



CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

OCR Agreement with Princeton University Reaffirms Need For Strong Policies and Procedures to Combat Sexual Violence and Assault.

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In October 2014, Princeton University entered into an agreement with the U.S. Department of Education's Office for Civil Rights (OCR) which resulted in a significant revamping of Princeton's policies and procedures to address complaints of sexual violence and assault. The agreement followed an investigation in which OCR concluded that Princeton had violated Title IX. Specifically, OCR determined that Princeton did not have the appropriate policies and procedures in place to ensure that complaints of sexual violence, including sexual assault, were addressed in a prompt and equitable manner (which, in one case reviewed, resulted in a continued hostile environment for a student).

Prior to the OCR investigation, Princeton had several policies that addressed sexual violence/assault, but according to OCR none of the separate policies contained complete information to describe the process for handling sexual violence/assault claims against students. Moreover, among other shortcomings found by OCR, the prior sexual violence/assault policies utilized an incorrect evidentiary standard, did not provide clear and prompt timeframes for the major steps in the grievance process, including appeals, and did not expressly provide the complainant with the same opportunity as the accused to present witnesses and other evidence. In total, OCR found that Princeton's prior policies were not easily understood by potential complainants and therefore may have discouraged students from moving forward with complaints in some circumstances.

Over the summer, Princeton revised its sexual violence/assault policy to address many of the areas that OCR found lacking in its prior policies. The university consolidated information from its prior policies into a single document, and the new policy confirmed several key points, including that Princeton would use a "preponderance of the evidence" standard in reviewing complaints of sexual violence/assault, that both parties have appeal rights in the process, and that investigations will proceed along a defined timeframe for the investigation and appeal process which can be extended only for good cause. OCR is continuing to review Princeton's new policy, and under the agreement with OCR Princeton must also take several other steps, subject to OCR oversight, to implement its new policy, including

education, outreach and data collection.

CLIENT TIP: *OCR continues to monitor sexual violence/assault policies, and the implementation of those policies, closely. Colleges and universities should review their written policies regularly to ensure that the policies contain all pertinent information but remain easy to understand and should examine how those policies are implemented to ensure that complaints of sexual violence/assault are handled in a prompt and equitable manner.*