

RESOLUTION AGREEMENT
Lehigh University
OCR Complaint No. 03-24-2163

Lehigh University (the 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 liability, non-compliance, or wrongdoing by the University. The University assures OCR that it will take the following actions to resolve this 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 basis of race, color, and national origin, including shared ancestry or ethnic characteristics, by recipients of Federal financial assistance.

Action Item I – Review of Policies and Procedures

The University will review its policies and procedures to ensure that they adequately address the Title VI prohibition on discrimination based on race, color, and national origin, including discrimination based on a student's actual or perceived shared ancestry or ethnic characteristics. During its review, the University will identify the relevant policies and procedures currently in effect to ensure that they consistently provide that the University must assess whether incidents of reported shared ancestry discrimination or harassment have created a hostile environment, even where the conduct may have taken place off campus or on social media.

The University will ensure its Policies and Procedures include the following provisions:

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 a commitment to take appropriate action to address and ameliorate such discrimination, including when it involves student organizations or social media postings.
2. A statement clarifying 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 the University's programs and activities, including all academic, extra-curricular and University-sponsored activities.
3. A description of the forms of antisemitism and other shared ancestry discrimination that can manifest in the University environment and provide examples of discrimination on the bases of shared ancestry and ethnic characteristics.
4. An explanation of the difference between a bias incident that does not meet the policy definition of discrimination or harassment, and a bias incident that is considered harassment or discrimination pursuant to the policy and an explanation for how the University responds to both such incidents to evaluate the existence of a hostile environment within the meaning of Title VI.
5. A statement that the University must assess whether each reported incident has created a hostile environment, whether or not the conduct alleged occurred off campus or on social media.
6. A description of the steps the University will take in response to the alleged discrimination, including harassment, even where discipline may not be appropriate.
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 complainant. 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.
 - d. An expressed commitment that after a finding of discrimination, the University will take appropriate remedial action to eliminate the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant and any other affected individuals.
9. A statement that retaliation is prohibited against persons who report discrimination or participate in related proceedings and how to report retaliation.

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 its Antiharassment Policies and Procedures drafted and/or revised in accordance with Action Item I above.
- b) Within 30 calendar days of OCR's approval of the revised Antiharassment Policies and Procedures, the University will provide documentation to OCR demonstrating that it adopted the revised Antiharassment Policies and Procedures and disseminated the 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 – Annual Investigator Training

- A. By June 1, 2025, the University will provide annual training to all employees and staff responsible for investigating complaints and other reports of discrimination, including harassment, based on shared ancestry or ethnic characteristics (which includes antisemitism) to ensure the investigators know how to identify relevant witnesses to interview and how to conduct interviews about such harassment. To the extent the University refers incidents to external investigators, the University will ensure that external investigators are also trained pursuant to Action Item II. The training will also be provided to all staff involved in responding to reports of race, color and national origin discrimination and harassment. The training will address:
 1. The University's obligations under Title VI to respond to alleged discrimination, including harassment based on shared ancestry, including Jewish ancestry;
 2. The University's obligations to assess whether alleged conduct reported creates a hostile environment on the basis of shared ancestry, even when the conduct occurs off campus or on social media postings;
 3. Examples of the type of harassment conduct and behavior that is covered by the University's Antiharassment Policies and Procedures;

4. A review of the University's Antiharassment Policies and Procedures that focus on the investigation of complaints of discrimination, including harassment, based on national origin/shared ancestry, including instructions on how to conduct and document thorough and impartial investigations of alleged discrimination, including harassment, based on shared ancestry;
5. A description of the steps the University will take in response to the alleged discrimination, including harassment, such as 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 harassment is eliminated;
6. A description of the steps the University will take in response to the alleged discrimination, including harassment, even where discipline may not be appropriate; and
7. How to identify possible indications that a complainant or other witness may be experiencing retaliation and how to respond.

Reporting Requirements:

- a) By June 15, 2025, the University will provide documentation to OCR demonstrating that it provided training in accordance with Action Item II above, including the date(s) of the training; the name(s) and credentials of the trainer(s); 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.
- b) Within 30 calendar days of completing the training required by Action Item II above, the University will survey all staff that attended the training to assess the effectiveness of the training.
- c) Within 30 calendar days of disseminating the survey, the University will provide OCR with the survey results regarding the effectiveness of the training and a summary of the steps that the University plans to take, if any, to address the survey results.

Action Item III – Staff and Student Training

- A. By June 1, 2025, the University will provide training to all faculty, staff and students addressing discrimination based on race, color and national origin, including harassment based on shared ancestry and ethnic characteristics. The training will address, at a minimum:
 1. An explanation that harassment is prohibited pursuant to University's Antiharassment Policies and Procedures;
 2. Examples of the type of harassment conduct and behavior that is covered by the University's Antiharassment Policies and Procedures, including examples of harassment based on shared ancestry and ethnic characteristics;
 3. An explanation that the University's Antiharassment Policies and Procedures may address harassment that occurs off campus or on social media, and examples of where such conduct may rise to the level of a hostile environment;
 4. An explanation that faculty, staff and students who are aware of harassment should promptly report the harassment to the University using the University's reporting process;

5. A description of the steps the University will take in response to the alleged discrimination, including harassment, even where discipline may not be appropriate; and
6. Notice of how to access the University's Antiharassment Policies and Procedures.

Reporting Requirements:

By June 15, 2025, the University will provide documentation to OCR demonstrating that it provided training in accordance with Action Item III above, including the date(s) of the training; the name(s) and credentials of the trainer(s); 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 IV – Climate Assessment

- A. The University will develop and administer a climate assessment for students, faculty, and staff in the University to evaluate the climate with respect to shared ancestry and the extent to which students and/or faculty and staff are subjected to, or witness discrimination, including harassment, based on race, color and/or national origin, including shared Jewish ancestry. Any assessment used will contain questions about the faculty, staff or student's knowledge of discrimination based on shared ancestry, any experiences with such discrimination while attending the University, and the staff or student's awareness of the University's complaint procedures for reporting such discrimination. The University may incorporate the climate assessment questions into an already scheduled survey. The climate assessment may be accomplished through a written or electronic survey, and through student, faculty and staff focus groups, provided that faculty, staff and students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss the survey in person.
- B. By August 15, 2025, the University will submit for OCR's review and approval a description of the tools used for conducting a climate assessment. The description will include the University's strategy for implementing the climate assessment and analyzing the results. Information gathered during the climate assessment will be used to inform future proactive steps taken by the University to provide an environment that is safe and supportive to all students, faculty and staff in compliance with Title VI.
- C. The University will analyze the results of the climate assessment within 30 days of its completion to identify appropriate steps the University could take to improve the University's climate. The University will provide to OCR a report summarizing the results of the assessment; and for OCR's review and approval a description of further action(s), if any, the University proposes to take in response to the assessment results. Within 60 days of OCR's approval of the University's proposed action(s), the University will provide documentation sufficient to show its implementation of those actions, including a description of the actions and how they were implemented.

Reporting Requirements:

- a) By March 15, 2025, the University will provide to OCR a summary of the results from a survey that was administered to the University community in March 2024, including a summary of responses from focus groups that were held during the 2023-2024 and 2024-

2025 school year. The documentation will include the University's analysis of the survey responses; conclusions about the climate at the University; recommended steps the University has taken to date to improve the University's climate; and recommended steps that the University could take to further improve the University's climate for students, including students of shared Jewish ancestry.

- b) By August 15, 2025, the University will provide to OCR for review and approval a copy of the next proposed climate assessment, along with the University's description of how it plans to administer the climate assessment.
- c) Following OCR's approval of the University's climate assessment, the University will administer the climate assessment in the Spring 2026 semester, no later than April 1, 2026.
- d) Within 30 calendar days of completing the analysis of the climate assessment results, the University will provide a report to OCR (the Report) that includes, at a minimum:
 - 1) Documentation demonstrating that the approved assessment was conducted as planned;
 - 2) The analysis of the assessment responses and any recommended steps the University could take to improve the University's climate;
 - 3) Conclusions about the climate at the University, separately addressing the climate for students of shared Jewish ancestry among other student groups at the University; and
 - 4) The University's recommended reforms, if any, to its policies, practices, employee training, and education programs regarding harassment on the basis of race, color and national origin, including shared Jewish ancestry.

Action Item V – File Reviews

- A. By June 1, 2025, the University will review its response to each report of discrimination and/or harassment on the basis of shared ancestry for the 2022-2023 and 2023-2024 school year, to ensure that the University made a determination regarding whether the alleged conduct created a hostile environment. If the University's review reveals that it did not complete a determination for any of the reports made during the 2022-2023 and 2023-2024 school year, the University will promptly make a determination regarding whether the alleged conduct created a hostile environment, and will provide the complainant and respondent with notice of its determination. For each incident, the University will make a legal determination of whether the alleged conduct was unwelcome based on the totality of the circumstances, both subjectively and objectively offensive, and so severe or pervasive that it limited or denied a student's ability to participate in or benefit from the University's program or activity. For incidents in which the University determined that the alleged conduct created a hostile environment, the University will determine appropriate remedies to redress the hostile environment.
- B. By July 15, 2025 and July 15, 2026, the University will provide OCR with provide to OCR an electronic sortable spreadsheet or other file of the University's response to all complaints and oral reports alleging discrimination, including harassment, on the basis of shared ancestry, during the preceding academic year. At a minimum, the spreadsheet will include separate fields for:

1. The date(s) of receipt of the written complaint or oral report;
 2. The name of the person who provided notice to the University (“the reporter”);
 3. The status of the reporter (e.g., professor, student, friend);
 4. The name of the individual who was allegedly discriminated against/harassment (“the complainant”);
 5. The status of the complainant (e.g., student, professor, parent, advocate);
 6. The name(s) of the individual(s) who allegedly engaged in discrimination and/or harassment (“the respondent(s)”);
 7. The status of the respondent (e.g., student, professor, staff member), including if applicable, the respondent’s job title (if an employee);
 8. The nature of the alleged harassment (e.g., verbal harassment by students using antisemitic slurs);
 9. The date(s) of the alleged harassment;
 10. The location(s) of the alleged harassment (e.g., school name, in a particular class, in the library);
 11. The names of any witnesses;
 12. The name(s) and job title(s) of the individual(s) who received and processed the complaint or oral report;
 13. The date the investigation commenced;
 14. Any supportive measures offered to the complainant, respondent, and/or other person;
 15. The status of the investigation of the complaint or oral report (e.g., completed, ongoing);
 16. The outcome of all completed investigations (e.g., the determination regarding whether or not discrimination, including harassment, on the basis of national origin, including shared ancestry, took place; and if so, whether the harassment created a hostile environment);
 17. A description of the disciplinary sanctions imposed, if any, and the date imposed;
 18. A description of the remedial measures taken, including the remedies offered and provided to the complainant and/or other individual(s);
 19. A description of any steps the University took to eliminate and/or prevent the recurrence of a hostile environment created by the incident;
 20. The date(s) the University provided written notice of the outcome of the investigation to the parties;
 21. The date of any appeal; and
 22. The outcome of any appeal.
- C. Upon request, the University will provide to OCR within 15 calendar days a copy of the complete investigative file(s), including applicable University records, student disciplinary records, employee disciplinary records, and human resources/personnel files. The data will be produced electronically in a mutually agreed format and will be organized and labeled as individual files, with all relevant documents for an incident.

Reporting Requirements:

- a) By May 15, 2025, the University will provide to OCR documentation of its review pursuant to Action Item V.A, including a description of the information relied upon in making its determination, a summary of its determination and, if applicable, a copy of the notice provided to the parties regarding its determination. The University will also provide OCR

with documentation showing that it provided measures to redress the hostile environment for any incident in which it determined that the conduct created a hostile environment.

- b) By June 15, 2025 and June 15, 2026, the University will provide to OCR a copy of the electronic sortable spreadsheet and accompanying documentation as required by Action Items V.B and C. The University will promptly address OCR's feedback, 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 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.

January 10, 2025
Date

/s/
University designee
Lehigh University