resolving, and/or adjudicating complaints of sex discrimination (including sex/gender harassment and sexual assault), or who will otherwise coordinate the University's Title IX compliance. The training shall include, at a minimum, the University's revised Title IX grievance procedures; the University's obligations regarding the investigation of Title IX complaints filed by students, staff, and faculty; 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; and confidentiality.

REPORTING REQUIREMENT: No later than forty-five (45) calendar days after SMU receives written notification from OCR of approval of Title IX Harassment Policy 2.5.1, the University will provide OCR the proposed training materials to be used or distributed during the training, including any speaker's notes, and the name, title, and qualifications of the trainer(s).

6. Within forty-five (45) calendar days of written notification from OCR that the proposed training complies with Title IX, the University will provide training to its Title IX Coordinators and any University officials, administrators, faculty, staff, and students directly engaged in processing, investigation, resolving, and/or adjudicating complaints of sex discrimination (including sex/gender harassment and sexual assault) or who will otherwise coordinate the University's Title IX compliance.

REPORTING REQUIREMENT: Within thirty (30) calendar days of the completion of the training in Action Item No. 6, SMU will provide to OCR documentation demonstrating that it has provided appropriate University staff with the training referenced in Action Item Nos. 5 and 6, including the dates of the training, the names, titles, and qualifications of the trainer(s), a copy of any materials used or distributed during the training, and the names and titles of University staff who attended the training.

7. No later than ten (10) calendar days after the date of execution of this Agreement, the University will submit to OCR for review and approval its new, online sexual harassment training currently in use for employees. The training provides essential guidance and instruction on recognizing and appropriately addressing allegations and complaints of sex discrimination, including differences between sexual harassment, gender harassment (not of a sexual nature), and sexual assault. The University shall require all University personnel who interact with students on a regular basis as part of their duties or responsibilities, to complete the online training. Beginning June 1, 2014, the University required all new employees to complete the training. The online training will be updated annually, if necessary, in order to reflect any changes to the law, to the Title IX Harassment Policy 2.5.1, and to University practices with respect to Title IX compliance.

REPORTING REQUIREMENT: No later than ten (10) calendar days after the date of execution of this Agreement, the University will provide OCR its new online training materials.

8. Within forty-five (45) calendar days of written notification from OCR that the proposed training complies with Title IX, the University will provide the training referenced in Action Item No. 7 to all administrators, professors, instructors, residential staff, coaches, and other staff who interact with students on a regular basis as part of their duties or responsibilities.

REPORTING REQUIREMENT: Within thirty (30) calendar days of the completion of Action Item No. 8 above, the University will provide OCR with documentation demonstrating that it has provided appropriate individuals with the training referenced in

Action Item No. 8, including the dates of the training, the names, titles, and qualifications of the trainer(s), a copy of any materials used or distributed during the training, and the names and titles of those who attended the training.

DATA MAINTENANCE AND RECORDKEEPING

9. No later than sixty (60) calendar days after January 1, 2015, SMU agrees to provide the following checklist to its Title IX Coordinator, Deputy Title IX Coordinators, and anyone designated responsible for Title IX complaint investigations so that they can make reasonable efforts to include in their written reports of complaint investigations the following information:
- the name and sex of the alleged victim, and if different, the name and sex of the person reporting the allegation;
 - a statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incidents;
 - the date that the complaint or other report was made;
 - the date the accused was interviewed;
 - the name and sex of all persons alleged to have committed the alleged harassment;
 - the names and sex of all known witnesses to the alleged incident(s);
 - the dates that any relevant documentary evidence (including medical, cell phone and other records as appropriate) was obtained;
 - any written statements of the complainant (or victim, if different from the complainant);
 - the date on which SMU temporarily suspended the fact-finding aspect of its Title IX investigation while the law enforcement agency was in the process of gathering evidence, and as applicable, the date on which SMU resumed its investigation process;
 - the outcome of the investigation, and if any, the disciplinary process;
 - the response of SMU personnel, including any interim and permanent steps taken with respect to the complainant and the accused; and
 - a narrative of all action taken to prevent recurrence of any harassing incident(s) including written documentation.

REPORTING REQUIREMENT: No later than sixty (60) calendar days after January 1, 2015, SMU will submit to OCR documentation confirming completion of Action Item No. 9.

10. No later than sixty (60) calendar days after January 1, 2015, SMU will develop and implement a system for tracking and reviewing reports (including reports that do not result in the filing of a complaint), investigations, interim measures, and resolutions that may constitute sexual or gender-based harassment to ensure that such reports are promptly and impartially investigated and resolved. SMU shall designate an employee, such as the Title IX Coordinator, to maintain records of all complaints, investigations, interim measures, interview notes, findings (including records of any corrective action taken, including disciplinary action) and the basis for those findings.

REPORTING REQUIREMENT: No later than sixty (60) calendar days January 1, 2015, SMU shall provide to OCR a description of the tracking and reviewing system and confirmation of the date that it became operative. By July 15, 2015, and by the same date in 2016 and 2017, the University will provide OCR with documentation concerning its responses and handling of all sexual harassment cases during the previous year, including a summary of all sexual harassment, including sexual assault/violence, allegations reported to the University and information about the outcome of the Title IX investigations.

11. No later than sixty (60) calendar days after January 1, 2015, SMU will ensure that the SMU Police Department and Title IX Coordinator develop and implement a procedure whereby a summary of the SMU Police Department's Criminal Offense Report from its investigation of sexual assault and/or sexual violence incidents is provided to the Title IX Coordinator in a timely manner, and as necessary for the Title IX investigation, and so long as the sharing of information does not compromise the criminal investigation.

REPORTING REQUIREMENT: By no later than sixty (60) calendar days after January 1, 2015, the University will provide OCR documentation of the procedure developed in accordance with Action Item No. 11.

STUDENT-FOCUSED REMEDIES

12. No later than sixty (60) calendar days after SMU receives written notification from OCR of approval of Title IX Harassment Policy 2.5.1, SMU will develop and submit to OCR for its review and approval a brochure explaining discrimination under Title IX for distribution to all SMU students. The brochure will contain: (i) an explanation about what constitutes sex discrimination and gender discrimination, including harassment, in violation of Title IX; and (ii) information regarding the Grievance Procedures. SMU will post the brochure on its Office of Institutional Equity and Access website page, distribute the brochure via electronic mail to all students, and make copies available to students in the Office of Institutional Equity and Access and the Office of Student Life.

REPORTING REQUIREMENT: Within thirty (30) calendar days of the completion of Action Item No. 12, the University will provide OCR with: (i) a copy of the brochure; (ii) the link to SMU's website page where SMU posted the brochure; and (iii) written confirmation that SMU has distributed the brochure to all students via electronic mail.

13. By January 31, 2015, the University will submit for OCR review and approval a description and copy of its tool for conducting a climate check or series of climate checks with students on campus to assess the effectiveness of steps taken by the University toward ensuring a campus free of sexual harassment, in particular sexual assaults and sexual violence. The description will also include the University's strategy for implementing the climate check(s) and analyzing the results. The University's existing committee on climate checks shall consider whether to add additional students and staff for the purpose of helping gather and provide feedback on how the climate check or

checks are conducted, and how to respond to its results. A climate check can be conducted in many ways, including, but not limited to, a survey distributed in-person or online, or a poll conducted in-person or online. In addition, the University may organize an open forum information session for students and employees, and designated, publicized walk-in hours for campus community input. Information gathered during these climate checks will be used to inform future proactive steps taken by the University to provide a safe and supportive environment.

REPORTING REQUIREMENT: By January 31, 2015, the University will submit to OCR the description and copy of the climate check tool outlined in Action Item No. 13.

14. Within forty-five (45) calendar days of OCR's approval of the climate check(s) tool in Action Item No. 13, and by the end of the academic years 2014-2015, 2015-2016, and 2016-2017, the University will conduct periodic assessments of campus climate to assess the effectiveness of steps taken pursuant to this Agreement and the Task Force recommendations, to provide for a safe and supportive campus. The University will use the information gathered during these climate checks to inform future proactive steps taken by the University to provide for a safe and supportive educational environment.

REPORTING REQUIREMENT: By June 30, 2015, and by the same date in 2016 and 2017, the University will provide documentation to OCR demonstrating its implementation of Action Item No. 13.

15. The University will use the Task Force Implementation Group, which is a group consisting of (and will continue to consist of) representative leaders from the student community (e.g., women's groups, athletes, residential assistants, student government leaders, fraternity and sorority leaders, etc.) and University officials to provide input regarding strategies for ensuring that students understand their rights under Title IX, how to report possible violations of Title IX, and the University's obligation to promptly and equitably respond to Title IX complaints.

REPORTING REQUIREMENT: By June 30, 2015, and by the same date in 2016 and 2017, the University will provide documentation to OCR demonstrating its implementation of Action Item No. 15, including any resulting summaries of the information obtained and any proposed and/or completed actions based on that information.

16. No later than sixty (60) calendar days after SMU receives written notification from OCR of approval of Title IX Harassment Policy 2.5.1, in accordance with its revised policy and grievance procedures, the University will review the sexual harassment/violence complaints filed and reports made of sexual harassment/violence during and since academic year 2012-2013 to determine whether the University investigated each complaint or report promptly and equitably, including but not limited to, specifically determining whether the University used the appropriate definitions and analyses of sexual harassment and hostile environment under Title IX; used the preponderance of the evidence standard in investigating allegations of sexual harassment; provided interim

relief to protect the complainant during the pendency of the investigation; provided written notice of the outcome (including any appeal) and appeal rights to the complainant and the accused; and took steps to prevent the recurrence of harassment and to address any hostile environment created by the harassment. The University will take appropriate action to address any problems identified in the manner in which these complaints were handled; including providing appropriate remedies that may still be available for the complainants in these cases, such as counseling or academic adjustments, though the University is not expected to reinvestigate or rehear matters that have been finally resolved under University policy.

REPORTING REQUIREMENT: No later than sixty (60) calendar days after SMU receives written notification from OCR of approval of Title IX Harassment Policy 2.5.1, the University will submit to OCR for review and approval the results of its review conducted pursuant to Action Item No. 16, specifically identifying any complaints or reports that were not handled promptly and equitably, all supporting materials relating to the University's review, and the University's planned action(s) to address any problems identified in the review. Within thirty (30) calendar days of OCR's approval, the University will take appropriate action to address any problems identified in its review.

INDIVIDUAL REMEDIES

17. No later than sixty (60) calendar days after January 1, 2015, the University shall provide to the Complainant in Case No. 06132088 reimbursement, upon presentation of appropriate documentation, for (a) all university-related expenses (tuition/fees, housing/food, and books) incurred for the fall 2012 semester minus any scholarship and grant assistance received, and (b) all counseling expenses incurred from September 23, 2012 through November 16, 2014.

REPORTING REQUIREMENT: No later than sixty (60) calendar days after January 1, 2015, the University will provide to OCR evidence of the payment referenced in Item 17.

If OCR has any objections to the documents, recommendations or other items required to be submitted for review and approval by OCR under this Agreement, OCR will notify the University of its objections promptly, no later than sixty (60) calendar days after receiving the draft documents.

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 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, which were at issue in these complaints.

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 regulations 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/

November 16, 2014

Paul J. Ward
Vice President for Legal Affairs, General
Counsel, and Secretary to the Board of Trustees
Southern Methodist University

Date