April 27, 2011

MEMORANDUM

TO: John Powell, Chair
    Executive Committee of Academic Council

FROM: Kristine Zayko, Deputy General Counsel
      Office of the General Counsel

Paulette Granberry Russell, Director
      Office for Inclusion and Intercultural Initiatives

On April 4, 2011, the U.S. Department of Education, Office for Civil Rights ("OCR") issued the attached Dear Colleague letter to provide comprehensive guidance regarding compliance with the requirements of Title IX, including the investigation of sexual harassment and sexual violence on college and university campuses.

Recent changes to the University’s Sexual Harassment Policy, as well as ongoing education and training initiatives, have positioned the University well to respond to the OCR guidance. Nevertheless, some additional changes to University policy and practice are necessary. These changes include the following modifications to the way in which student judicial hearings are conducted for Title IX complaints:

- If a student files a complaint related to off-campus conduct, the school must process the complaint in accordance with its established procedures in order to evaluate whether there is a hostile environment on campus.

- The University must provide the complainant with the same opportunity to a pre-hearing meeting as it provides to the respondent.

- The parties should not be permitted to personally question or cross-examine each other during the hearing.

- If the University provides an appeal of the findings or remedy, it must do so equally for both parties.

- The University must specify the time frame for all major stages of the investigation and hearing procedures.

The OCR expects that colleges and universities will move swiftly to come into compliance with its guidance.
Given the timing of the guidance, the need to make changes promptly, and the impending close of the academic year, the President intends to ask that the Board of Trustees authorize her Office to implement interim measures to bring the University into compliance with the new regulations pending a more comprehensive review of affected University policies with Academic Governance.

Our Offices will engage with you and other representatives from Academic Governance regarding those interim measures now and throughout the summer.