



Erin Barker-Brown  
Office for Civil Rights  
Cleveland Office  
U.S. Department of Education  
1350 Euclid Avenue, Suite 325  
Cleveland, OH 44115

November 30, 2015

**Re: The Ohio State University Resolution Agreement  
Twelfth Progress Report**

Dear Ms. Barker-Brown,

Pursuant to the Resolution Agreement entered into by the U.S. Department of Education's Office for Civil Rights (OCR) and The Ohio State University (Ohio State), Ohio State committed to report on progress towards meeting the various requirements outlined in the Agreement. This letter serves as our twelfth such report.

**COMPLETED REQUIREMENTS**

**Section III: Title IX Policies, Procedures, and Related Written Materials (Agreement pp. 4-9)**

Requirement: Item III.C. of the Resolution Agreement requires the university to certify to OCR that, within 60 calendar days of receipt of OCR's approval, it has formally adopted the revised documents; updated all printed publications and online publications with the revised documents; and electronically disseminated the revised grievance procedures to students and employees. The September 29, 2015 letter from your office approved the university's policies assuming the university modifies its Code of Conduct and updates other documents, including but not limited to the Sexual [Violence] Response Guidelines and sexual violence education materials to be consistent with the policy language approved by OCR. The letter asked Ohio State to provide documentation demonstrating the university's adoption, publication, and dissemination of the OCR-approved nondiscrimination notice, Title IX grievance procedures for complaints of sex discrimination, and revised sexual harassment policies, procedures, and other related documents according to Item III.C.

Response:

Policy 1.15

Prior to receiving OCR's approval of revised policy 1.15, the university approved the policy as interim on September 1, 2015. Interim policies have the same force and effect as final policies. The university disseminated the policy for feedback from stakeholders, consistent with the process for an interim policy. Feedback from the community was limited in scope, as the substantive language of the policy as approved by OCR is not eligible for revision. However, the community was invited to submit suggestions for revisions related to readability and clarification of language, so that the policy reflects the needs of the Ohio State community most effectively. Please find enclosed a copy of several university communications reflecting the adoption of the revised policy and a link to the policy on the university

policy website at <http://policies.osu.edu/area.html#hr>. The policy and related documents, including a summary of changes and communications toolkit, are also available on the Human Resources policy website at <http://hr.osu.edu/policy/> and the Title IX website at <http://titleix.osu.edu/sidebar-resources/osu-policies/sexual-harassment-policy.html>.

Further, on September 17, 2015, Ohio State announced a comprehensive plan to combat sexual misconduct and relationship violence that combines new initiatives with programs developed over the last several years. The plan is organized under the name Buckeyes ACT. With this launch, the university created a Buckeyes ACT website, which promotes the revised policy, related documents, and sexual violence awareness and prevention initiatives, such as the Sexual Civility and Empowerment Program, campus climate survey results, online training for students and employees, and the It's on US campaign through the Undergraduate Student Government Association. <https://www.osu.edu/buckeyesact>

#### Non-discrimination notice

In OCR's September 11, 2014 letter to Ohio State, outlining the conversation with the university to date and the elements of the Resolution Agreement, OCR stated on page 9, subsection B:

During the review, the University established a University-wide notice of nondiscrimination that covers sex discrimination and meets the Title IX requirements. The University posted the nondiscrimination notice on the University's main web page and the Title IX webpage. The University also created a web link to the nondiscrimination statement on the footer banner on many of the University web pages. The notice provides the names and contact information for the Title IX Coordinator and the Deputy Coordinators.

As stated, the university continues to publish its notice of nondiscrimination on the Title IX website at <http://titleix.osu.edu/>, and provides a link to the notice at the footer of every university webpage: <http://hr.osu.edu/public/documents/policy/resources/110nondiscrimnotice.pdf>. The nondiscrimination notice may also be accessed through the Buckeyes ACT website and through various departmental webpages.

#### Code of Student Conduct

Upon receipt of OCR's September 29, 2015 letter approving the university's revised policy 1.15, we continued conversations regarding needed revisions to the Code of Student Conduct. Notably, the changes required to bring the Code in alignment with the policy 1.15 are limited, as the language in the Code was used as a basis for the policy revision. However, as the Code of Student Conduct is part of the Ohio Administrative Code, any revision requires a formal review and approval process including multiple university governance groups. Specifically, a draft version of the Code of Student Conduct is presented by the rule set owner, Student Life, to its governing committee, the Council of Student Affairs, for approval and recommendation to the University Senate Rules Committee. Upon approval, the Rules Committee works with the University Senate Steering Committee to bring the rule set to the University Senate for vote. Upon a vote of approval, the rule set is then presented to the university's Board of Trustees for final approval, which holds five meetings each year.

In light of this timeline and process, we would ask for an extension of time to finalize the language of the Code of Student Conduct. Due to the academic calendar, it is preferable to implement a new Code prior to the start of the new academic year, so we would ask to extend this timeframe to August 2016. During this review process, the Office of Student Conduct will continue to refer complainants and respondents in its investigations to the revised policy 1.15, which enumerates the rights and options of all community members in investigations of sexual harassment and discrimination. If further discussion regarding this process would be helpful, I would be happy to schedule a follow up call.

We believe that this response constitutes full compliance with all requirements defined in Section III.C of the Resolution Agreement.

#### **Section IV: Training (Agreement pp. 9-11)**

Requirement: Item IV.C of the Resolution Agreement requires the university to revise its training materials as necessary to incorporate the clarifications and changes outlined in Item III (A-B). Item IV.F of the Resolution Agreement requires the Title IX Coordinator to work with the Student [Advocacy] Center to ensure that all of the Student Wellness Center's offered presentations for sexual violence education and support are consistent with the university's Title IX policies and procedures, including the clarifications and changes outlines in Item III (A-B). The first reporting requirement for Item IV of the Resolution Agreement requires the university to submit to OCR by December 15, 2014, all of the training materials revised in accordance with Item IV. OCR's November 5, 2014 letter "notes that execution of [implementation of Item IV.F and providing OCR with copies of the relevant, revised training] may exceed the December 15 deadline in the Agreement, depending upon the date that the university's policies and procedures are approved."

Response:

Prior to the start of the 2015-16 academic year, the university reorganized its efforts to respond to and prevent sexual violence and sexual harassment, by aligning the work of the Sexual Violence Support Coordinator with the Sexual Violence Education Coordinator under the title "Sexual Civility and Empowerment Program" in the Student Life Student Advocacy Center. Previously, the Sexual Violence Education Coordinator reported to the Student Wellness Center.

Please find enclosed a copy of the programs revised by all university offices engaged in training on sexual harassment, sexual misconduct, and relationship violence, including Human Resources, Office of University Compliance and Integrity, and Sexual Civility and Empowerment.

Requirement: OCR's August 27, 2015 letter requests the university submit documentation concerning training completed during the 2014-2015 academic year prior to the January 31, 2016 reporting deadline. The September 29, 2015 letter from your office moved up that deadline to 60 calendar days of the university's receipt of that letter.

Response:

During the 2014-15 academic year, the university continued to engage in a number of comprehensive educational opportunities for the campus community around issues of sex- and gender-based harassment and discrimination, including various instructor-led sessions through the Office of Human Resources, Office of University Compliance and Integrity, and Student Life. Training was made available to students at large through orientation and the first-year success series, to various high-risk populations such as athletes, sorority and fraternity life, marching and athletic bands, and residential students, and to staff and faculty through department meetings and volunteer training opportunities. The university also implemented training for investigators using a nationally-recognized expert. Please find enclosed an account of training conducted by the university during the 2014-15 academic year.

We believe this response constitutes full compliance with Items IV.C, IV.F, and the related reporting requirements.

Ohio State will continue to demonstrate its long-standing commitment to vigorously addressing sexual assault and sexual harassment on its campuses, including by taking effective steps to stop sexual misconduct, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects. We will continue to meet our requirements under the Resolution Agreement, and report progress to you.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Kellie Brennan  
Title IX Coordinator

Enclosures:

- Sexual Misconduct Response Guidelines
- Sexual Violence Resource Wheel
- University communications regarding interim policy adoption
- Copy of revised training materials
- List of 2014-15 trainings

cc: President Michael V. Drake, M.D.  
Christopher Culley, Senior Vice President, General Counsel and Senior Advisor to the President  
Gates Garrity-Rokous, Vice President and Chief Compliance Officer