



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

February 5, 2016

**Re: The Ohio State University Resolution Agreement
Fourteenth 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 fourteenth such report. Items IV.A, IV.H, IV. Reporting Requirement: Training, and V.C were originally due to be reported to OCR on January 15, 2016 and Item VII on January 31, 2016; however, per joint agreement during the January 14th, 20th and February 2, 2016 phone calls between our offices, we agreed to submit this progress report on February 5, 2016.

Section IV.A: Training (Agreement p. 9)

Requirement: Item IV.A of the Resolution Agreement requires the university to provide periodic, comprehensive training to university officials and administrators who will be directly involved in processing, investigating, and/or resolving complaints of sex discrimination (including sexual harassment and sexual assault) or who will otherwise play a role in coordinating the university's compliance with Title IX.

Response: In our April 27, 2015 letter, the university provided information regarding proposed training for all Title IX investigators and provided a copy of the agenda for the seminar. OCR approved the training materials, provided that the university document additional information requested regarding available resources for complainants and respondents during the training. Please find enclosed a copy of the training agenda, presentation slides, and attendance roster from the investigator training held on August 17-18, 2015.

We believe this response constitutes full compliance with all requirements defined in Section IV.A of the Resolution Agreement.

Section IV.H: Training (Agreement p.10)

Requirement: Item IV.H of the Resolution Agreement requires the university to provide training on Title IX sex discrimination to groups identified as needing additional training based on the results of the university's climate survey by January 1, 2016.

Response: In our December 15, 2015 letter, the university outlined the groups identified as needing additional training based on the results of the climate survey. In addition to the groups identified by OCR

in the Resolution Agreement Item IV.G, the results indicated that the university should focus educational efforts toward our LGBTQ students, ROTC students, graduate and professional students, and students attending our regional campuses. The university provided an account of all training conducted during the 2014-15 academic year in our November 30, 2015 letter, and an account of all training conducted during the first semester of the 2015-16 academic year is included in this letter. In addition to these trainings, the university is in the process of reviewing our programming model to best address the needs of high-risk populations and students at-large, as described in our December 15, 2015 letter.

Due to the timing of our receipt of the climate survey data from AAU in September 2015, and the subsequent analysis of the data specific to these sub-populations, we were not able to develop and implement effective training programs using the climate survey data by the deadline of January 1, 2016. Further, based on the semester schedule, most training of student organizations and other groups is conducted in early fall, when students are engaged in orientation initiatives. Thus, we would ask that OCR grant an extension on the development of these training programs until May 30, 2016, so that the university can make its best efforts in analyzing the data and working with at-risk groups to develop programming that addresses needs most effectively.

Section IV Reporting Requirement: Training (Agreement p. 10)

Requirement: Item IV Reporting Requirement of the Resolution Agreement requires the university to submit to OCR documentation verifying all of the training it has conducted during the previous academic year, identifying which specific groups were trained using which materials, the date(s) of the training, and the name and position title of the trainer(s).

Response: OCR's August 27, 2015 letter requested that the university provide information regarding training conducted during the first semester of the 2015-16 academic year in the January 15, 2016 progress report. On September 22, 2015, the university launched its online training tool for Title IX/VAWA compliance, developed by LawRoom/Campus Clarity, for all students, and did so for all employees on October 12, 2015. Please find enclosed information regarding the launch of this online training, as well as an account of all instructor-led Title IX training conducted by the university during fall 2015. Per our February 2, 2016 phone call, it was noted that OCR was having difficulty in locating the training conducted by the (former) Sexual Violence Education and Support team during the Spring 2015 semester. That training grid has been included with this letter, as well.

We believe this response constitutes full compliance with all requirements defined in Section IV Reporting Requirement of the Resolution Agreement.

Section V.C: Climate Survey (Agreement p. 11)

Requirement: Item V.C of the Resolution Agreement requires the university to conduct a climate check or series of climate checks with students to assess the effectiveness of steps taken pursuant to the Agreement, or otherwise by the university, to achieve its goal of a campus free of sexual harassment, in particular sexual violence.

Response: OCR's September 29, 2015 letter requested that the university provide the proposed climate check tool for the 2015-2016 academic year, including evidence of the formulation and activities of the working group described in Item V.C of the resolution agreement. In October 2014, the university formed a working group of students and employees to develop and implement the climate survey, and the participants in the original working group were a subcommittee of the university's existing Sexual Violence Committee. The working group met several times in fall 2014 and began to develop a draft survey for submission to OCR in January 2015.

However, in December 2014, the university decided to engage the AAU climate survey tool instead of developing a survey in-house, and the charge of the working group shifted from development to survey promotion and marketing. There were several student government leaders and campus administrators added to the working group in January 2015. The working group continued to meet throughout spring 2015 in anticipation of the survey launch on April 6, 2015.

The university used as its basis for its 2016 survey those questions from the AAU survey that was administered in April 2015. The working group comprised of faculty, staff, and students, was involved in the modification and further development of the 2016 survey instrument. The draft survey tool addresses the concerns that OCR previously expressed in its September 27, 2015 letter regarding the 2015 AAU survey. Specifically, the concerns were stated as follows:

1. Does not contain personally identifying questions (e.g., citizenship and residency, relationship history, and disability status) that could compromise survey respondent's privacy and/or dissuade students from responding;
2. Includes a university contact person for questions and concerns; and
3. Will allow survey respondents to clarify their "other" responses or provide narrative explanations that the university may find helpful in determining areas needing to be addressed.

To address the first concern, the 2016 survey tool does not contain questions regarding citizenship and residence or disability status. The survey does contain a question, A11, regarding relationship status, and it is stated as follows:

A11. Since you have been a student at Ohio State, have you been in one or more partnered relationships? Partnered relationships include:

- casual relationship or hook-up
- steady or serious relationship
- marriage, civil union, domestic partnership or cohabitation

Yes No

This question is tied to section F of the survey on intimate partner violence (IPV)/domestic violence (DV), such that if a student answers "No" to the partnered relationship question, he or she skips the IPV section. This is a survey construct that is meant to save time for the end user, so they are not subject to questions that do not apply. We hope that this construct is acceptable to OCR and it is understood why question A11 is posed in such a way. Please see p. 17-19 the draft survey for an explanation of this construct and questions regarding IPV/DV.

To address the second concern, the survey will contain contact information for the Title IX Coordinator as a university contact person for questions and concerns. Additionally, students have linked access on each page of the survey to a list of campus, community, and national resources. The resource list is included with this letter.

To address the third concern, the university will provide a write-in option for any "other" response in the survey, to allow students to provide narrative explanations.

Please find enclosed copies of correspondence and meeting minutes documenting the participation of the working group in the climate survey process, as well as a copy of the university's draft survey for 2016.

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

Section VII: University's Investigation of Marching Band (Agreement pp. 13-16)

Requirement: This section codified the corrective actions identified by Ohio State in its report pursuant to the comprehensive marching band investigation and requires that the university meet its stated objectives to evaluate and strengthen marching band leadership, review and revise band policies, offer counseling and training to band members and staff, conduct climate checks of the band, and offer individual remedies to band members subjected to the sexually hostile environment. OCR requires that the university provide quarterly updates on the progress of implementation of corrective actions.

Response: This report serves as our sixth quarterly update on the implementation of corrective actions related to the marching band.

The 2015 marching band season concluded on Sunday, January 3, 2016, upon the return of the band from the Fiesta Bowl in Arizona. Since the last quarterly update on October 15, 2015, Ohio State has completed the following training with the 2015 marching band:

October 16, 2015: All band members completed the online Title IX training module provided by the university for all students.

October 27, 2015: Counseling and Consultation Service met with the entire band and staff to discuss counseling resources available on campus as well as time and stress management.

November 3, 2015: All staff and volunteers completed the online Title IX training module provided by the university for all employees.

November 4, 2015: Student Wellness Center facilitators met with the entire band in small groups to conduct alcohol education.

November 6, 2015: Student Wellness Center alcohol education materials were provided to all Band staff.

December 1, 2015: Drug education materials were provided to all band members and staff.

December 29, 2015: Compliance officer and band director conducted training on the standards of behavior applicable during bowl travel.

In addition to the above trainings, the band director, in consultation with band members, created a marching band Cultural Blueprint that defines the three core values of the 2015 marching band: Tradition of Excellence, Attitude of Gratitude, and Extraordinary Respect. The Cultural Blueprint was uploaded to band members' iPads and repeatedly referred to verbally and in writing with students throughout the season. This document is enclosed with this report.

Section IV.C: Training (Agreement p. 9)

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).

Response: In our November 30, 2015 letter, the university provided the revised trainings offered by the Student Advocacy Center. Additionally, to clarify that submission, the Title IX Coordinator worked with the Office of Student Life, Student Advocacy Center's Sexual Civility and Empowerment Program to revise all Title IX-related training programs consistent with the OCR-approved Sexual Misconduct, Sexual Harassment, and Relationship Violence policy. The sexual violence prevention coordinator with

whom the Title IX Coordinator worked to revise such programs was formerly housed in the Office of Student Life, Student Wellness Center's Sexual Violence Education and Support program.

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:

- Title IX investigator training agenda, presentation slides, and attendance roster
- Information regarding the launch of Law Room/Campus Clarity online training
- Account of all instructor-led Title IX training conducted during fall 2015
- Account of SVES training during spring 2015
- Correspondence and meeting minutes and agenda for survey working groups
- 2016 draft survey tool

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