

Dear Colleague,

The U.S. Department of Education announced today that its [Office for Civil Rights](#) (OCR) has entered into an agreement with Frostburg State University of the University System of Maryland to ensure compliance with [Title IX of the Education Amendments of 1972](#) as it applies to sexual violence and sexual harassment. The action follows an OCR investigation which found Frostburg to be in violation of Title IX.

Title IX prohibits discrimination on the basis of sex in all education programs or activities that receive federal financial assistance. OCR's Title IX probe was based on complaints filed by two Frostburg students. OCR reviewed more than 40 incidents spanning a five-year period.

OCR's investigation determined that the policies and procedures used by Frostburg to investigate and respond to sexual assault and violence did not comply with Title IX.

Frostburg was found to be in violation of Title IX for failing to promptly and equitably respond to complaints of sexual violence, including sexual assault, and for failing to end the sexually hostile environment for the two students.

Although one of the OCR complainants reported that she was sexually assaulted in a campus safety vehicle by one of Frostburg's campus police officers, Frostburg did not conduct its own Title IX investigation. The officer ultimately pleaded guilty.

Deficiencies in Frostburg's Title IX case processing included:

- Required reporting by mandatory reporters that were not made even though they had notice of an alleged rape.
- Reported off-campus incidents and incidents involving non-student victims or perpetrators that were not investigated or were not fully investigated.
- Repeated violations of a no contact order that were not properly addressed and adequate steps to safeguard the victim were not taken.
- Sufficient interim measures that were not provided to victims.
- Requests for confidentiality that were not balanced against the need to keep the community safe. And,
- Title IX investigations that were not launched due to an improper reliance upon local or campus police investigations and reports.

In one instance, Frostburg did not conduct an investigation in accordance with its policy and procedures, and instead resolved the complaint informally – even though there were at least two additional complaints filed against the same alleged perpetrator. In another instance, the reporting and accused parties waited nearly 10 months for a determination.

Since the filing of the OCR complaints, Frostburg implemented new consolidated policies and procedures that correct many of the deficiencies identified in OCR's investigation. Importantly, Frostburg will use the correct "preponderance of the evidence" standard to investigate sexual assault and violence allegation.

Under the terms of the agreement, Frostburg also will:

- Reimburse the two complainants for expenses for counseling, academic, and/or therapy services.
- Address the specific investigative deficiencies OCR identified by case including, but not limited to, failures to conduct adequate investigations, provide written notice of remedial services, and provide written notice of the outcome of the complaint investigation to the parties.

- Review the complaints and reports of sexual harassment and sexual assault made from the beginning of the 2011-2012 academic year through the date of the agreement, to determine whether Frostburg investigated each complaint or report promptly and equitably.
- Publish an anti-harassment statement, revise its Title IX grievance procedures, and confirm that it has properly designated a Title IX coordinator.
- Provide training to ensure that all members of the Frostburg community – including students, faculty, administrators, and other staff – are trained regularly on Title IX sexual harassment and violence requirements.
- Enhance its outreach and collect and respond to feedback from students regarding Title IX issues, including by conducting climate checks with students on campus to assess the effectiveness of Frostburg’s steps taken to provide a safe campus environment.
- Convene a committee, composed of staff, students, and community representatives, to develop and implement a plan for educating students and employees about sexual harassment and assault.
- Provide OCR with copies of Frostburg incident files of alleged sexual harassment or sexual assault for the next two academic years.

A copy of the resolution agreement is posted [here](#). And, a copy of the letter can be found [here](#).

Thank you,

U.S. Department of Education  
Office for Civil Rights