



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

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CHICAGO, IL 60661-4544

**REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN**

August 18, 2017

Dr. Randy Pembroke, Chancellor
Southern Illinois University-Edwardsville
State Route 157
RH 3316, Box 1151
Edwardsville, IL

Re: OCR #05-17-2163

Dear Dr. Pembroke:

This is to advise you of the resolution of the investigation of the above-referenced complaint against Southern Illinois University-Edwardsville (University) alleging discrimination on the basis of sex. The complaint, which was filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), alleged that the University failed to promptly and equitably respond to Student A's XXXX complaint of sexual harassment by Professor A.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681–1688, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department. As a recipient of federal financial assistance from the Department, the University is subject to OCR's jurisdiction under Title IX.

During the course of OCR's investigation, OCR reviewed data provided by the Complainant and the University, and interviewed the Complainant and University employees. Prior to the conclusion of OCR's investigation, the University expressed interest in resolving the complaint allegation. Discussions between OCR and the University resulted in the University's signing the enclosed Resolution Agreement (Agreement), which, when fully implemented, will resolve the issues raised in the complaint.

Legal Authority

The Title IX regulation, at 34 C.F.R. § 106.31, provides generally that, except as provided elsewhere in the regulation, no person shall on the basis of sex be excluded from participation in, denied the benefits of, or subjected to discrimination in education programs or activities operated by recipients of financial assistance from the U.S. Department of Education (Department).

Hostile Environment Created by Sexual Harassment

Sexual harassment that creates a hostile environment is a form of sex discrimination prohibited by Title IX. Sexual harassment is unwelcome conduct of a sexual nature,

regardless of the sex of the student. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Sexual harassment of a student creates a hostile environment if the conduct is so severe, persistent, or pervasive that it denies or limits a student's ability to participate in or benefit from the recipient's program or activities.

OCR considers a variety of related factors to determine if a sexually hostile environment has been created and considers the conduct in question from both an objective and a subjective perspective. Factors examined include the degree to which the misconduct affected one or more students' education; the type, frequency, and duration of the conduct; the identity of and relationship between the alleged harasser and the subject or subjects of the harassment; the number of individuals involved; the age of the alleged harasser and the subject of the harassment, the size of the school, the location of the incidents and the context in which they occurred; and other incidents at the school. The more severe the conduct, the less the need to show a repetitive series of incidents.

Nature of the Recipient's Responsibility to Prevent and Address Sexual Harassment

The Title IX regulations establish the following procedural requirements that are important for the prevention or correction of sex discrimination, including sexual harassment.

- Publish Notice of Non-discrimination

The regulation implementing Title IX, at 34 C.F.R. § 106.9, requires a recipient to implement specific and continuing steps to notify all applicants for admission and employment, students and parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of sex in its educational programs or activities, and that it is required by Title IX not to discriminate in such a manner. The notice must also state that questions regarding Title IX may be referred to the recipient's Title IX coordinator or to OCR.

- Designate Title IX Coordinator

The Title IX regulation, at 34 C.F.R. § 106.8(a), requires that a recipient designate at least one employee to coordinate its responsibilities to comply with and carry out its responsibilities under that law. The Title IX Coordinator must have knowledge of the requirements of Title IX and of the recipient's own policies and procedures on sex discrimination. Further, the recipient is required by the Title IX implementing regulation, at 34 C.F.R. § 106.8(a), to notify all students and employees of the name (or title), office address, email address, and telephone number of the designated employee(s).

- Respond When Know or Should Have Known

A recipient has notice of harassment if a responsible employee actually knew or, in the exercise of reasonable care, should have known about the harassment.

A recipient violates Title IX if one of its agents or employees, acting within the scope of his or her official duties, has treated a student differently on the basis of sex in the context of an educational program or activity without a legitimate, nondiscriminatory reason so as to interfere with or limit the ability of a student to participate in or benefit from the services, activities or privileges provided by the recipient. A violation may also be established if the agent's or employee's actions established or contributed to a hostile environment based on sex.

Once a recipient knows or reasonably should know of possible sexual harassment, it must take immediate and appropriate action to investigate or otherwise determine what occurred. If an investigation or other inquiry reveals that sexual harassment created a hostile environment, a recipient must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment if one has been created, prevent the harassment from recurring and, as appropriate, remedy its effects. These duties are a recipient's responsibility regardless of whether or not the student who was harassed makes a complaint or otherwise asked the recipient to take action. If, upon notice, a recipient fails to take prompt and effective corrective action, the recipient's own failure has permitted the student to be subjected to a hostile environment. If so, the recipient will be required to take corrective actions to stop the harassment, prevent its recurrence, and remedy the effects on the student that could reasonably have been prevented had the recipient responded promptly and effectively.

- Offer Interim Measures

Title IX requires a recipient to take steps to ensure equal access to its programs and activities and to protect the complainant as necessary, including interim measures before the final outcome of an investigation. The recipient should provide these interim measures promptly once it has notice of the harassment allegation. The individualized interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. In general, when providing interim measures, recipients should seek to minimize the burden on the complainant.

- Adopt, Publish and Implement Grievance Procedures

The Title IX regulation, at 34 C.F.R. § 106.8(b), requires recipients to adopt and publish grievance procedures providing for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX, including sexual violence and other types of sexual harassment. The procedures for addressing and resolving complaints of sexual harassment should be written in language that is easily understood, should be easily located, and should be widely distributed.

In evaluating whether a recipient's grievance procedures are prompt and equitable, OCR reviews all aspects of the procedures, including the following elements that are critical to achieve compliance with Title IX:

- 1) notice to students and employees of the procedures, including where complaints may be filed;
- 2) application of the procedures to complaints alleging discrimination and harassment carried out by other students, employees or third parties;
- 3) provision of adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and respondent to present witnesses and other evidence;
- 4) designated and reasonably prompt timeframes for the major stages of the complaint process;
- 5) notice to both parties of the outcome of the complaint and any appeal; and
- 6) assurance that the recipient will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred and to correct its discriminatory effects on the complainant and others, if appropriate.

In addition, recipients should provide training to employees about the applicable grievance procedures and their implementation. All persons involved in implementing a recipient's grievance procedures (e.g., Title IX coordinators, investigators and adjudicators) must have training in handling complaints of sexual harassment, and in the recipient's grievance procedures as well as applicable confidentiality requirements.

University Sexual Harassment Policies and Procedures

The University's Notice of Nondiscrimination (Notice), among other things, prohibits discrimination "against any person or group of persons based on sex. . . ."¹ The Notice defines discriminatory harassment as including "conduct (oral, written, visual or physical) directed against any person or group of persons because of . . . sex, . . . that has the purpose of, or reasonably foreseeable effect of, creating an offensive, demeaning, intimidating or hostile environment for that person or group of persons." The Notice directs individuals who have experienced or witnessed discrimination or harassment to the University's Office of Equal Opportunity, Access, and Title IX Coordination (EOA) and includes the address and phone number for the EOA. The Notice does not state that questions regarding Title IX may be referred to OCR.

The University policy defines sexual harassment in higher education as including "sexual advances, requests for sexual favors, or any conduct of a sexual nature" when "such conduct has the purpose or effect of substantially interfering with a student's academic performance or creating an intimidating, hostile, or offensive academic environment."² According to the University's policy, a hostile environment based on sexual harassment "occurs when unwelcome conduct of a sexual nature is so severe, persistent, or pervasive that it . . . limits a

¹ <https://www.siu.edu/policies/2c7.shtml>

² <http://siusystem.edu/board-of-trustees/legislation/board-legislation-policies.shtml#7D>

student's ability to participate in or benefit from a University program or activity, or creates an intimidating, threatening or abusive working or academic environment.” The policy further explains that “[s]exual harassment generally includes something beyond the mere expression or display of views, words, symbols, images, or thoughts that some person finds offensive.”

Formal complaints of sexual harassment may be made to the EOA within 60 days of the alleged discrimination; the EOA may waive the 60 day timeframe when doing so is warranted by the circumstances.³ Complaints may be written or verbal. Within three working days of receiving the complaint, the EOA will meet with the complainant to obtain additional details and make a written record of the complaint. At that time, the EOA advises the complainant of the investigation process, including the necessity of maintaining confidentiality to the extent possible, the prohibition against retaliation, the availability of interim measures, and the complainant’s right to present witnesses, offer evidence, and have a person of his or her choice, including an attorney, accompany the complainant throughout the process. Interim measures may include, but are not limited to, adjusting academic schedules and alternative living arrangements. The Title IX Coordinator told OCR that mutual no-contact orders are offered when appropriate.

Within five working days of receiving the complaint, the EOA meets with the respondent to notify him or her of the allegations and discuss the investigation process, including the respondent’s equal right to present witnesses, offer evidence, and have a person of his or her choice, including an attorney, throughout the process. The respondent is also informed of the prohibition against retaliation. If the respondent is a faculty member, the faculty member’s department chair and dean are notified of the complaint.

Within thirty working days of receiving the complaint, the EOA will determine whether the University’s Sexual Harassment Policy has been violated, make a written report of the findings and conclusions, and notify the complainant and respondent in writing of the results of the investigation. If the respondent is a faculty member, the EOA provides the department chair and dean with a copy of the report.

Within five working days of receiving the EOA’s investigation report, either party may to appeal the determination. Appeals are heard by a three-person Sexual Harassment Panel comprised of faculty and staff, none of which shall be from the same school, college, or reporting area as the complainant or respondent. Within three working days of receiving the appeal, the EOA selects the panel members and provides them with a copy of the investigation report. Within seven working days of receiving the report, the panel convenes to discuss the report, schedule the appeal hearing, and notifies the parties of the date of the hearing and their right to have an advisor of their choice present at the hearing. At the hearing, both parties are given equal opportunity to present information, rebut evidence, and present witnesses. Within ten working days after the hearing, the panel determines whether the Sexual Harassment Policy has been violated and prepares a report of its findings, including any recommendations for sanctions. The panel’s report is provided to the EOA and

³ <http://www.siue.edu/policies/2c5.shtml>

both parties. Within five working days of receiving the panel’s report, either party may appeal to the Office of the Chancellor. The Chancellor will review the record and uphold or reverse the panel’s decision within ten working days of receiving the appeal.

Statement of Facts

During the XXXX school year, Student A was enrolled in Professor A’s XXX class. According to Student A, throughout her time in Professor A’s class, he subjected her to hostile environment based on sex. On XXXX, Professor A commented loudly that Student A was “XXXXX” when she XXXXX after having XXXXXXXXXXXX. Two days later, on XXXXXX, Student A was XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. As Student A was leaving class, Professor A tapped her on the back and said “XXXXXXXXXXXXXXXXXXXXXXXXX.”

After the XXXXXX incident, Student A complained to her XXXX professor (Professor B) about Professor A’s comments on both days. According to Student A, Professor B told her that she had heard of Professor A making similar comments to other female students, but reassured her that Professor A was “not someone to be of harm.” After speaking with Professor B, Student A asked other female classmates about their experiences with Professor A, and learned from another female student that Professor A had made similar comments to her. Professor B did not report Student A’s concerns directly to the Title IX Coordinator/EOA, but did inform the Department Chair of Student A’s report. The Department Chair did not report the matter to the Title IX Coordinator after speaking with Professor B in XXXXX. Student A did not report Professor A’s comments to the Title IX Coordinator at that time.

Student A asserts that Professor A’s inappropriate and sexually harassing behavior towards her continued after she raised her concerns with Professor B. Specifically, on XXXXXX, Student A arrived for XXXXX a few minutes late so she went to Professor A’s office to let her know she had arrived. According to Student A, he said “You’re late” and XXXXXXXXXXXX. Then, on XXXXX, as Student A was walking towards the XXXX for a XXXXX, Professor A looked at Student A’s legs and said: “XXXXXXXXX.” Another female student (Student B) witnessed this incident and saw Professor A XXXXXXXXXXXX.

In early XXXXXX, Student A and her parents met with the Department Chair to discuss their concerns about Professor A’s conduct. By this time, Professor A’s XXXX class had concluded. The Department Chair had not reported Student A’s concerns to the Title IX Coordinator, but did convey them directly to Professor A on XXXXX. Professor A then emailed Student A, apologizing for making her feel uncomfortable and offering to meet with Student A and her parents. Student A declined to meet with Professor A. By that time, she had already filed a formal Title IX complaint with the Title IX Coordinator/EOA.

Student A’s Title IX Complaint

On XXXXX, Student A and her parents met with the Title IX Coordinator to file a complaint with the University against Professor A, alleging that he subjected Student A to a hostile

environment based on sex in connection with his class. During the meeting and in a subsequent written statement that she submitted on XXXX, Student A identified the above-described four incidents between XXXXX and XXXXX, as conduct by Professor B that contributed to the hostile environment.

During the XXXXX meeting, the Title IX Coordinator discussed the investigation process and the availability of interim measures. The Title IX Coordinator told OCR that he asked Student A what she needed to feel comfortable and safe, and that Student A declined a no-contact order because she was not enrolled in Professor A's class or any classes on campus at that point. The Title IX Coordinator connected Student A with a Staff Counselor (Counselor) who served as Student A's advocate during the investigation process.

Student A submitted a written statement in support of her complaint on XXXX. Both her written statement and the Title IX Coordinator's handwritten notes from the XXXX meeting indicate that Student A alleged that Professor A had behaved similarly towards other female students.

The Title IX Coordinator told OCR that prior to Student A's complaint, he had never received any complaints of sexual harassment against Professor A nor was he aware of any rumors of sexual harassment or misconduct by Professor A before Student A's complaint.

The Title IX Coordinator notified Professor A of Student A's complaint on XXXX by emailing Professor A a letter in which Professor A was asked to submit a written response to Student A's allegations within ten business days and to schedule a meeting with the Title IX Coordinator. Because Professor A was out of the country when he was formally notified of Student A's complaint, he requested and was granted a brief extension of time to submit his written response. The Title IX Coordinator notified the Complainant of the extension on XXXXX and, at that time, asked Student A to submit names of witnesses.

Professor A submitted his written response on XXXX. In his statement, he noted that he tried to take a XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX. He addressed each of the four incidents described above, disputing that they occurred with "malicious or flirting intention," but otherwise acknowledging the conduct. Professor A stated that he was unaware that these incidents made Student A uncomfortable until XXXX when the Department Chair brought it to his attention.

On XXXXXX the Title IX Coordinator emailed Student A a copy of Professor A's statement and explained that she could provide a rebuttal by email or by meeting in person.

On XXXXX, Student A provided the Title IX Coordinator with the names of witnesses. The Title IX Coordinator told OCR that he tried to contact some of the witnesses but none of them responded, and that he did not follow up with these witnesses because Professor A did not dispute that the incidents Student A described occurred, only that they amounted to sexual harassment. One of the witnesses he tried to contact was Professor B, to whom Student A had previously reported her concerns about Professor A. Professor B was not employed by the University during the summer and responded to the Title IX Coordinator in

September when she returned to work. In her email, Professor B asked whether she had properly referred Student A's report of possible harassment to the Department Chair, or whether something more should have been done at that time in response to Student A's report. The Title IX Coordinator spoke with Professor B, and informed OCR that she expressed some concerns about Professor A's professionalism during the phone call, but did not "express strong opinions" about his behavior or indicate that she believed he had engaged in sexual harassment. The Title IX Coordinator and Professor B also discussed making academic adjustments for Student A so that she would not have to take additional classes from Professor A.

Student A initially requested to do her rebuttal in person, but changed her mind and advised the Title IX Coordinator that she planned to submit a written rebuttal, which she did on XXXXX. In her rebuttal, Student A disputed Professor A's explanations for his conduct, which she characterized as unacceptable.

On XXXX, the Title IX Coordinator emailed Student A to let her know that he was still working on the investigation and expected to issue his report to the parties within the next two weeks. When Student A did not receive the report two weeks later, she emailed the Title IX Coordinator to check on the status. The Title IX Coordinator emailed Student A and Professor A copies of his investigation report on XXXX and advised both parties of their right to file an appeal within five business days. XXXX was 112 days from the day Student A filed her complaint on XXXXX.

In his investigation report, the Title IX Coordinator "determined by a preponderance of the evidence that the specific allegations are more likely than not true" in that Professor A made the alleged remarks to Student A and XXXXXXXXXXXX. However, he also determined that the remarks and acts were not sufficiently severe, persistent, or pervasive to constitute hostile environment sexual harassment. He determined that the XXXX "was not objectively sexual" and that the remarks that Professor A made to Student A on the other occasions dates were not, individually or collectively, sufficient to support a violation of the University's sexual harassment policy. In the recommendations section of the report, the Title IX Coordinator: "strongly advised [Professor A] to refrain from commenting on the appropriateness of a female student's dress and/or her appearance;" "refrain from comments/jokes about students that might cause embarrassment to the student by being called out in front of the class;" and to "refrain from physically touching female students." The Title IX Coordinator noted that "[a]dditional findings of similar behavior as determined in this report could be evidence of pervasiveness of behavior." Finally, the Title IX Coordinator recommended that Professor A undergo a sexual harassment training offered by the University in the fall.

Student A's Appeal of the Title IX Coordinator's Determination

Student A appealed the determination on XXXXX. She submitted a statement disputing the Title IX Coordinator's investigation report along with a packet of information for the appeal panel that included a photo of Student A and a fellow female Student (Student B) on the date of the XXXXXX and statements from student witnesses, one of which was from a male student who had recently graduated from the University's XXXXX and had taken several

classes with Professor A. This student wrote that although his memory was “not the greatest,” he recalled Professor A “making comments about multiple female’s breast’s sizes on different occasions,” and that Professor A’s “behavior towards women XXXXX was not always the most respectful.” Student A also submitted a statement from Student B, who wrote that she was not contacted during the investigation and that she saw Professor A
XX.

Professor B submitted statements for the appeal panel on behalf of both Student A and Professor A. Professor B’s statement for Student A was a character reference, whereas her statement on behalf of Professor A, which she submitted at Professor A’s request, described her knowledge of other female student reports about his conduct. Professor B’s statement described two students’ concerns, one of whom had complained to Professor B “on more than one occasion . . . saying that [Professor A] made insensitive comments to her about the way she was dressed, causing her to be upset and uncomfortable.” Specifically, Student C told Professor B that Professor A said her dresses were too tight-fitting, and she felt that he “looked at her inappropriately.” The other female student (Student D) had raised a concern about Professor A requiring her to XXXXXXXXXXXXXXXXXXXXXXX.

The Title IX Coordinator told OCR that he did not follow up with Students B, C or D, or the male student whose statement indicated that Professor A had commented on female students’ breasts, because none of these students had filed EOA complaints and their statements were not part of the facts at issue in Student A’s complaint, namely the Professor A’s conduct directed at Student A.

Prior to the hearing, the hearing panel members sent the Title IX Coordinator a memo outlining their questions about the process and procedures for the appeal hearing. They asked the Title IX Coordinator whether other students have complained about Professor A and whether the Title IX Coordinator spoke with the Department Chair or Professor B about previous complaints against him. In response to these questions, the Title IX Coordinator informed the hearing panelists that while they were permitted to ask about prior incidents involving other students, those allegations were not “relevant to the outcome” of Student A’s complaint. He also explained that prior “bad acts” by Professor A “are generally only useful to the determination that an allegation occurred.” The Title IX Coordinator stated that he had not spoken with either the Department Chair or Professor B about Student A’s allegations, indicating only that he had attempted to reach Professor B during his investigation, but she was unavailable at that time.

OCR listened to an audio recording of the appeal hearing and observed that both parties were given an equal opportunity to present witnesses. Professor A apologized for the stress he had caused Student A, explained his practice with respect to XXXXXXXX, and generally denied engaging in sexually harassing or inappropriate behavior although he did not dispute the facts involved in the specific incidents. Professor A presented a witness, a female student (Student E) who was in the class with Student A. Student E said she had been in Professor A’s XXXXX class for XXXX years and never heard him comment on students’ breasts.

The appeal panel issued its written report of findings to the parties on XXXXXXXX, in which the panel upheld the Title IX Coordinator’s determination that the four incidents between Student A and Professor A were not sufficiently severe or persistent to constitute sexual harassment or a sexually hostile environment. The panel found Professor A’s comments and conduct “offensive and unprofessional,” but not sexual harassment. The panel did not consider the other information provided by Student A’s witnesses regarding Professor A’s treatment of other female students. However, the panel recommended that Professor A and the XXXXXXXX complete training with the Title IX Coordinator to address Professor A’s “lack of tact” in his communications with Student A and the XXXXXXXX delayed response to Student A’s report of sexual harassment. The panel further recommended that the University explore academic adjustments and modifications for Student A, including substituting class requirements so that Student A did not have to take any classes with Professor A while pursuing a degree in XXXXXXX.

The Title IX Coordinator did an in-person ninety-minute sexual harassment training with Professor A, but did not provide additional training for the XXXXX department.

Student A’s Final Appeal to the Chancellor

On XXXXX, Student A appealed the panel’s determination to the Office of the Chancellor, who assigned the appeal to the Dean of the School of Nursing because the Chancellor had XXXXXXXXXXXXXXXXXXXX. The Dean of the School of Nursing considered the materials in the investigation file and the appeal materials, including the recording, and notified the parties on XXXXXXXX that she was upholding the panel’s decision.

Additional Factors

The Title IX Coordinator told OCR he had heard from the Counselor that there are “rumblings” of Professor A making similar remarks towards female students, but does not have any student names or know the specifics of any alleged behavior by Professor A. Nonetheless, he contacted Professor A to remind him of behavior expectations. The Counselor told OCR that she is aware of other female students since Student A’s complaint who have experienced similar behavior from Professor A and have been made uncomfortable; however none of these students filed Title IX complaints.

Analysis

Prior to the conclusion of OCR’s investigation, the University expressed an interest in voluntarily resolving the complaint. In order to conclude OCR’s investigation of this allegation, OCR would need to interview members of the panel that heard Student A’s appeal, Professor B, and the Department Chair. In light of the University’s willingness to address OCR’s compliance concerns without further investigation, OCR determined entering into a voluntary resolution agreement was appropriate.

Based on the evidence gathered to date, OCR identified some compliance concerns in regard to notice of nondiscrimination and implementation of the University’s grievance procedure.

Specifically, OCR identified concerns regarding the University's response to Student A's grievance to the extent that the University did not investigate her complaint fully and thus excluded from consideration possible relevant evidence to the hostile environment determination. Also, the evidence also suggests that the Title IX Coordinator and hearing panel members are not adequately training on what relevant evidence can be considered on appeal in determining whether a sexually hostile environment exists or was created. Further, relevant employees are not aware of their obligation to notify the Title IX Coordinator of reports of sexual harassment.

To resolve the allegation and the compliance concerns that OCR identified, the University submitted a signed resolution agreement (Agreement) to OCR on August 17, 2017. The University committed to take actions such as:

- Revise its Notice of Nondiscrimination to include contact information for an individual who is explicitly designated as the University's Title IX Coordinator.
- Provide training to its Title IX Coordinator, as well as any other individuals designated to investigate student complaints of sexual harassment or sexual violence, regarding the scope of a prompt and equitable investigation to determine whether a complainant has been subjected to a hostile environment based on sex.
- Provide training to all faculty and staff in the University's XXXXX Department that is in addition to the annual Title IX training provided to all University employees. The training for XXXXX Department faculty and staff will cover recognizing sexual violence and sexual harassment, reporting obligations, the University's grievance procedures, and resources available to students, faculty, and staff who experience sexual violence or other forms of sexual harassment.
- Provide training to all University employees who sit on the Sexual Harassment Panel. The training will cover the University's grievance procedures, the scope of evidence that may be considered in determining whether a complainant has been subjected to a hostile environment based on sex, and the steps the University must take to eliminate any hostile environment based on sex.
- Meet with Student A to explain the changes implemented at the University as a result of her complaint and offer to provide Student A University resources as needed, requested, and deemed appropriate.
- Meet with Professor A to explain the changes implemented at the University as a result of Student A's complaint and remind Professor A of the University's prohibition against sex discrimination, including sexual harassment, and will reiterate that any additional substantiated reports or complaints of sexual harassment against him may result in disciplinary action consistent with the University's policies, including but not limited to termination.

This concludes OCR's investigation of the complaint. These findings should not be interpreted to address the University's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. OCR will monitor the University's implementation of the Agreement. When OCR concludes that the University has fully implemented the terms of the Agreement and is in compliance with the statutes and regulations at issue in the case, OCR will terminate its monitoring and close the case. If the

University fails to implement the Agreement, OCR may seek compliance with the federal civil rights laws through any means authorized by law, including by enforcing the specific terms of the Agreement.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

Thank you for the assistance that the University and its attorney, Phyleccia Reed Cole, extended to OCR in resolving this complaint. We look forward to receiving the University's first report about its implementation of the Agreement by September 15, 2017. If you have any questions, please contact Lauren Lowe at Lauren.Lowe@ed.gov or (312) 730-1584.

Sincerely,

Aleeza M. Strubel
Supervisory Attorney

Enclosure

cc: Phyleccia Reed Cole,
Senior Associate General Counsel