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April 9, 2015

Dr. Nagi Naganathan  
Interim President  
The University of Toledo  
2801 W. Bancroft  
Toledo, OH 43606-3390

Dear Dr. Naganathan:

In November and December 2014, Ballard Spahr LLP (“Ballard”) conducted a comprehensive review of the University of Toledo’s (“University” or “UT”) Title IX program. During our review, we were impressed with the commitment of the University’s senior leadership to addressing sexual misconduct on campus in a manner that ensures the safety of campus constituents, complies with Title IX of the Education Amendments of 1972, and provides a fair process for resolving concerns.

As part of our Review, we performed an audit of the University’s Title IX policies and procedures and website. Ballard also interviewed, in-person and via telephone, approximately 100 individuals who have responsibilities under the University’s Title IX policies and procedures, who have interfaced with UT’s Title IX process, or who could provide information regarding the Title IX process at UT. Individuals interviewed included the Title IX Coordinator, representatives from the University’s Police Department, student conduct officers, administrators, members of the sexual misconduct adjudication panel, resident advisors, a cross-section of students, and faculty members.

Below, are recommendations to assist the University as it moves forward to implement an exemplary Title IX program that fully complies with applicable law and addresses the needs, safety, and rights of students, employees, and third parties.

#### A. Title IX Policies and Procedures

UT has in place a number of policies and procedures designed to prevent and address sexual misconduct on campus. While well-intentioned, these policies and procedures are, at times, contradictory, overlap with regard to covered conduct, and are so numerous that individuals covered may be unclear as to which policies apply when and to whom. The University has begun a comprehensive review of its Title IX and Title IX-related policies across its campuses. We recommend that the University continue in its efforts to streamline, coordinate, and revise its policies to ensure compliance with the requirements of Title IX and the Violence Against Women Act. We recommend

that the University reduce the number of Title IX policies in effect and review carefully all Title IX-related policies to ensure that the policies are integrated and communicate a clear and consistent message across the board.

#### B. The Role of the Title IX Coordinator

Consistent with the requirements of Title IX, the University has designated an employee to coordinate compliance with Title IX. The Title IX Coordinator's information is published on the University's website and in publications used by students and employees, such as policy documents. Currently, the employee serving as the Title IX Coordinator has a host of other non-Title IX-related responsibilities that demand a large portion of his time. It is imperative that the Title IX Coordinator have the ability to fully commit to his or her responsibilities to avoid delays in the University's response to reports of sexual misconduct. Therefore, we recommend that UT restructure its Title IX office to include one Title IX Coordinator primarily devoted to Title IX issues, with effective office support. We further recommend that the University appoint deputy Title IX coordinators responsible for major campus constituencies. The Title IX Coordinator and the deputy coordinators should strive for greater visibility on campus to ensure that students know who they are and are comfortable reporting to them. Administrators, including the Coordinator, who interface with the Title IX process have received training regarding the requirements of Title IX. We recommend that the University provide on-going training opportunities and resources to the Coordinator, deputies, and other Administrators to ensure prompt and equitable implementation of policies and procedures, successful investigation of complaints, prompt administration of interim measures, accurate record-keeping, and coordination with law enforcement and others.

#### C. Process for Handling Title IX Reports

The employees with whom we spoke during our review articulated a deep commitment to ensuring that reports of sexual misconduct are addressed promptly and appropriately. To further this commitment, we recommend that UT utilize a clear protocol for responding to Title IX reports that notifies responsible employees of their duty to report to the Title IX Coordinator incidents of sexual misconduct in University programs and activities of which they are aware. Our review revealed that members of the UT community are not always sure how Title IX reports are handled. Accordingly, we recommend that UT employ a procedure for handling Title IX reports that clearly identifies who will address and investigate reports, how interim measures will be provided, and sets forth a clear adjudicatory process. Students and employees must be made aware of and have ready access to information regarding the process.

Under UT's current process, Title IX matters are investigated and adjudicated utilizing the standard of review required by the U.S. Department of Education. We recommend that the process include additional timeframes to ensure that reports are addressed in a prompt manner and within 60 days, absent extraordinary circumstances. This includes providing regular updates to complainants and respondents, which would ensure that parties are aware of the status of their cases. The process also should be coordinated with the University Police Department's process, in the event that there are parallel criminal investigations and to ensure compliance with Clery Act requirements. We recommend the use of an electronic tracking and data maintenance system across campuses, to allow the University

to effectively monitor and address sexual misconduct on campus. Electronic tracking will also facilitate communication between and among UT departments involved in the process, which would benefit from increased coordination.

#### D. Education and Training

The University has taken steps to provide education and training to resident advisors, members of its sexual misconduct adjudication panel, students and employees during new student and new employee orientation, and others on campus. We recommend that UT develop and implement a sexual misconduct prevention and awareness campaign that educates students and employees about topics such as what conduct is prohibited by Title IX, where and how to report sexual misconduct, the role of the University Police Department, how to obtain resources, and how complaints are investigated and adjudicated. Students relayed that there is a high concentration of awareness efforts during the fall months, but few efforts throughout the remainder of the school year. We recommend that UT expand its educational efforts by offering programs throughout students' college careers, in multiple locations, at multiple times, and in an interactive format. Students should also be informed of interim and remedial measures available when sexual misconduct occurs. The University should strive to educate students regarding the process and the rights of the complainants and the respondents. Additionally, investigators and adjudicators should be provided with in-person specialized training related to their functions, at least annually.

#### E. Website and Other Resources

UT has in place a Title IX web page that provides access to information about how to file a complaint and other resources. The University's Police Department also has taken a leadership role on campus in creating on its web page options for reporting sexual misconduct through the criminal process, as well as through the University's disciplinary process.

To provide further information and support to students, employees, and visitors, we recommend that UT develop a series of electronic resource guides that provide information about the Title IX complaint process, reporting options for complainants, confidentiality, the rights of students accused of sexual misconduct, the University's definition of consent, on- and off-campus resources, and information about the role of drugs and alcohol. We further recommend that the University update its Title IX website to include these guides, as well as relevant policies and procedures. The Title IX website should be coordinated with web pages created by the Counseling Center, the Police Department, and Student Affairs.

#### F. Assessing Campus Climate

Through Ballard's review and during informal sessions with students and employees, UT has had opportunities to obtain information related to the climate on campus regarding sexual assault. Consistent with recommendations from the White House Task Force and OCR, UT should utilize existing resources in the Women's Center and elsewhere on campus to develop an instrument to assess the campus climate with regard to sexual harassment, including sexual violence. In addition,

Dr. Nagi Naganathan  
April 9, 2015  
Page 4

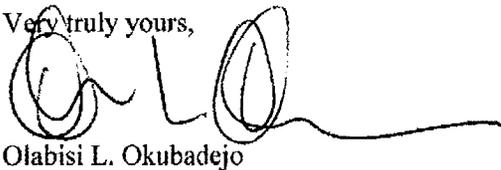
UT may wish to hold a series of roundtable discussions among campus constituencies to encourage further dialogue about this topic.

G. Historical Case Review

To ensure consistent and appropriate handling of Title IX reports, we recommend that the University undertake a historical review of its response to Title IX matters. The review may consider topics such as communication with the parties regarding complaints, provision of interim remedies, preparation of investigatory reports, and the adjudicatory process, as appropriate.

As noted earlier, we are impressed with the commitment of the University, its senior administrators, and the UT Police Department to providing safe campus communities and a prompt, effective response to sexual misconduct in University programs and activities. To ensure that the recommendations contained in this report are carried out in a timely and consistent manner, you may wish to put in place a working group to focus on implementing the recommendations above. Ballard remains available to assist the University as it moves forward to prevent and address sexual misconduct within the University community.

Very truly yours,

A handwritten signature in black ink, appearing to read 'OLO', with a long horizontal line extending to the right.

Olabisi L. Okubadejo

OLO/pla