

**Department of Education Office of Civil Rights Resolution Agreement**  
**Compliance Scorecard**

Academic Year 2019-2020

As of: 10/7/19

**SCOPE:**

This compliance review was conducted to validate university compliance with requirements of the resolution agreement between the U.S. Department of Education Office of Civil Rights (OCR) and Michigan State University (the University).

The objectives of this review were:

- To determine if the agreed upon currently due obligations are substantially completed;
- To determine if the completed obligations comply with resolution agreement requirements;
- To determine if output of completed obligations are supported by appropriate documentation.

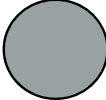
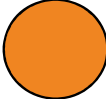
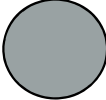
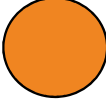
In order to accomplish our objectives, we:

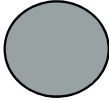
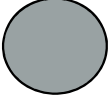
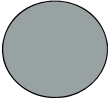
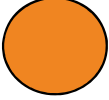
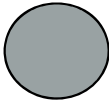
- Categorized all obligations into actionable steps. The document contained a total of 41 actionable steps that were incorporated into our review.
- Identified individuals responsible for ensuring that obligations were being met.
- Interviewed responsible parties to determine the status of the obligation.
- Reviewed supporting documentation to validate completion of obligations in accordance with agreement requirements.

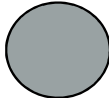
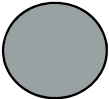
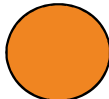
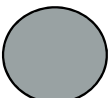
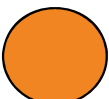
**CONCLUSIONS:**

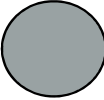
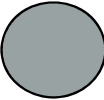

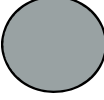
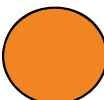
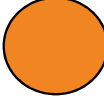
Based on our review of the resolution agreement and actions taken towards the obligations within we confirmed that the obligations for the period 9/5/2019 - 10/7/2019 were met and supported by comprehensive and appropriate supporting documentation. Our review did not identify any material inconsistencies with resolution agreement requirements. An updated progress measurement of the obligations by category is included below:

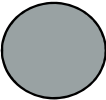
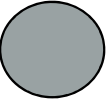
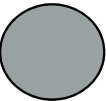
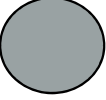
<b>MSU Status Key:</b>	
	Implemented: action completed, no additional reporting requirements.
	In Progress: action initiated, development/improvement continues.
	Submitted: required reporting obligation provided to government agency.
	Not Yet Started: action not initiated but not yet due (or action is contingent).

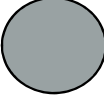
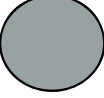
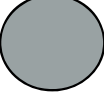
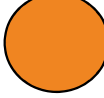
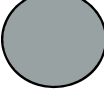
Action Item	Task	MSU Status	Comments
<b>Title IX Structure</b>			
To ensure that the University's Office of Civil Rights and Title IX Education and Compliance has the independent authority to address and respond appropriately to reports of sex discrimination and to avoid potential conflicts of interest MSU will amend its Title IX investigation structure.			
<b>A</b>	The University will require any individual employed in Title IX Office who previously provided legal representation on Title IX matters to recuse themselves from Title IX matters on which they previously provided legal advice or exercised oversight over and Title IX matters that involve one or more of the same parties as a matter on which they previously provided legal advice or exercised oversight over. <i>Reporting Deadline: January 6, 2020</i>	Not Yet Started 	
<b>B.1</b>	The University will continue to ensure none of its Title IX coordinators, Office of Institutional Equity (OIE) investigators, persons making decisions regarding whether a Title IX or University policy violation occurred, or any medical or scientific expert the University calls upon for an independent opinion in the course of a Title IX investigation, have a conflict of interest or bias for or against complainants or respondents. <i>Reporting Deadline: January 6, 2020</i>	In Progress 	<i>This is documented within the current Relationship Violence &amp; Sexual Misconduct (RVSM) Policy. Further improvements are being proposed and reviewed.</i>
<b>B.2</b>	The University will revise its existing conflict of interest policy to include medical and scientific expert witnesses. Policy must state that an actual or apparent conflict of interest shall prohibit service as an expert absent a waiver by all parties. <i>Reporting Deadline: January 6, 2020</i>	Not Yet Started 	
<b>C</b>	The University will review the oversight structure of the Title IX Office and make any necessary changes to ensure authority and independence is proper. The University must ensure that the Title IX Office continues to report directly to the President; oversees all of the University's Title IX investigations and coordinates Title IX compliance; and is free from undue influence or pressure from other individuals or units within the University. <i>Reporting Deadline: January 6, 2020</i>	In Progress 	<i>The Office for Civil Rights and Title IX Education and Compliance currently reports directly to the President. This office is responsible for leadership of MSU's civil rights compliance and oversees Title IX policies and grievance procedures. No additional changes are planned at this time, but reporting is not finalized until January 2020.</i>

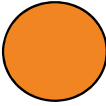
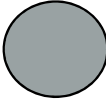
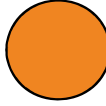
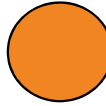
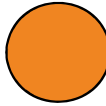
Action Item	Task	MSU Status	Comments
D.1	The University will commission an independent third-party consultant for three years to review the Title IX grievance process. This review will include the University's completed Title IX Investigations to ensure University policies were followed and that policies are compliant with legal standards.	Not Yet Started 	2019-2020 - 2020-2021 - 2021-2022 -
D.2	The consultant will submit a written report of the results of its review and any recommendations to the University bi-annually. The University will submit each consultant's report, as well as a proposed action plan to respond to the consultant's report, to OCR for its review and approval. <i>Reporting Deadline: submission to OCR 60 days following receipt of report and implementation of action plan 14 days following OCR approval.</i>	Not Yet Started 	1/31/2020 - 3/31/2020 - 6/30/2020 - 8/30/2020 - 1/31/2021 - 3/31/2021 - 6/30/2021 - 8/30/2021 - 1/31/2022 - 3/31/2022 - 6/30/2022 - 8/30/2022 -
D.3	The University will provide all completed Title IX complaint files to OCR for three academic years. <i>Reporting deadline: 60 days following close of academic year.</i>	Not Yet Started 	2019-2020 - 2020-2021 - 2021-2022 -
<b>Title IX Procedures</b>			
To ensure University students and employees know the University's non-discrimination policy and how to report incidents of sex discrimination, MSU will draft changes to its Title IX procedures. To ensure that Title IX investigations, and if appropriate, violation findings are recorded in a manner to ensure institutional knowledge of the same, MSU will draft procedures governing personnel file maintenance.			
A.1	The University will continue to ensure that its notice of nondiscrimination and anti-harassment statement are posted prominently on its website and contain current information. <i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i>	In Progress 	<i>The notice of nondiscrimination and anti-harassment statement are available on the Office of Institutional Equity (OIE) webpage. The revised statements will be posted after OCR approval.</i>
A.2	The University will post the notice of nondiscrimination and anti-harassment statement in the places that Title IX regulation requires postings of ongoing notice. <i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i>	Not Yet Started 	

Action Item	Task	MSU Status	Comments
A.3	The University will post the notice of nondiscrimination and anti-harassment statement in the places that the Departments of Student Affairs and Athletics regularly post physical notices to students and student athletes. <i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i>	Not Yet Started 	
A.4	The University will email the campus community—including students, employees, and youth program participants—a copy of, or a one-click link to, this Agreement, the notice of nondiscrimination, and the anti-harassment statement. <i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i>	Not Yet Started 	
B	The President and Chair of the Board of Trustees (BOT) shall receive a report identifying all open and recently resolved Title IX complaints and final investigative reports/written determinations filed against employees each semester. <i>Reporting Deadline: 30 days after close of each semester</i>	In Progress 	<i>The current RVSM policy requires this submission on an annual basis. Revisions are being made to RVSM policy to increase the frequency.</i>  Fall 2019 - Spring 2020 - Summer 2020 - Fall 2020 - Spring 2021 - Summer 2021 - Fall 2021 - Spring 2022 - Summer 2022 -
C	The University will issue a statement, distributed to all of its employees, that the University will promptly forward all Title IX reports received by responsible employees of which the University is aware to the Title IX Office. <i>Reporting Deadline: January 6, 2020 and 45 days after OCR approval</i>	Not Yet Started 	
D	The University will document the actions it takes in response to Title IX complaints at each stage of the investigation and grievance process and will clearly identify all actions taken in response to Title IX complaints. <i>Reporting Deadline: January 6, 2020 and 45 days after OCR approval</i>	In Progress 	<i>The current RVSM policy requires detailed records of informal and formal complaints to be maintained by OIE. Further improvements are being proposed and reviewed.</i>


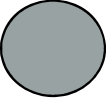
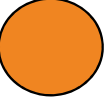
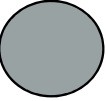
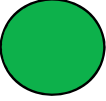
Action Item	Task	MSU Status	Comments
E.1	The University will revise its Title IX procedure to prohibit the use of scientific expert witnesses who have an actual or apparent bias or conflict of interest. <i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i>	Not Yet Started 	
E.2	The University will amend its procedures as necessary to ensure that all parties have an equal opportunity to provide expert witnesses, that expert witnesses are identified as such in any final written report, and that the final report reflects that the expert did not have a conflict of interest. <i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i>	Not Yet Started 	
F	The University will continue to provide parties the same preliminary investigative report and same final investigative report or final determination. <i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i>	In Progress 	<i>The current RVSM policy requires this. Further revisions to the RVSM policy to comply with agreement requirements are still in progress.</i>
G	The University will provide a process for determining when it must reopen a previously completed Title IX matter due to newly discovered evidence. <i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i>	Not Yet Started 	
H.1	The University will designate "responsible employees" in accordance with the law and regulations in effect as of the time of the designation and require that such employees report possible sex discrimination of which they are notified to the Title IX Office. <i>Reporting Deadline: January 6, 2020 and 45 days after OCR approval</i>	In Progress 	<i>The University currently defines mandatory reporters on the OIE webpage. In response to this agreement, further improvements are being proposed and reviewed.</i>
H.2	The University will maintain and publish to persons designated as responsible employees its policies and procedures to define the conduct that employees must report to the Title IX Office, describe how the University will determine if the policy on reporting has been violated, describe the consequences for violating the policy, and how the University will implement and document those consequences. <i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i>	In Progress 	<i>The University currently provides a mandatory reporting guide available on the OIE webpage. There is also information on the reporting and investigative process within the RVSM policy. Further improvements are being proposed and reviewed.</i>

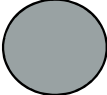
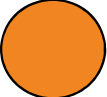
Action Item	Task	MSU Status	Comments
I.1	<p>The University will post a statement on the home page of its website, on its Title IX web page, and in its Notice of Nondiscrimination that Title IX regulation prohibits retaliation against reporters of sex discrimination, including reports of sex discrimination against administrators and other employees. The statement will include assurance that the University will independently investigate alleged retaliation for participation in the Title IX process.</p> <p><i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i></p>	Not Yet Started 	
I.2	<p>The University will distribute the above statement regarding retaliation to all employees and students at the beginning of each academic year.</p> <p><i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i></p>	Not Yet Started 	
J.1	<p>The University will require the existence of all final Title IX reports and determinations against staff, faculty, and administrators to be noted in the respondent's personnel file, consistent with state and local laws, University policies, and applicable collective bargaining agreements. The notation should include a summary of the nature of the allegation, whether a finding was made, and any sanctions imposed.</p> <p><i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i></p>	Not Yet Started 	
J.2	<p>The University will notify its employees of the consequences of non-compliance with this requirement.</p> <p><i>Reporting Deadline: January 6, 2020 and adoption/dissemination 45 days after OCR approval</i></p>	Not Yet Started 	
<p><b>Employee Sanctions</b>            To address any impact determined to exist and provide appropriate remedies to restore access to University programs and activities.</p>			

Action Item	Task	MSU Status	Comments
A.1	The University will review the actions of those current and former employees who had notice, or were reported to have received notice, of complaints or concerns of sex discrimination committed by either Nassar or Strampel and failed to take appropriate action. If the University's review determines that an individual did receive a complaint of sex discrimination, the University will determine whether the individual failed to adequately respond and what further responsive actions, if any, must be taken. <i>Reporting Deadline: August 1, 2020</i>	Not Yet Started 	
A.2	The University will document any actions taken in the employee's or former employee's personnel file and will document any investigation or any action taken in accordance with its existing policies as revised. <i>Reporting Deadline: October 1, 2020</i>	Not Yet Started 	
A.3	The University will provide OCR with documentation verifying any actions taken with respect to current or former employees. <i>Reporting Deadline: October 1, 2020</i>	Not Yet Started 	
<b>Climate &amp; Training</b>			
To address any impact determined to exist and provide appropriate remedies to restore access to University programs and activities.			
A.1	The University will take measures to determine the impact of the conduct of Nassar and Strampel at the College of Osteopathic Medicine (COM) and the MSU Sports Medicine Clinic on students' and employees' equal access to University education programs and activities. <i>Reporting Deadline: February 1, 2020 (climate assessments)</i>	In Progress 	<i>The Prevention Outreach and Education Department Climate and Response Specialist has been working with COM to review their climate assessments, hold listening sessions, create programming based on their recommendations, work with staff, students and faculty to identify the culture and improve climate within the college.</i>
A.2	The University will then take action to address any impact determined to exist by, for example, providing appropriate remedies as necessary to restore their access to the University's programs and activities. <i>Reporting Deadline: March 1, 2020 (offering of services) and June 1, 2020 (documentation of specific services provided)</i>	Not Yet Started 	

Action Item	Task	MSU Status	Comments
B.1	The University will assess the potential benefits and detriments of revising its anti-harassment training to include training targeted at student athletes. <i>Reporting Deadline: November 1, 2019</i>	In Progress 	<i>The University currently offers targeted training to student-athletes about RVSM and anti-harassment. Further revisions are still being proposed and reviewed.</i>
B.2	If the assessment provides, the University will revise its anti-harassment training to ensure that student athletes receive training to help them identify sexual harassment or assault that is covered by Title IX and that occurs in the context of medical treatment. <i>Reporting Deadline: May 3, 2020</i>	Not Yet Started 	
C	Select University officials (including the President, BOT, Title IX Office and OGC staff, and select administrators) will receive comprehensive Title IX training from OCR. <i>Reporting Deadline: Scheduled with OCR by September 30, 2019</i>	In Progress 	<i>Reporting deadline extended (with approval from OCR). Communication with OCR has been initiated, MSU is working to get a training scheduled.</i>
<b>Youth Programs</b>			
To ensure that the University exercises adequate Title IX oversight over its youth programs.			
A.1	The University will notify Youth Program participants of its Title IX grievance procedure and that the procedure applies to Youth Programs. <i>Reporting Deadline: October 15, 2019</i>	In Progress 	<i>Revisions required by this agreement are being incorporated within the Youth Programs policy and handbook.</i>
A.2	The University will revise the Youth Programs Policy and handbook to reflect information contained in the notification (how to file a complaint, contact information for individual with whom complaints may be filed, contact information of the Title IX Coordinator, and the Title IX Coordinator and Title IX Office's role in processing complaints). <i>Reporting Deadline: October 15, 2019</i>	In Progress 	<i>Revisions required by this agreement are being incorporated within the Youth Programs policy and handbook.</i>
<b>Individual Remedies</b>			
To fully assess and remedy any sex discrimination that Nassar or Strampel caused that has denied a student the ability to participate in or benefit from the University's program, or that unreasonably interfered with an individual's work performance or opportunities.			



Action Item	Task	MSU Status	Comments
A.1	<p>The University will post a notice on the home page of the University's website inviting students, former students, employees and former employees who were subjected to sexual harassment or assault by Nassar to contact the Title IX Office. This notice will remain posted for 180 days and will inform individuals that appropriate remedies may be provided as necessary to restore their access to University programs and activities.</p> <p><i>Reporting Deadline: September 30, 2019</i></p>	<p>Submitted</p> 	<p><i>The link was posted on 9/27/19 and submission was timely made to OCR. Obligation status will be completed in March 2020 (after 180 days).</i></p>
A.2	<p>In response to each such report received, the Title IX Coordinator will take reasonable steps to verify the need for remedial action by communicating with the student, former student, employee or former employee, and respond in writing to each person who filed a report within 30 calendar days.</p> <p><i>Reporting Deadline: May 30, 2020</i></p>	<p>Not Yet Started</p> 	
A.3	<p>The University will also open and/or complete all investigations of reports/complaints to OIE relating to sexual or sex-based harassment by Nassar made prior to the date of this Agreement, except where claimant previously declined a full investigation, signed a release or waiver of liability, or is engaged in ongoing litigation with the University.</p> <p><i>Reporting Deadline: May 30, 2020</i></p>	<p>In Progress</p> 	<p><i>OIE will continue to investigate any open investigations relating to Nassar.</i></p>
A.4	<p>If the University determines that Nassar engaged in sexual and/or sex-based harassment that denied a University student or employee equal access to its education programs or activities, the University will take measures to ensure that it restores the complainant's equal access to its education programs and activities. The University shall not be required to duplicate any accommodation or remedy previously provided (including support services or healing fund cash settlements) and shall not be required to provide accommodations/remedies to any person who has signed a release or waiver of liability for harms arising out of or related to Employee X's conduct.</p> <p><i>Reporting Deadline: May 30, 2020</i></p>	<p>Not Yet Started</p> 	
B.1	<p>The University will complete all open Title IX investigations against Strampel and provide OCR with copies of all final investigative reports.</p> <p><i>Reporting Deadline: August 30, 2019</i></p>	<p>Implemented</p> 	<p><i>The final investigative report relating to open Title IX investigations against Strampel was submitted to OCR on 8/30/2019.</i></p>

Action Item	Task	MSU Status	Comments
B.2	Any additional complaints received against Strampel will be completed promptly.	Not Yet Started 	<i>If and when additional complaints are received, they will be completed promptly.</i>
B.3	If the University determines that the Dean engaged in sexual and/or gender-based harassment, the University will take measures to ensure that it restores the complainant's equal access to its education programs and activities. <i>Reporting Requirement: December 14, 2019</i>	In Progress 	<i>Investigations have been completed and submitted to OCR, determination of remedial measures (as applicable) are underway.</i>