



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

October 15, 2016

**Re: The Ohio State University Resolution Agreement
Nineteenth 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 nineteenth such report.

Section III.C: Title IX Policies, Procedures, and Related Written Materials (Agreement pp. 7-8)

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.

OCR's May 11, 2016 letter noted that until the Sexual Misconduct policy is formally adopted as final, the university is not in full compliance with this item of the Resolution Agreement. The letter states that the university should certify to OCR that we have 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 by August 5, 2016. The documentation is to include evidence of the electronic dissemination of the revised grievance procedures to students and employees, a list of the titles of the publications in which the information appears, as well as a copy of any such publications.

Response: As detailed in our August 5, 2016 status report to OCR, the university confirmed that the revised Sexual Misconduct policy had been taken from interim to final status with an effective date of August 23, 2016 and provided a copy of the approved policy. We further specified the channels of communication to our university community reflecting the adoption of the final revised policy. We confirmed that our next status report would include evidence of these communications. Please find attached copies of such communications.

We believe that this response constitutes full compliance with all requirements of III.C 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 conducted at the end of the AY 2014-15. In addition to the groups identified by OCR in the Resolution Agreement Item IV.G (i.e., greek life, band, athletes, cheerleaders), the AY 2014-15 survey results indicated that the university should focus educational efforts toward high-risk groups (i.e., 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 AY 2014-15 in our November 30, 2015 letter, and an account of all training conducted during the first semester of the AY 2015-16 in our February 5, 2016 letter. In addition to these trainings, we have continued to review our programming model to best address the needs of high-risk populations and students at-large, as described in our December 15, 2015 letter.

Our February 5, 2016 letter requested an extension on this item until October 15, 2016 based on the timing of our receipt of the climate survey data from AAU, subsequent analysis specific to those sub-populations, and the semester schedule in which most training of student organizations and other groups is conducted in early fall. OCR's July 19, 2016 letter approved the extension request.

Attached to this status report is a full accounting of the discussions and trainings provided to the high-risk groups identified above. We believe this response constitutes full compliance with all requirements in Item IV.H of the Resolution Agreement.

Section V.C.: Climate Assessments and Response (Agreement pp. 11-12)

Requirement: The third reporting requirement of Section V requires Ohio State to submit to OCR results of the climate assessment and written recommendations for any further action determined necessary.

Response: On September 22, 2016, Ohio State publicized its results of the second campus climate survey on sexual assault and sexual misconduct. The university released the results to members of the university community via email from President Drake and to the media via a press release. These communications and a copy of the climate survey report and data tables are attached to this letter.

Due to the timing of the release of the results of the 2016 climate survey, administrators at Ohio State have not yet finalized written recommendations for further action, though discussions are in progress. Ohio State requests an extension of the deadline for written recommendations until December 15, 2016, so the university may fully consider all the data gathered in the report and gather feedback from university stakeholder groups, such as the BuckeyesACT Task Force.

We believe this response constitutes full compliance with the third reporting requirement of Section V.

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

Requirement: This section codifies the corrective actions identified by Ohio State in its report pursuant to the comprehensive Marching Band investigation and requires that the university meet its own 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 ninth quarterly update on the implementation of corrective actions related to the Marching Band.

The 2016 Marching Band was selected on August 15, 2016. Since then, the Marching Band students have received the following culture and life skills training:

- August 16: Band cultural values and required standards of behavior (Band Director)
- August 17: "Above the line" behavior in response to life events (outside speaker)
- August 17: Practicing civility and respect in day-to-day interactions (Sexual Civility & Empowerment staff)
- August 17: Introduction to online Title IX training provided by the University (100% of band students completed by 9/11/16)
- August 18: Hazing (Student Conduct staff)
- August 19: Stress management (Counseling and Consultation Service staff)
- August 20: Managing health in band (Sports Medicine staff)
- August 24: Alcohol use (Student Wellness Center staff)
- September 14: Social media and traditional media (Band Communications Officer)
- September 15: Standards of behavior for travel (Band Compliance Officer)

The Marching Band staff, volunteers, trainers, and vendors underwent Title IX training, led by the University's Title IX Coordinator and/or the Title IX program coordinator, on September 12, 13, and 21, 2016. Marching Band staff also attended hazing training by Student Conduct staff on August 18 and/or September 12, 2016.

The Marching Band Operations Manual was revised again this season to more specifically address the cultural values of the program, including direct reference to the Marching Band three core values of extraordinary respect, an attitude of gratitude, and performance excellence.

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
Compliance Director and Title IX/Clery Coordinator

Enclosures:

Faculty and staff policy announcement in OnCampus today
Medical Center employee policy announcement in Wexner Medical Center This Week
University-wide policy announcement in email from Office of Student Life
Documentation of discussion and training for high-risk groups identified in AY 2014-15 campus climate survey
AY 2015-16 campus climate survey results and evidence of dissemination

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