

RESOLUTION AGREEMENT

University of Illinois Urbana-Champaign OCR Docket #05-20-2325

The University of Illinois Urbana-Champaign (University) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Docket #05-20-2325 prior to the conclusion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the University. The University will take the following actions to resolve the above-referenced complaint and to ensure compliance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin, including shared ancestry or ethnic characteristics, by recipients of federal financial assistance.

Action Item I – Policies and Procedures

The University will review and revise as necessary its Nondiscrimination Policy (Policy) and related procedures (Procedures) to ensure that the University adequately addresses the Title VI prohibition on discrimination, including harassment, or related retaliation, based on race, color, or national origin, including harassment because of actual or perceived shared ancestry such as Jewish, Israeli, Palestinian, Muslim, Arab, and/or South Asian descent, citizenship, or association (hereinafter "shared ancestry discrimination and harassment"). During its review, the University will revise the Policy and Procedures, as described below, and adopt and disseminate the revised Policy and Procedures to all University employees and students. The dissemination will include a web link to the Policy and Procedures and a clear explanation of substantive changes.

1. Within 120 calendar days of the execution of this Agreement, the University will identify one office (Office) primarily responsible for overseeing and coordinating the University's response to reports of discrimination and harassment, or related retaliation, based on national origin, including shared ancestry, that occur on or off campus with respect to students, University personnel, and members of the public who enter the University's campus. The University will provide to OCR the title, office, email address, and telephone number for the Director (or equivalent title) of that Office who will be responsible for overseeing and coordinating the University's response to any such reports made to University offices and units, including but not limited to University law enforcement, Housing, and the University's colleges. The Office will also ensure that the University's response to such reports includes reasonable measures to identify and offer supportive measures to affected individuals and appropriate steps reasonably calculated to eliminate any hostile environment and to prevent any discrimination or harassment from recurring.

2. By January 13, 2025, the University's Chancellor or designee will issue a statement to all University students and personnel that, at a minimum, states that the University will not tolerate acts of discrimination and harassment, or related retaliation, based on race, color, or national origin, including discrimination and harassment based on actual or perceived shared ancestry such as Jewish, Israeli, Palestinian, Muslim, or Arab. The statement will provide that the University will take all necessary actions to address and ameliorate such discrimination and retaliation and will include information for the Office and Director designated in response to Action Item I.1.
3. The University will review its relevant policies and procedures currently in effect to ensure that they adequately address the Title VI prohibition on discrimination and harassment based on race, color, or national origin, including harassment based on actual or perceived shared ancestry, and related retaliation. The University will ensure that its relevant policies and procedures:
 - a. Include a statement that the University must assess whether incidents of reported shared ancestry discrimination and harassment have created a hostile environment within a University program or activity, acknowledging that conduct that occurs off campus or on social media is within the scope if it creates, based upon the totality of the circumstances, a hostile environment within a University program or activity. Include a statement that unwelcome conduct based on race, color, or national origin creates a hostile environment under Title VI when, based on the totality of the circumstances, it is subjectively and objectively offensive; and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity.
 - b. Include the name or title, office and email address, and telephone number for the Director (or equivalent title) identified in response to Action Item I.1. and other University employee(s) responsible for receiving, investigating, and responding to reports of discrimination, harassment, and retaliation prohibited by Title VI.
 - c. Include a non-exhaustive description of the forms of, and examples of, discrimination based on national origin, including shared ancestry discrimination and harassment and related retaliation, that can manifest in the University environment. The University will provide a statement that explains that the examples may apply to both directly affected individuals as well as other affected individuals.
 - d. Include a statement setting forth a commitment to take appropriate action to address discrimination, including when it involves flyers, posters, or graffiti and other similar vandalism on campus, student organizations, or social media that creates a hostile environment in a University program or activity, acknowledging the University's obligation to respond under Title

VI and the obligations and limitations that the University, as a public institution, has under the First Amendment of the U.S. Constitution.

- e. Include a statement that the University must assess whether each reported incident has contributed or is contributing to a hostile environment for directly affected students and other individuals, whether the conduct occurred on campus, off campus, or on social media.
 - f. Include an expressed commitment that, in instances where there is a finding of discrimination, including harassment, the University will take appropriate remedial action reasonably calculated to eliminate the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant and any other affected individuals.
4. The University's Policy will include a description of the procedures that will be used to receive, evaluate, investigate, and resolve reports of alleged discrimination, including harassment, or related retaliation, under Title VI, including how to make reports or file complaints and the availability of resources to parties and others involved or affected. The Policy and/or the procedures, as may be appropriate, shall include the following:
- a. All reports received regarding discrimination, including harassment, or related retaliation, under Title VI, based on national origin, including shared ancestry discrimination and harassment, must be sent to, and responses will be overseen by, the Office.
 - b. If another University unit receives a report or learns of an incident involving discrimination, including harassment, or related retaliation, under Title VI, based on national origin including shared ancestry discrimination and harassment, it will forward the report to the Office to oversee the University's response.
 - c. If another campus unit or partner – including but not limited to student conduct personnel, University police, graduate assistants, Housing – learns of an allegation or report of discrimination, including harassment, or retaliation during the course of addressing a matter within their jurisdiction, that information will be forwarded to the Office to oversee the University's response.
 - d. The Office must determine whether, when, and how to involve other University offices.
 - e. How the University will respond to allegations that, if substantiated, would violate the Policy, but the respondent is not affiliated with the University.

- f. A statement that, if the individual who made the report or other affected party will not proceed with a formal complaint, the University will determine if additional investigative and/or remedial steps are nonetheless necessary if it has actual or constructive notice of a potential hostile environment or potential discriminatory conduct in violation of the Policy.
 - g. An explanation of how the University will determine whether an informal resolution of an alleged Policy violation (i.e., the process of resolving reports of discrimination, including harassment, outside of the formal investigative process) is appropriate.
 - h. Timeframes for completion of the major stages of the University's resolution process.
 - i. An explanation of when and how to issue notice of the outcome of the complaint to the parties subject to any state and federal confidentiality obligations, including but not limited to the Family Educational Rights and Privacy Act. Notice of the outcome of the complaint to the parties must include, as appropriate, whether a Policy violation was found and, if so, the appropriate remedial action the University has taken, or will take, to eliminate the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant and other affected individuals.
 - j. A statement that retaliation is prohibited against persons who report discrimination, including harassment, or participate in related proceedings, and how to report retaliation.
 - k. The steps to take as part of the investigation, and a requirement that documentation for investigative steps will be kept including, documentation demonstrating each attempt to contact involved and affected parties, potential witnesses, and other affected individuals; the documentary evidence collected; documentation of supports offered; investigation reports; outcome notices; appeal documentation; a description of the final sanctions or remedies, and the date of completion.
5. At a minimum, the Office will annually search University websites and publications, to ensure the accuracy of information on policies and procedures regarding discrimination, including harassment, or retaliation, or links to such policies, procedures, and forms, is correct. The Office will periodically assess available data at least annually, including reports received, whether investigated or substantiated, as well as findings of discrimination or harassment, or related retaliation, to see if any patterns, recidivism, or collective incidents exist that may warrant additional inquiry or response campuswide or in specific programs or activities, including when the conduct occurs off campus or on social media, to eliminate a hostile environment in a University program or activity.

6. The University will review and revise, as necessary, its Demonstration Response Plan to ensure that the University's plan to respond to protests and demonstrations, including the role and involvement of University law enforcement, addresses the Title VI prohibition on discrimination, including harassment, and related retaliation, based on national origin, including actual or perceived shared ancestry or ethnic characteristics. The University will ensure applicable policies and procedures include, at a minimum, titles, and position descriptions of individuals responsible for the following decisions:
 - a. Requesting that University law enforcement intervene in an ongoing or anticipated protest, demonstration, or gathering; and
 - b. Inviting members of non-University law enforcement onto University property in response to an ongoing or anticipated protest, demonstration, or gathering.

Reporting Requirements:

1. Within 120 calendar days of the execution of this Agreement, the University will submit to OCR, for review and approval, a copy of its policies and procedures drafted or revised in accordance with Action Item I. above.
2. By January 28, 2025, the University will provide OCR documentation demonstrating its implementation of Action Item I. of the Agreement, including the dissemination of the policies and procedures referenced in Action Items I.3–5 to University students and personnel.

Action Item II –Training

1. Investigator Training

The University will provide annual training to its personnel responsible for investigating complaints and other reports of discrimination or related retaliation under Title VI, including discrimination and harassment based on national origin, including actual or perceived shared ancestry or ethnic characteristics. The training will include, at a minimum:

- a. Best practices for conducting thorough and impartial investigations of alleged violations of the University's Policy, including that the investigators know how to identify relevant witnesses, conduct interviews about harassment, and determine whether alleged harassment created a hostile educational environment;
- b. The University's obligations under Title VI to respond to discrimination and harassment, or related retaliation, based on national origin, including shared ancestry discrimination and harassment;

- c. A review of the University's policies and procedures that focus on investigating reports or complaints of discrimination or related retaliation, based on national origin, including shared ancestry discrimination and harassment, and how to impartially conduct a thorough investigation of such discrimination or retaliation and document it;
- d. A review of the University's policies and procedures for providing notice of the outcome of the complaint of discrimination or related retaliation, based on national origin, including shared ancestry discrimination and harassment, to the parties, including, whether a Policy violation was found and, if so, the appropriate remedial action the University has taken, or will take, to eliminate the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant and other affected individuals.
- e. A description of the steps the University will take in response to the alleged discrimination, including harassment, or related retaliation, such as offering support for students subjected to harassment and the alleged harasser and, where appropriate, remedial measures to eliminate any hostile environment created by the discrimination or harassment;
- f. How to identify possible indications that a reporter or other witness may be experiencing retaliation and how to respond; and
- g. After each training, the University will ask participants to complete a training survey to assess the effectiveness of the training. The University will revise its training as needed to respond to the survey feedback.

2. Law Enforcement Training

The University will provide detailed annual training to its University police and other law enforcement personnel. The training will include, at a minimum:

- a. the revised policies and procedures referenced in Action Item I., above; and
- b. an explanation of the obligation under Title VI to not treat individuals differently on the basis of national origin, including shared ancestry, without a legitimate nondiscriminatory reason for the disparate treatment, including, but not limited to, in the conduct of law enforcement activities at the University.
- c. after each training, the University will ask participants to complete a training survey to assess the effectiveness of the training. The University will revise its training as needed to respond to the survey feedback.

3. Students and University Personnel Training

The University will conduct annual nondiscrimination training for students and personnel.

- a. Each nondiscrimination training component and/or orientation session that the University offers to, or requires of, students and personnel, related to Title VI shall include a section on discrimination and harassment based on national origin, including actual or perceived shared ancestry or ethnic characteristics.
- b. The training shall reference examples of discrimination and harassment, and related retaliation, including based upon actual or perceived shared ancestry and ethnic characteristics.
- c. The training will include a section on the Policies and Procedures referenced in Action Item I., above, and provide guidance on how to file a complaint of discrimination, harassment and/or retaliation.
- d. After each training, the University will ask participants to complete a training survey to assess the effectiveness of the training. The University will revise its training as needed to respond to the survey feedback.

Reporting Requirements:

1. By no later than December 1, 2024, the University will provide to OCR for approval the name(s) and title(s) of the trainer(s) as well as a copy of the training plans for University investigators, law enforcement, and students and personnel.
2. Within 60 calendar days of OCR's approval of the trainer(s) and training plans, the University will demonstrate that it provided the training to all University investigators and law enforcement, including the names and titles of attendees, and that it made training available to personnel and students.
3. Within 60 calendar days of the University's completion of trainings provided under Action Item II., the University will survey all personnel who attended the Investigator and Law Enforcement trainings described in Action Items II.1 and II.2, to assess the effectiveness of the trainings.

Within 60 calendar days of disseminating the surveys to all personnel who attended the trainings described in Action Items II.1 and II.2, the University will provide OCR with the survey results regarding the effectiveness of the trainings and summary of the steps that the University plans to take, if any, to address the survey results.

Action Item III – Climate Assessment

1. The University will develop and administer a climate assessment for students and personnel, via focus groups and a written or electronic climate survey, to evaluate the University's climate with respect to discrimination, including harassment, and related retaliation, based on national origin, including discrimination and harassment based on actual or perceived shared ancestry or ethnic characteristics. The climate assessment will address the extent to which students and personnel are subjected to, or witness, discrimination, including harassment, or related retaliation, based on shared ancestry. The climate assessment will address questions about the individual's knowledge of discrimination based on shared ancestry; any experiences with such discrimination at the University; their awareness of the University's procedures for reporting such discrimination; and whether the individual has reported such discrimination to the University and, if so, their experience with the University's response. The University will provide recipients of the survey notice of a contact person, such as a counselor, should any individual wish to discuss the survey in person.

Reporting Requirements:

1. Within 120 calendar days of the execution of this Agreement, the University will conduct focus groups to obtain the input of undergraduate and graduate students, as well as that of University personnel, regarding the extent to which students and personnel are subjected to, or witness, discrimination and harassment, or related retaliation, based on shared ancestry. The focus groups will address knowledge of discrimination based on shared ancestry; any experiences with such discrimination at the University; and whether any focus group attendees have reported such discrimination to the University and, if so, their experience with the University's response.
2. Within 120 days of conducting the focus groups described in Reporting Requirement III.1, the University will provide to OCR, for review and approval, a copy of the proposed climate survey created under Action Item III, along with the University's description of plans to administer the climate survey.
3. Within 30 calendar days of OCR's approval of the climate survey, the University will administer the climate survey.
4. Within 30 calendar days of completing the analysis of the climate survey results, the University will provide a report (the Report) to OCR that includes, at a minimum:
 - a. Documentation demonstrating the approved survey was conducted as planned;
 - b. The analysis of the responses and any recommended steps the University could take to improve its climate;

- c. Conclusions about the climate at the University, separately addressing the climate for students of actual or perceived Jewish, Israeli, Palestinian, or Muslim/Arab shared ancestry, among other groups, at the University; and
 - d. For OCR's review and approval, the University's planned reforms, if any, to its policies, procedures, practices, personnel training, and education programs regarding discrimination based on national origin, including shared ancestry discrimination and harassment.
5. If applicable, within 90 days of receiving OCR's approval of the recommended reforms, the University will provide OCR with documentation of the steps taken to implement any reforms. Within 30 days of the end of the 2024-2025 academic year, the University will also provide OCR with documentation of the steps completed since its 90-day report to OCR.
 6. The University will retain copies of all climate assessment responses and will, upon request, provide copies to OCR.

Action Item IV – Audit, File Reviews & Supplemental Investigation

1. Within 120 calendar days of the execution of this Agreement, the Office will review training and other informative materials provided by relevant University entities (e.g., the Office, Campus Belonging, the Office for Access and Equity, the Office for Student Affairs, the Office of Student Conflict Resolution, and Housing), in effect for the 2024-2025 academic year, that include information on discrimination, including harassment, and related retaliation, to ensure those materials include correct information regarding Title VI and the University's procedures for receiving and responding to reports of discrimination, including harassment, or related retaliation, based on national origin, including shared ancestry.
2. Within 90 calendar days of the execution of this Agreement, the University will review all reports of alleged discrimination and harassment on the basis of shared ancestry, and related retaliation, made to the Office for Student Conflict Resolution, the Office for Access and Equity, Campus Belonging, University Police, or Housing, for the 2023-2024 academic year to ensure the University made a determination regarding whether the alleged conduct created a hostile environment in a University program or activity, regardless of whether the conduct occurred off campus or on social media.
3. If the University's review reveals that it did not complete the aforementioned with respect to reports made during the 2023-2024 academic year, the University will promptly make all such determinations. In assessing whether a hostile environment in a University program or activity has been created by the alleged conduct, the University will assess to the extent possible whether the affected party(ies) was unable to participate in or benefit from any University program or

activity. Where it is determined that the alleged conduct created a hostile environment in a University program or activity, the University will offer support services to the affected parties in writing, and take appropriate remedial action reasonably calculated to ensure the alleged conduct does not recur and to address its effects on the complainant and any other affected individuals. The University will provide OCR with an electronic sortable spreadsheet or other file of the University's response to all reports alleging shared ancestry discrimination and harassment, or retaliation, during the 2023-2024 and academic year. At a minimum, the spreadsheet will include separate fields for:

- a. The approximate date of receipt of the written or oral report;
- b. The name and relationship of the reporter (e.g., self, friend) to the alleged affected party;
- c. The name(s) of the alleged affected party and their relationship to the University (e.g., student, faculty, employee, parent, advocate), if applicable;
- d. The name(s) of the respondent and respondent's relationship to the University (e.g., student, faculty, staff, third-party), if applicable;
- e. A brief description of the alleged incident (e.g., who, what, when, where, how), not to exceed 50 words per incident;
- f. Attempts to determine the identity(ies) of parties involved in reported incidents if not known by the reporter;
- g. The status of the investigation of the report (e.g., completed, ongoing);
- h. The outcome of all completed investigations;
- i. Any remedial measures offered or provided to the alleged affected party and/or other individual(s), as applicable;
- j. The discipline imposed and the date the respondent(s) completed the disciplinary requirements, if applicable;
- k. The supportive resources offered;
- l. Any additional steps the University took to eliminate or prevent the recurrence of a hostile environment created by the alleged incident(s), if applicable;
- m. The date the University provided notice of the outcome of the investigation to the parties; and

- n. The date an appeal was filed and a brief description of the outcome, if applicable (e.g., granted or denied).
4. Upon request, the University will provide OCR with a copy of the complete investigative file(s), including applicable University records, student disciplinary records, personnel disciplinary records, and human resources/personnel files pertaining to Action Item IV.2-3 above. Within 30 days of OCR's request, the data will be produced electronically in a mutually agreed format, organized and labeled as individual files with all relevant documents for each alleged incident.
5. By November 1, 2025, the University will review all responses to each report of alleged discrimination and harassment on the basis of shared ancestry, and related retaliation, for the 2024-2025 academic year to ensure the University made a determination regarding whether the alleged conduct created a hostile environment in a University program or activity, regardless of whether the conduct occurred off campus or on social media.
6. If the University's review reveals that it did not complete the aforementioned with respect to reports made during the 2024-2025 academic year, the University will promptly make all such determinations. In assessing whether a hostile environment in a University program or activity has been created by the alleged conduct, the University will assess, among other things, whether the affected party(ies) was unable to participate in or benefit from a University program or activity. Where it is determined that the alleged conduct created a hostile environment in a University program or activity, the University will offer support services in writing to the affected parties, and take appropriate measures reasonably calculated to ensure the alleged conduct does not recur and to address its effects on the complainant and any other affected individuals. The University will provide OCR with an electronic sortable spreadsheet or other file of the University's response to all reports alleging shared ancestry discrimination and harassment, or retaliation, during the 2024-2025 academic year. At a minimum, the spreadsheet will include separate fields for the information requested in Item IV.3 (a)-(n), above.
7. Upon request, the University will provide OCR with a copy of the complete investigative file(s), including applicable University records, student disciplinary records, personnel disciplinary records, and human resources/personnel files pertaining to Action Item IV.5-6 above. Within 30 days of OCR's request, the data will be produced electronically in a mutually agreed format, organized and labeled as individual files with all relevant documents for each alleged incident.

Reporting Requirements:

1. If applicable, the University will provide to OCR a copy of the electronic sortable spreadsheet and accompanying documentation in accordance with Action Item

IV.2-3, for the 2023-2024 academic year within 30 days of completion of the review and determinations required by Action Item IV.2-3.

2. The University will promptly address OCR's feedback regarding the 2023-2024 academic year spreadsheet, if any, until the University receives notice from OCR that no further reporting is required.
3. If applicable, the University will provide to OCR a copy of the electronic sortable spreadsheet and accompanying documentation in accordance with Action Item IV.5-6, for the 2024-2025 academic year within 30 days of completion of the review and determinations required by Action Item IV.5-6.
4. The University will promptly address OCR's feedback regarding the 2024-2025 academic year spreadsheet, if any, until the University receives notice from OCR that no further reporting is required.

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 this Agreement. Further, the University understands that, during the monitoring of this Agreement, OCR may visit the University, interview staff and students, and request such additional reports or data as necessary for OCR to determine whether the University has fulfilled the terms and obligations of this Agreement. The University understands that OCR will not close the monitoring of this Agreement until OCR determines 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 the complaint(s).

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR will give the University written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

In accordance with Section 110(j) of OCR's Case Processing Manual, similar matters may be closed or dismissed if OCR finds that this Agreement addresses same or similar allegations against the University.

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

/s/ _____
University Designee
University of Illinois Urbana-Champaign

September 3, 2024

Date