

RESOLUTION AGREEMENT
The University of Vermont and State Agricultural College
OCR Complaint No. 01-22-2002

The University of Vermont and State Agricultural College (University) enters into this Resolution Agreement (Agreement) pursuant to Section 302 of OCR's *Case Processing Manual* prior to the conclusion of OCR's investigation. This Agreement does not constitute an admission of wrongdoing or liability by the University pursuant to Title VI. The University affirms its commitment to equal treatment and opportunity for its students and employees and to maintaining an educational environment free from discrimination, harassment, and retaliation. In furtherance of this commitment, the University agrees to take the following actions and report completion of the actions to OCR as specified below.

Action Item I – Review of Equal Opportunity and Antiharassment Policies and Procedures; Implementation of Protocols

A. Equal Opportunity and Antiharassment Policies and Procedures

The University has in place the following policies and procedures related to Equal Opportunity and Antiharassment (Equal Opportunity and Antiharassment Policies and Procedures): *Equal Employment Opportunity/Affirmative Action Policy Statement; Equal Opportunity in Educational Programs and Activities and Non-Harassment Policy; Discrimination, Harassment, and Sexual Misconduct Policy; Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure; and/or Discrimination, Harassment, and Non-Title IX Sexual Misconduct Sanctioning Procedures for Student Respondents Operating Procedure*. The University will review and revise its Equal Opportunity and Antiharassment Policies and Procedures to ensure that the University adequately addresses the Title VI prohibition on discrimination based on national origin, including shared ancestry or ethnic characteristics, including antisemitism, in the University's programs and activities. The University will disseminate the revised Equal Opportunity and Antiharassment Policies and Procedures to all University employees and students. The dissemination will include a web link to the revised Equal Opportunity and Antiharassment Policies and Procedures and a clear explanation of the changes.

The University's Equal Opportunity and Antiharassment Policies and Procedures currently reflect the following provisions, which the University will maintain:

1. A statement setting forth the University's commitment to having an environment free from discrimination, including harassment, on the basis of national origin, including shared ancestry or ethnic characteristics, and prohibition against discrimination in any University program or activity.
2. A statement of the University's commitment to address and ameliorate discrimination, including harassment, based on national origin, including shared ancestry or ethnic characteristics, in a timely, reasonable, and effective manner.
3. A statement encouraging members of the UVM community who are not UVM Reporters¹ to immediately report incidents of discrimination. The statement specifically references, and provides a hyperlink to, the University Operating Procedure: Designation and Responsibilities of

¹ See <https://www.uvm.edu/sites/default/files/UVM-Policies/policies/campussecurity.pdf>.

UVM Reporters and describes how to report discrimination and/or file a complaint, including a reference to the complaint procedures.

4. A statement emphasizing that UVM Reporters must promptly report all incidents of discrimination of which they become aware to the designated employee(s), regardless of whether a Bias, Discrimination, & Harassment Incident Reporting Form is submitted or a complaint is otherwise filed. The statement specifically references, and provides a hyperlink to, the University Operating Procedure: Designation and Responsibilities of UVM Reporters.
5. A requirement that UVM Reporters report incidents of alleged student-on-student discrimination and discrimination by University employees and other agents that may be based on national origin, including shared ancestry or ethnic characteristics, that UVM Reporters witness or of which they have received reports or information.
6. A statement that retaliation is prohibited against persons who report discrimination or participate in related proceedings and information on how to report retaliation.
7. The name or title, office and email address, and telephone number for the University employee(s) responsible for receiving and investigating reports of discrimination and retaliation.
8. Description of the procedures that will be used to receive, investigate, and resolve complaints, including how to file complaints, the availability of supportive measures, the steps that will be taken as part of the complaint investigation, and notice of the outcome to the complaint. The description of the procedures include the following:
 - a. A requirement for documented interviews with individuals who have information about the complaint, including but not limited to, the complainant, the person accused of discrimination, witnesses, and anyone mentioned as having relevant information.
 - b. Review of any records, notes, statements, or other documents related to the complaint.
 - c. Notice of the outcome of the complaint following its investigation, including:
 - i. The findings of fact based on the evidence gathered;
 - ii. As to each allegation, the University's conclusion(s) as to whether discrimination occurred, and the reasons or rationale for such conclusion(s); and
 - iii. The consequences imposed on any student (subject to the University's confidentiality obligations as well as confidentiality exceptions under state and Federal law) found to have engaged in discrimination that relate to the subject of the complaint.
 - d. An expressed commitment that after a finding of discrimination, the University will take appropriate action to address the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant and other affected individuals.

The University will add the following provisions to its Equal Opportunity and Antiharassment Policies and Procedures:

9. A statement that the University's prohibition of, and commitment to having an environment free from, discrimination, including harassment, on the basis of national origin, including shared ancestry or ethnic characteristics, extends to antisemitism.
10. A description of the forms of antisemitism that can manifest in the University environment and examples of discrimination on the bases of shared ancestry and ethnic characteristics.
11. A statement that the University will reasonably, timely, and effectively respond to all discrimination, including harassment, on the basis of national origin, including shared ancestry or ethnic characteristics, including antisemitism, in the University's programs and activities of which the University has notice.

12. The description of the procedures that will be used to receive, investigate and resolve complaints will include:
 - a. A process for ascertaining the identity of anonymous and/or unidentified complainants, respondents, and witnesses during intake, investigative, and resolution activities.
 - b. Clarification that the University's resolution process requires timely response to discrimination in all stages of intake, review, and investigation following notice to the University of alleged discrimination.
 - c. A statement that notice to the complainant and any respondent of the outcome of the complaint will include:
 - i. The reasons or rationale for any determination that the University will not investigate the complaint;
 - ii. The consequences imposed on any respondent (whether an individual, organization or unit) (subject to any confidentiality obligation under state and Federal law) found to have engaged in discrimination that relate to the subject of the complaint; and,
 - iii. Notice to the complainant or other witnesses that they should immediately report any recurrence of the conduct or of acts of retaliation to the University.
13. A link to the Protocols described in the following paragraph.

B. Protocols

To ensure that the University's response to notice of national origin discrimination, including harassment, on the basis of shared ancestry or ethnic characteristics, including antisemitism, is consistent with Title VI and the University's revised Equal Opportunity and Antiharassment Policies and Procedures, the Provost and General Counsel will designate one or more employees to review the current practices of the Office of Affirmative Action & Equal Opportunity (AAEO) and the Bias Education and Resource Team and develop a draft *Case Handling Protocol* and *Bias Education Protocol* ("Protocols") clarifying the roles and responsibilities of each entity. The draft Protocols are subject to the Provost's and General Counsel's review and approval. The Provost and General Counsel will oversee the periodic monitoring of the Protocols' implementation and update the Protocols as necessary. Upon OCR's approval, the Protocols will be prominently posted on the respective webpages of the AAEO and Bias Education and Resource Team.

Reporting Requirements:

- a) Within 60 calendar days of the signing of this Agreement, the University will submit to OCR, for review and approval, copies of the Equal Opportunity and Antiharassment Policies and Procedures and Protocol, drafted and/or revised in accordance with Action Items I.A and I.B, above.
- b) Within 30 calendar days of OCR's approval of the revised Equal Opportunity and Antiharassment Policies and Procedures and Protocols, the University will provide documentation to OCR demonstrating that it adopted the revised Equal Opportunity and Antiharassment Policies and Procedures and Protocols and disseminated the Equal Opportunity and Antiharassment Policies and Procedures to University students and employees through its website, as well as by any other means the University deems effective to ensure that the information is widely disseminated.

Action Item II – Commitments to Address Discrimination and Harassment

Within 30 days of the signing of the Agreement, the President of the University or designee will issue a statement to all University students and employees. This statement, and all of the University's annual nondiscrimination notices, shall state that the University does not tolerate acts of discrimination, including harassment, on the bases of shared ancestry and ethnic characteristics, including antisemitism, and that the University will take all necessary actions, including pursuant to its student discipline process, to address and ameliorate such discrimination. The statement and annual notices will encourage any student or employee who believes they have been subjected to, or have information about, such discrimination to report it to the University with instructions regarding how to do so.

Reporting Requirements: Within 30 days of the issuance of the President's statement, and within 30 days of the issuance of the annual nondiscrimination notice for the 2023-2024 academic year, the University will provide documentation to OCR demonstrating that the statement or notice referenced in Action Item II, as applicable, was issued and disseminated to University students and employees.

Action Item III – Campus Climate Survey

The University will review the results of its 2022 Campus Climate Survey to assess whether, beyond trainings described in Action Item IV below, additional student, employee, or community engagement, communications, or training are needed to improve the campus climate for any of the University's diverse communities, including but not limited to its Jewish community.

Reporting Requirement: By August 31, 2023, the University will provide OCR a summary of the results of the 2022 Campus Climate Survey and proposed actions in response to the survey results, for OCR's review and approval.

Action Item IV – Training

A. Annual Nondiscrimination Training for Students and Employees

The University has represented to OCR that it conducts annual nondiscrimination training for students and employees that includes a section on discrimination, including harassment, on the basis of national origin – including shared ancestry or ethnic characteristics, which includes antisemitism. The University will continue to conduct this annual training and shall also include a section on the Equal Opportunity and Antiharassment Policies and Procedures and Protocols and provide guidance on how to file a complaint of discrimination.

B. Annual Investigator Training

The University will continue to provide annual training to employees responsible for processing, investigating, and/or resolving complaints and other reports of discrimination, including harassment, based on national origin, including shared ancestry or ethnic characteristics, which includes antisemitism. In support of the actions the University seeks to take as part of this Agreement, the first training after the University has adopted the revised Equal Opportunity and Antiharassment Policies and Procedures and Protocols under Action Item I will include:

1. a review of the University’s obligations under Title VI to respond to alleged discrimination;
2. a review of the University’s Equal Opportunity and Antiharassment Policies and Procedures that focus on investigation of discrimination complaints, including instructions on how to conduct and document thorough and impartial investigations of alleged discrimination;
3. a statement that an individual who has reported alleged discrimination must be notified of the steps the University is taking in response to the reported incident(s), and guidance to employees on how and when to provide this notification;
4. a description of the steps the University will take in response to the alleged discrimination, including the offer of support for students who are subjected to harassment, the alleged harasser, where appropriate, and remedial measures to ensure that any hostile environment created by the discrimination is eliminated;
5. how to identify possible indications that a complainant or other witness may be experiencing retaliation and how to respond; and
6. a review of the Protocols delineating roles and responsibilities of AAEO and the Bias Education and Resource Team as described in Action Item I.

C. Training for the University’s Senior Leadership

The University’s Office of the General Counsel will present to senior leadership of the University, including the Chair of the Board of Trustees as well as the President and his cabinet, a report on the Equal Opportunity and Antiharassment Policies and Procedures and the Protocols, including a detailed description of the revisions described in Action Item I and the University’s obligations under Title VI.

Reporting Requirements:

- a) By June 30, 2024, and June 30, 2025, the University will provide documentation to OCR demonstrating that training was provided for academic years 2023-2024 and 2024-2025, respectively, consistent with Action Item IV.A. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts, guides, or other materials; and a description of the group(s) or attendees.
- b) Within 30 calendar days of OCR’s approval of the revised Equal Opportunity and Antiharassment Policies and Procedures and the Protocols, the University will provide documentation to OCR demonstrating that the University provided training in accordance with Action Items IV.B and IV.C above, including the date(s) of the training; the name and credentials of the trainer; copies of any training materials distributed; the agenda and/or a short summary of the material covered; and, a list of attendees, by name and title.

Action Item V – Complaint Reporting

On June 30, 2023, June 30, 2024, and June 30, 2025, the University shall provide an electronic copy of the complete case file corresponding with each resolved or pending complaint alleging antisemitism that was filed with the University during the preceding academic year. The University will promptly address OCR’s feedback, if any, until the University receives notice from OCR that no further reporting is required for Action Item V.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the University understands that during the monitoring of the Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of the Agreement. The University understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the University is in compliance with the terms of this Agreement and Title VI and its implementing regulation at 34 C.F.R. Part 100, which were at issue in this complaint.

The University understands that OCR may initiate administrative enforcement proceedings or refer the complaint to the U.S. Department of Justice for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the University written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement is effective immediately upon the signature of the University's representative below.

04/03/2023
Date

/s/
Trenten D. Klingerman
Vice President for Legal Affairs and General Counsel The
University of Vermont and State Agricultural College