



## TITLE IX COMPLIANCE REVIEW REPORT

**Clemson University**  
Department of Physics and Astronomy



Office of Civil Rights  
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# TITLE IX COMPLIANCE REVIEW REPORT

## Clemson University Department of Physics and Astronomy

### **I. Introduction**

During Fiscal Year 2013, the Office of Civil Rights (OCR) of the United States Department of Energy (the Department or DOE) conducted a Title IX compliance review of the graduate program of the Department of Physics and Astronomy (PA Department) at Clemson University. The compliance review was conducted pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Section 1681, *et seq.*, and the Department's Title IX implementing regulations, 10 C.F.R. Parts 1042 and 1040 (2013)<sup>1</sup>. During the course of the compliance review, the Department requested and obtained data from the University and gathered data from the University's website. In September 2013, members of the Department's compliance review team held on-campus interviews with University administrators, including the University's Title IX Coordinator, and with students, faculty, and staff of the PA Department. The facts, findings, and recommendations contained in this report are based on a review and an analysis of the data obtained from the University, including the University's website, as well as information obtained from the interviews held with students, faculty, staff, and administrators.

### **A. Background**

The Department supports a diverse portfolio of research at colleges, universities, and research institutions across the United States, providing funding to more than 300 such institutions every year. The funding provided by the Department for research at universities and colleges supports thousands of principal investigators, graduate students, and post-doctoral researchers.

Title IX and DOE Title IX implementing regulations prohibit recipients of federal financial assistance, such as universities and colleges, from discriminating on the basis of sex in any of their educational programs or activities. 20 U.S.C. § 1681(a); 10 C.F.R. § 1042.100 (2013). In addition, DOE Title IX implementing regulations require the Department to periodically conduct compliance reviews of recipients of DOE financial assistance to ensure compliance with the nondiscrimination requirements of Title IX. *See* 10 C.F.R. §§ 1042.605, 1040.101(a) (2013).

In July 2004, the Government Accountability Office (GAO) issued a report (GAO-04-639) entitled, "GENDER ISSUES: Women's Participation in the Sciences has Increased, but Agencies Need to do More to Ensure Compliance with Title IX." The purpose of the report was two-fold: (1) to report on the status of women in the sciences; and (2) to evaluate the Title IX compliance activities of the four federal science agencies—the Department of Energy, Department of Education, National Aeronautics and Space Administration, and National Science Foundation. With respect to the status of women in the sciences, the GAO reported that the

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<sup>1</sup> DOE Implementing regulations (10 CFR Parts 1040 and 1042) do not reflect the annual requirement that DOE conduct two Title IX reviews that are mandated in 20 U.S.C. § 1681. However, these regulations fully outline the review criteria used herein.

participation of women in the sciences at the undergraduate and graduate levels had increased over the past 30 years; however, the GAO reported that “[w]omen continue to major in the sciences and earn degrees in the sciences to a lesser extent than men.” The GAO also noted that some studies suggest that sex discrimination may still affect women’s choices and professional progress in the sciences. With respect to the Title IX compliance activities of the four federal science agencies, the GAO found that the agencies had taken steps, through the conduct of complaint investigations and the provision of technical assistance, to ensure that the institutions to which they provide financial assistance are in compliance with Title IX. However, the GAO noted that “[g]iven the general lack of knowledge and familiarity with the reach of Title IX and the disincentives for filing complaints against superiors,” the agencies needed to do more to judge whether sex discrimination exists in the sciences. To that end, the GAO made recommendations specific to each of the four federal science agencies. With respect to the Department, the GAO recommended that the Secretary of Energy ensure that compliance reviews of grantees are periodically conducted.

In August 2007, Congress passed, and the President signed into law, the America COMPETES Act, Pub. L. No. 110-69, § 5010, 121 Stat. 572, 620 (2007), which provided additional impetus for the Department to conduct compliance reviews. The Act states that the Department should (1) implement the recommendations contained in the GAO report, and (2) conduct at least two Title IX compliance reviews annually of recipients of DOE financial assistance.

In Fiscal Year 2013, the Department conducted Title IX compliance reviews of physics programs at two universities to which it provides financial assistance, including the PA Department at Clemson University.

## **B. Objective**

The objective of the Title IX compliance review at Clemson University was three-fold: (1) to determine whether male and female applicants and students had equal access to the opportunities and benefits offered by the graduate program of the Department of Physics and Astronomy; (2) to determine whether the University was in compliance with the requirements of Title IX and DOE Title IX implementing regulations; and (3) to identify and report on any promising practices instituted by the University for promoting gender equity.

## **C. Scope**

At Clemson University, the OCR elected to review the graduate component of the PA Department. To determine whether graduate applicants and students, regardless of their sex, had equal access to the opportunities and benefits offered by the PA Department, the OCR evaluated the following areas and practices of the PA Department: (1) student enrollment; (2) recruitment and outreach efforts; (3) admissions policies; (4) leave of absence and re-enrollment policies; (5) financial assistance opportunities; (6) graduate examination and writing requirements; (7) the academic climate; and (8) student safety.

To determine whether the University was in compliance with the requirements of Title IX and DOE Title IX implementing regulations, the OCR evaluated the following: (1) whether the University has designated a Title IX Coordinator; (2) whether the University has taken

continuing steps to notify the campus community about its nondiscrimination policies related to Title IX; and (3) whether the University has adopted and published grievance procedures providing for the prompt and equitable resolution of Title IX-related complaints, including sex discrimination and sexual harassment complaints.

**II. Graduate Physics and Astronomy Program**

**A. Student Enrollment**

During the 2012-2013 academic year (AY), sixty-two graduate students were enrolled in the PA Department on full-time and part-time bases, seeking both Masters of Science (M.S.) and doctoral (Ph.D.) degrees. Of those students, forty-seven were male and fifteen were female. The compliance review team interviewed twenty-three graduate PA students, including sixteen male students and seven female students, during its on-campus visit.

Table 1, below, shows the number and percentage of graduate male and female students enrolled in the PA program for AY 2008-2009 to AY 2012-2013. The figures that appear on this table reflect enrollment for the fall semester of each academic year.

**Table 1: Graduate Student Enrollment**

		Total	Male		Female	
2008-2009	Full Time	41	34	83%	7	17%
	Part Time	3	2	67%	1	33%
2009-2010	Full Time	46	35	76%	11	24%
	Part Time	3	3	100%	0	--
2010-2011	Full Time	63	44	70%	19	30%
	Part Time	0	0	--	0	--
2011-2012	Full Time	66	45	68%	21	32%
	Part Time	0	0	--	0	--
2012-2013	Full Time	61	46	75%	15	25%
	Part Time	1	1	100%	0	--

**B. Faculty, Staff, and Administrators**

The PA Department had twenty-one faculty members during the 2012-2013 academic year, of whom two are female. The compliance review team interviewed fifteen of those faculty members (fourteen male faculty and one female faculty), including Chair of the PA Department, Director of the PA Department’s Graduate Program, Chair of the PA Department’s Graduate Admissions Committee, and Chair of the PA Department’s Ph.D. Qualifying Examinations Committee. The compliance review team also interviewed the Graduate Student Services Coordinator of the PA Department.

A couple positive themes emerged from these interviews which included the substantial resources the University has committed to combating issues relevant to Title IX such as establishing a “President’s Task Force on Sexual Violence” and requiring that several staff members of the Office of Access and Equity be certified in Title IX. Additionally, although the number of female faculty is low, several people remarked that female leadership is welcome in the PA program and that it’s Women in Science and Engineering (WISE) program is strong.

### **C. Recruitment and Outreach**

DOE Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the recruitment of students. 10 C.F.R. § 1042.310 (2013). To determine whether the PA Department was in compliance with this provision, the OCR reviewed the recruitment and outreach activities of the PA Department.

The University reported that it engages in an array of activities to recruit students to its PA graduate program. The University noted that the PA Department relies on its faculty members to recruit prospective graduate students through appearances at other universities and at conferences, including the National Society of Black Physicists, the American Astronomical Society, and the American Physical Society, where they describe the PA Department’s work, distribute literature about the PA Department, and invite interested students to visit. Faculty members also contact colleagues at other institutions who recommend the University’s programs to their graduating seniors. The PA Department also reaches out to students who participate in the National Science Foundation’s (NSF) Research Experiences for Undergraduates (REU) program, and to students who contact the PA Department for application information. It hosts visitation weekends for prospective students, and provides funding for travel to the campus for domestic students. It maintains an internet presence by advertising its recruitment activities on its own website, on the websites of national organizations of physicists and astronomers, and on external websites such as [www.gradschools.com](http://www.gradschools.com) and [www.petersons.com](http://www.petersons.com).

The PA Department offers a limited number of recruitment incentives to prospective graduate students. Since the academic year 2008-2009, PA has offered a total of four fellowships to prospective Ph.D. students: 1 to a female student (for four years at \$4000 per year), and 3 to male students (1 for two years at \$4000 per year and 2 for two years at \$2500 per year).

None of the graduate PA students who were interviewed indicated that the University specifically recruited them. A few stated that their advisors at their previous institution had recommended applying to the University. A few others stated they were encouraged by friends or family members to do so, while the remainder indicated they had found the program on their own initiative. None of those interviewed expressed concern over any unfairness in the recruitment process, other than one international student who felt he should have received more credit for his coursework outside the United States.

## **Finding**

### ***Recruitment and Outreach***

The Department has found no evidence of discrimination based on sex in the recruitment and

outreach efforts of the PA Department, as described above. Therefore, the Department finds that the recruitment and outreach efforts outlined above comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

#### **D. Admissions Process**

DOE Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the admission of applicants. 10 C.F.R. § 1042.300 (2013). In determining whether a person satisfies a criterion for admission, or in making any offer of admission, recipients are prohibited from the following: giving preference to one person over another on the basis of sex; applying numerical limitations upon the number or proportion of persons of either sex who may be admitted; or otherwise treating one individual differently from another on the basis of sex. *Id.*

##### **1. Background**

Individuals interested in pursuing a graduate PA degree apply for admission through the Graduate School of the University, rather than through the PA Department itself. The Chair and Admissions Committee of each department have access to the candidates' applications. The PA Department's Graduate Admissions Committee reviews the applications of individuals interested in enrolling in the graduate PA program, and then recommends those who should be admitted to the Dean of the Graduate School.

##### **2. Admissions Process**

In order to obtain admission to the graduate PA program, an applicant must satisfy the minimum graduate admissions requirements of the PA Department, which include:

1. proof of a bachelor's degree, transcript of undergraduate courses including GPA;
2. score from the GRE general test (GRE physics test is not required);
3. TOEFL exam scores (for applicants whose native language is not English, in order to demonstrate proficiency in English); and
4. three letters of recommendation.

The Graduate Admissions Committee is composed of six faculty members and is responsible for reviewing applications for admission to the graduate PA program. In addition to recommending to the Dean of the Graduate School which of the applicants should be admitted, it recommends nominations for fellowships. It also prepares a list of candidates who rank sufficiently high to be considered for teaching assistant and research assistant positions; that list is circulated to the faculty members. It issues offers of acceptance to candidates for entrance in the upcoming fall semester in a total of three rounds taking place in mid-January, late February, and mid-April.

### 3. Admissions Statistics

Table 2 below, shows the number and percentage of students by gender, who applied to the graduate PA program for both M.S. and Ph.D. degrees from AY 2008-2009 to AY 2012-2013.<sup>2</sup> The table also shows the number and percentage of male and female applicants who were admitted to the graduate PA program, as well as the number and percentage of male and female applicants who enrolled in the program for the same time period.

**Table 2: Graduate Program—Applicants, Admissions, and New Enrollment per Academic Year**

		Total	Male		Female	
<b>2008-2009</b>	<b>No. of Applicants</b>	79	57	72%	22	28%
	<b>No. Admitted</b>	29	24	42%	5	23%
	<b>No. Enrolled</b>	16	15	63%	1	20%
<b>2009-2010</b>	<b>No. of Applicants</b>	76	59	78%	17	22%
	<b>No. Admitted</b>	47	33	56%	14	82%
	<b>No. Enrolled</b>	21	16	48%	5	36%
<b>2010-2011</b>	<b>No. of Applicants</b>	70	49	70%	21	30%
	<b>No. Admitted</b>	63	43	88%	20	95%
	<b>No. Enrolled</b>	25	15	35%	10	50%
<b>2011-2012</b>	<b>No. of Applicants</b>	92	63	68%	29	32%
	<b>No. Admitted</b>	51	32	51%	19	66%
	<b>No. Enrolled</b>	20	11	34%	9	47%
<b>2012-2013</b>	<b>No. of Applicants</b>	77	58	75%	19	25%
	<b>No. Admitted</b>	36	30	52%	6	32%
	<b>No. Enrolled</b>	21	17	57%	4	67%

During the five-year period under review, the admission rate for male students ranged from a low of 42% for AY 2008-2009 to a high of 88% for AY 2010-2011.<sup>3</sup> The admission rate for female students during the same period ranged from a low of 23% for AY 2008-2009 to a high of 95% for AY 2010-2011. The average admission rate for male students over the five-year period was 58%, while the average admission rate for female students over the same period was 60%, a difference of 2%.

<sup>2</sup> The University notes that most students seeking M.S. degrees are Ph.D. students who apply for an “en route” M.S., but not all Ph.D. students seek the M.S. degree.

<sup>3</sup> The admission rate of a specific gender is calculated by dividing the number of students of a specific gender who were admitted to the program by the number of students of that specific gender who applied for admission to the program and then converting that number to a percentage.



Over the same five-year period, the enrollment rate for male students ranged from a low of 34% for AY 2011-2012 to a high of 63% for AY 2008-2009.<sup>4</sup> The enrollment rate for female students during the same period ranged from a low of 20% for AY 2008-2009 to a high of 67% for AY 2012-2013. The average enrollment rate for male students over the five-year period was 47%, while the average enrollment rate for female students over the same period was 44%, a difference of 3%.

#### **4. Administrator Evaluation of the Admissions Process**

The Director of Graduate Admissions and Recruitment stated that her office acts as a liaison between applicants and the University's departments. It gathers application materials and forwards them to each of the departments, such as the PA Department, which has the responsibility for selecting applicants for admission. When asked whether different factors or criteria are ever applied to applicants to the graduate PA program based on their sex, the Director stated that gender is not a factor when considering applications for admission.

The PA graduate program director, a member of the PA faculty, explained the PA Department's admissions process for graduate students. The PA Graduate Admissions Committee reviews the applications based on letters of reference, test scores, research publications, courses taken, trends with grades, and other submitted materials. The applicants are then rated from 1 to 5, and the top-rated applicants are placed on a list provided to the PA Department Chair. Additional acceptance offers are made on the basis of availability of fellowships, teaching assistantships, and research assistantships.

The OCR compliance review team asked the Chair of the PA Graduate Admissions Committee, also a member of the PA faculty, whether he believed that the admissions process for the graduate PA program provided equal opportunity for both male and female applicants. He stated that he believed that the admissions process does provide equal opportunity for both male and female applicants to the graduate PA program.

#### **5. Student Evaluation of the Admissions Process**

A majority of the graduate PA students who were interviewed described the admissions process for the graduate PA program as a standard process. A majority of the graduate students also stated that they did not believe anything in their admissions experience was unfair.

### **Finding**

#### ***Admissions Process***

The Department found no evidence of discrimination based on sex in the admissions process of the graduate program of the PA Department, as described above. The Department has found no evidence that the PA Department, in making admissions decisions related to applicants to the

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<sup>4</sup> The enrollment rate of a specific gender is calculated by dividing the number of students of a specific gender who enrolled in the program by the number of students of that specific gender who were admitted to the program and then converting that number to a percentage.

graduate program, gives preference to one person over another based on sex, applies numerical limitations upon the number or proportion of persons of either sex who may be admitted, or otherwise treats one individual differently from another on the basis of sex. Therefore, the Department finds that the admissions process outlined above complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

## **E. Leave of Absence and Re-Enrollment Policies**

DOE Title IX implementing regulations state that “no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic . . . or other education program or activity operated by a recipient” of financial assistance. 10 C.F.R. § 1042.400. The Department evaluated the PA Department’s leave of absence, re-enrollment, and maternity/paternity leave policies to determine whether they comply with this general provision of nondiscrimination on the basis of sex.

### **1. General Leave of Absence, Re-Enrollment, and Maternity/Paternity Leave Policies**

The University has general policies governing leave of absence, re-enrollment (termed “re-entrance” or “re-entry”), and maternity/paternity leave in place for graduate students of all disciplines. The PA Department follows the University’s policies related to leaves of absence, re-entry, and maternity/paternity leave for its graduate students.

A graduate PA student who wishes to take a leave of absence must submit a written request and receive approval prior to taking leave. If the student holds a graduate teaching assistantship, he or she may request from the PA Department up to four weeks of unpaid leave per semester, and one week of unpaid leave per summer session, for illness of a close family member, death in the immediate family, and personal illness or hardship. Unpaid leave for a student who holds a graduate research assistantship must be agreed upon in writing by the student and the faculty advisor in charge of the research program. If the administrator of the graduate assistantship does not approve the request for leave without pay, the graduate student may petition the Dean of the Graduate School for approval.

Graduate students who have not been enrolled within the past six years are considered new applicants. Those graduate students whose absence has been of shorter duration may apply to re-enter the program in which they were most recently enrolled by completing a Graduate Request for Re-Entrance form.<sup>5</sup>

### **2. Re-Enrollment of Graduate PA Students**

During the academic years 2008-2009 through 2012-2013, no M.S. candidates applied for re-entry. As for Ph.D. students, one male student requested re-entry for the 2008-2009 academic year, and one male student and one female student requested re-entry for the spring 2013

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<sup>5</sup> The University has time limits in place for completion of master’s and doctoral degrees. A master’s degree must be completed within six years, while a doctoral degree must be completed within five years of fulfilling the requisite elements for the degree: comprehensive examination, foreign language examination (if required by the program), defense of dissertation, and approval of dissertation by the Graduate School.

semester. All applicants were re-admitted and there was no information presented to show that students were adversely impacted by leave policies.

### **3. Maternity/Paternity Leave**

A graduate assistant (female or male) is eligible for up to six weeks of maternity or paternity leave. A graduate assistant must request maternity/paternity leave from the PA Department at least one month in advance, with notification provided by the PA Department Chair to the Dean of the Graduate School. The Graduate School encourages departments and students to work together to enable the student to maintain enrollment and employment status during this time.

## **Finding**

### ***Leave of Absence, Re-Enrollment, and Maternity/Paternity Leave Policies***

The Department has found no evidence of discrimination on the basis of sex in the administration of the leave of absence, re-enrollment, and maternity/paternity leave policies for graduate PA students. Therefore, the Department finds that the leave of absence, re-enrollment, and maternity/paternity leave policies outlined above for graduate PA students comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

## **F. Student Financial Assistance**

DOE Title IX implementing regulations state that in providing financial assistance to any of its students, a recipient shall not, on the basis of sex, provide different amounts or types of such assistance, limit eligibility for such assistance, apply different criteria, or otherwise discriminate. 10 C.F.R. § 1042.430. The OCR evaluated the different types of financial assistance made available by the PA Department to its students, including financial recruitment incentives, to determine compliance with this provision.

### **1. Teaching Assistantships and Research Assistantships**

#### **a. Selection Process**

The PA Department offers financial assistance to its graduate students in the form of teaching assistantship (TA) positions and research assistantship (RA) positions. Tuition waiver is associated with both forms of assistance, and an entering graduate PA student who is not selected for an RA position or for a fellowship (see Section 2, Recruitment Incentives, below), is offered a TA position, generally for two years. Many of the students interviewed had initially served as teaching assistants, and in later years became research assistants.

According to the University, TA positions are awarded in the following manner. The PA Graduate Admissions Committee ranks the admitted candidates according to grades, test scores, letters of recommendation, and research experience. The rankings are then forwarded to the PA Department chair. The chair then offers TA positions to the top-ranked applicants in a number

that corresponds to the number of TA positions supported in the PA Department's budget, multiplied by a factor of 2.5 to 3, to account for rejections.

As for RA positions, the list of top-ranked admitted candidates is made available to the members of the PA faculty. Those faculty members with grant funding for students may select from among the admitted candidates at their discretion. They also select RA positions from among the current graduate students in the PA Department.

#### **b. Faculty Evaluation of the TA/RA Process**

The PA Graduate Program Director stated that every applicant whose name appears on the list of top-ranked candidates is offered a TA or RA position, unless he or she is awarded a fellowship. (Fellowships are discussed in the Recruitment Incentives section, below.) He also stated that male and female graduate PA students are compensated equally for comparable graduate assistantships. The PA Department Chair clarified that all teaching assistants are paid the same amount. Research assistants are paid in accordance with the grant under which they work, and may be compensated more based on experience. The PA Department does not track the gender of the recipients of TA or RA positions. The PA Graduate Student Services Coordinator stated that gender is not considered when selecting a graduate PA student for fellowships, TA positions, and RA positions.

#### **c. Distribution of Teaching Assistantships and Fellowships**

Table 3, below, shows the distribution of teaching assistantships (TAs), research assistantships (RAs), and various fellowships, including recruitment fellowships and minority recruitment fellowships, among male and female graduate PA students from AY 2008-2009 to AY 2012-2013. Over the five-year period, males comprised 75% of the overall graduate PA student population, while females comprised 25% of the overall graduate PA student population. During the same time period, TAs and fellowships were generally awarded to male and female graduate PA students in proportion to their population size. For instance, from AY 2008-2009 to AY 2012-2013, male graduate PA students were awarded 76% of TAs and female graduate PA students were awarded 24% of TAs.<sup>6</sup> Over the same five-year period, male graduate PA students were awarded 71% of RAs, while female graduate PA students were awarded 29% of RAs.<sup>7</sup> During the same period, male graduate PA students were awarded 50% of fellowships, while female graduate PA students were awarded 50% of fellowships.<sup>8</sup>

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<sup>6</sup> These percentages are based on the total number of students who were awarded a teaching assistantship, either as their sole source of financial assistance from the PA Department, or in combination with other forms of financial assistance, such as an RA or fellowship.

<sup>7</sup> These percentages are based on the total number of students who were awarded a research assistantship, either as their sole source of financial assistance from the PA Department, or in combination with other forms of financial assistance, such as a TA or fellowship.

<sup>8</sup> These percentages are based on the total number of students who were awarded a fellowship, either as their sole source of financial assistance from the PA Department, or in combination with other forms of financial assistance, such as a TA or RA.

**Table 3: Assistantships and Fellowships**

		TA		RA		Fellowship		Total	
2008-2009	M	28	88%	13	72%	0	--	41	82%
	F	4	12%	5	28%	0	--	9	18%
2009-2010	M	28	85%	12	75%	0	--	40	80%
	F	5	15%	4	25%	1	100%	10	20%
2010-2011	M	26	65%	14	70%	1	100%	41	67%
	F	14	35%	6	30%	0	--	20	33%
2011-2012	M	28	67%	14	67%	0	--	42	65%
	F	16	33%	7	33%	0	--	23	35%
2012-2013	M	33	75%	16	73%	0	--	49	74%
	F	11	25%	6	27%	0	--	17	26%

## 2. Recruitment Incentives

The PA Department generally employs three types of recruitment incentives: (1) those available within the PA Department; (2) those available through the Graduate School or the University; and (3) those available through national competition. In the first category fall three fellowships, the funds of which are administered in accordance with the donors' gift agreements with the Clemson University Foundation. One fellowship is earmarked for accepted applicants who have expressed an interest in astrophysics research. The candidates are ranked by a committee of astrophysics faculty members and the top-ranked student is selected. Two additional fellowships, available to all applicants admitted to the PA Department, were newly established in 2012. The Graduate Admissions Committee provides a ranked list of all admitted students to the PA Department chair, who decides to whom to offer a fellowship. For all PA Departmental fellowships, the PA Department considers undergraduate grade point averages, test scores, research experience, and letters of recommendation.<sup>9</sup>

Selection determinations for the two remaining categories of fellowships are made outside the PA Department. The university-wide fellowships consist of Graduate School Recruitment Fellowships and Clemson University Diversity Fellowships. Candidates for the Graduate School Recruitment Fellowships are nominated by the faculty in each department, including the PA Department. The Graduate School compiles the nominees' scores and grade point averages and provides them to the Graduate Fellowship and Awards Committee. That committee, composed of one faculty member from each of Clemson's five colleges, reviews the nominations and makes the final decisions of awards. As for Clemson University Diversity Fellowships, students may apply on their own behalf or be nominated by a department, program, or faculty member. Following a comprehensive review of each candidate's application to the Graduate School, GRE scores, letters of reference, and transcripts of all degrees earned, the Graduate School selects recipients of Diversity Fellowships. The final category of fellowships are those subject to national competition, and are awarded by the grantors of the fellowships, such as NASA and NSF.

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<sup>9</sup> Minority applicants with astronomy interests are also considered by the astronomy faculty for fellowships funded by the National Science Foundation through South Carolina State University in the Partnership in Observational and Computational Astrophysics (POCA) fellowship program.

During the five-year period under review, the PA Department awarded recruitment incentives to three male prospective graduate students and to one female prospective graduate student which is roughly equal to the male and female percentage representation in the PA Department overall.

### **3. Achievement Awards**

Until 2012, the PA Department had only one achievement award to grant, the Graduate Teaching Award, which carried no monetary value. In 2012, the Graduate Teaching Award was, for the first time, accompanied by an award of \$500, as was a new award that year, the Graduate Research Award. The sole criterion for the Graduate Teaching Award is excellence in teaching, as judged by the faculty, while the sole criterion for the Graduate Research Award is excellence in research, as judged by the faculty. In the four years preceding AY 2012-2013, the recipients of the Graduate Teaching Award were female in two years (the same female graduate student), and male in the other two years. In AY 2012-2013, the recipients of the Graduate Teaching Award and the Graduate Research Award, each worth \$500, were both female graduate students. During the five-year period under review, male and female graduate students each received 50% of the non-monetary achievement awards, while female graduate students received 100% of the monetary achievement awards given by the PA Department.

#### **Finding**

##### ***Teaching Assistantships and Research Assistantships***

Over the five-year period under review, teaching assistantship and research assistantship positions were generally awarded to male and female graduate PA students in proportion to their population size. In addition, the PA Department compensates male and female graduate PA students equally for comparable graduate teaching assistantships. Graduate research assistantships, on the other hand, are compensated according to the terms of each research grant. The Department has found no evidence that the PA Department, in selecting teaching assistants and research assistants, over the five-year period, provided different types of such assistance, limited eligibility for such assistance, applied different criteria for such assistance, or otherwise discriminated on the basis of sex in providing such assistance. Therefore, the Department finds that the PA Department's teaching assistantship and research assistantship selection processes described above comply with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

##### ***Recruitment Incentives***

The Department has found no evidence that the PA Department, in selecting recipients for recruitment incentives, in the form of fellowships, provided different types of such assistance, limited eligibility for such assistance, applied different criteria for such assistance, or otherwise discriminated on the basis of sex in providing such assistance. Therefore, the Department finds that the PA Department's process for awarding recruitment incentives described above complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

***Achievement Awards***

The Department has found no evidence that the PA Department, in selecting recipients for achievement awards, provided different types of such assistance, limited eligibility for such assistance, applied different criteria for such assistance, or otherwise discriminated on the basis of sex in providing such assistance. Therefore, the Department finds that the PA Department's nomination and selection processes for achievement awards described above complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

## **G. Graduate Degrees: Oral Candidacy Examination and Dissertation Requirements**

DOE Title IX implementing regulations state that "no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient" of financial assistance. 10 C.F.R. § 1042.400 (2013). The Department evaluated the PA Department's administration of the oral candidacy examination, the dissertation defense, and the dissertation approval process to determine whether they comply with this general provision of nondiscrimination on the basis of sex.

### **1. M.S. Degree**

#### **a. Background**

During the five-year period under review, between five and eight graduate students enrolled each year in the M.S. program, or between 24% and 38% of the total graduate student enrollees in the PA Department. Most of these students were Ph.D. students who had applied for an "en route" M.S. degree. Not all Ph.D. students followed this path; in fact, the majority did not, which accounts for the high percentage of non-M.S.-seeking graduate students. The remaining M.S. students were seeking that degree as an end in itself.

There are two paths toward earning an M.S. in the PA Department: the thesis option and the non-thesis option. Under either scenario, a candidate must take a final oral examination, though for a thesis-option student, the examination occurs simultaneously with the thesis presentation and defense. The PA Department policies and procedures related to the thesis defense and final oral examination track those of the Graduate School.

#### **b. Thesis Approval and Final Oral Examinations**

##### **i. Thesis Approval and Defense**

With respect to M.S. candidates who graduated during the academic years 2008-2009 through 2012-2013, all such students who submitted theses for approval were successful in both receiving approval and defending their theses. An aggregate of twenty students submitted and defended theses during that period, of which seven were female and thirteen were male. In any given year, the range of female participation in the thesis process ranged from 0% (in 2009-2010 and 2011-2012, one male and no females participated) to 40% (in 2008-2009 and 2012-2013).

##### **ii. Final Oral Examination**

An M.S. candidate who pursues the non-thesis option completes a written document that is submitted to the advisory committee. The candidate then presents the document orally and “defends” his or her work by answering questions posed by the advisory committee. With respect to non-thesis-option M.S. candidates who graduated during the academic years 2008-2009 through 2012-2013, a total of nine males and one female took and passed their final oral examinations: Four males in 2011-2012, and the remainder in 2012-2013.

## **2. Ph.D. Degree**

### **a. Background**

Study for the Ph.D. degree begins with core courses that cover the basics of Mathematical Methods, Classical Mechanics, Quantum Mechanics, Statistical Mechanics, and Electrodynamics. In addition to those courses, Ph.D. students enroll in four elective graduate-level courses and a course in Doctoral Research each semester. They are required to maintain a grade point average of at least 3.0 throughout their course of study.

### **b. Qualifying Examination, Dissertation, and Dissertation Defense**

#### **i. Qualifying Examination**

All Ph.D. students enrolled in the graduate PA program are required to pass the written portion of the qualifying examination during the second year of study, to demonstrate mastery of the core course material. The Qualifying Exam Committee (QEC) is composed of three members; each member oversees one of the three examinations, which cover Classical/Statistical Mechanics, Electrodynamics, and Quantum Mechanics. Faculty members contribute the questions; the QEC selects and refines eight of those questions for his or her portion of the examination. The student must choose six of the eight questions to attempt in each of the three topical areas. The faculty member who contributed the question grades the answers to that question, and the QEC ensures that the grading is equitable and uniform.

The written portion of the qualifying examination occupies three days, and each section is graded Pass or Fail by the Qualifying Examination Committee; the final decision is made by the PA faculty. If a student fails, he or she may take the examination a second time. A second failure disqualifies the student from eligibility to earn a Ph.D. degree. The student may, however, be allowed to complete the requirements for an M.S. degree.

During the five academic years 2008-2009 through 2012-2013, a total of forty-five males and seventeen females attempted the written qualifying examination. Of those students, twenty-eight males and nine females passed the examination on the first attempt, and seventeen males and eight females failed. Of the sixteen males and nine females who attempted the examination a second time during those five years, seven males and five females were successful; nine males and four females were unsuccessful.

Upon passing the written portion, Ph.D. candidates must then pass the oral portion of the qualifying examination within twelve months. During the oral portion, the student proposes his or her thesis topic, describes what work others have done in the area, explains how he or she will



advance knowledge in the area, and convinces the committee that he or she is capable of succeeding at the chosen task. The Ph.D. advisory committee, consisting of four or more members, decides whether the student has passed the oral portion. If a student fails the oral portion on the first try, the committee may invite him or her to retake it, but it must be passed within twelve months of passing the written portion.

During the five academic years 2008-2009 through 2012-2013, a total of twenty-six males and fourteen females attempted the oral portion of the qualifying examination. All students who passed the written examination either passed the oral examination on their first or second attempt, or elected to leave without completing the oral examination.

## **ii. Dissertation and Dissertation Defense**

The Ph.D. candidate completes a written thesis or dissertation and submits it to his or her Ph.D. advisory committee. The candidate must then pass a final oral examination in which he or she presents the document orally and defends the work by answering questions posed by the advisory committee. All members of the PA faculty as well as deans of the Graduate School are invited to attend the examination. The examination is designed to demand a thorough interpretation by the student of the research project and conclusions. The Ph.D. advisory committee evaluates the written document, the presentation, and the candidate's answers to questions, and determines whether the student has completed the thesis or dissertation and its defense. The results of the examination are documented on a form that is submitted to the Graduate School.

A student who fails a final oral examination may be allowed a second opportunity only with the recommendation of the Ph.D. advisory committee. Failure of the second dissertation defense will result in dismissal from the Graduate School.

Table 4, below, shows the number of PA Ph.D. degree students who submitted their dissertations for approval during academic years 2008-2009 through 2012-2013, as well as the number and percentage of dissertations that were approved. Table 4 also shows the number of PA Ph.D. degree students who defended their dissertations before the thesis committee, as well as the number and percentage of students who successfully defended their dissertations. As Table 4 illustrates, the dissertation approval rate and dissertation defense passing rate for both male and female students over the five-year period was 100%.

**Table 4: Dissertation Defense Success Rates and Dissertation Approval Rates**

Academic Year	No. of Defenders/ Submissions			Male Students Passing		Female Students Passing	
	Total	Male	Female	No.	Percent	No.	Percent
2008-2009	4	4	0	4	100%	0	--
2009-2010	8	7	1	7	100%	1	100%
2010-2011	6	4	2	4	100%	2	100%
2011-2012	4	3	1	3	100%	1	100%
2012-2013	8	6	2	6	100%	2	100%

## **Finding**

### ***M.S. Thesis and Final Oral Examination and Ph.D. Qualifying Examination, Dissertation, and Dissertation Defense***

The Department has found no evidence of discrimination on the basis of sex in the PA Department's administration of any of the processes for candidacy requisites for M.S. and Ph.D. students, as described above. Therefore, the Department finds that the PA Department's administration of those processes for M.S. and Ph.D. students complies with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations.

## **H. The Environment: Academic Climate and Campus Safety**

As noted previously, DOE Title IX implementing regulations state that "no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient" of financial assistance. 10 C.F.R. § 1042.400 (2013). Consistent with this provision, the Department evaluated the academic climate within the PA Department, as well as campus safety, to determine whether either of these environmental aspects had the effect of excluding PA students from participation in PA programs or activities on the basis of their sex.

### **1. Academic Climate**

The OCR compliance review team asked graduate PA students whether their sex had affected any aspect of their study at the University. All of the students interviewed stated that their sex had not affected their studies at the University. One male student, in addition to answering "no," stated that he felt it was easier for him because he was a man. One female student stated that presently her sex has not affected her, however, she anticipates that it will in the future given her industry, but believes she is prepared for it.

When graduate PA students were asked whether the sex of a student affected the dynamics between male and female students in the classroom or in research groups, all of the students interviewed said, "no." One male student added that his class was "a pretty close group"; one female student added that she felt the classroom dynamics were "professional." When graduate

PA students were asked whether one's sex affected the dynamics between professors and students in the classroom, they all said, "no."

The OCR compliance review team also asked graduate PA students whether the low number of female faculty in the PA Department impacts the learning climate. A majority of the graduate PA students stated that the low number of female faculty does not impact the learning climate. Both female and male students indicated that they had never interacted with any female faculty member. Two female students expressed a desire to see more female faculty but also stated that it does not affect the learning environment. One male student stated that he felt having more female faculty might encourage more women to pursue a career in the sciences. Several students, both male and female, pointed to one professor in particular as a great female role model, and also indicated that the Women in Physics group allows access to other female faculty members.

The OCR compliance review team asked PA faculty members about the climate for students, and whether they had observed any differences in the way male and female students are treated. All of the faculty members interviewed stated that there was no difference in treatment. Two male faculty members pointed out that recent PA Department research awards have gone to female graduate students. One male faculty member also stated that there is a barrier to get women into science generally, but that efforts are being made to get female students interested at an earlier age.

## **2. Campus Safety**

The mission of the Clemson University Police Department (CUPD) is to provide a safe campus conducive to education for the University's students, teachers, employees and visitors. CUPD provides several educational programs to aid the campus in taking a proactive role in crime prevention. These programs include Campus Safety (Crime at Clemson), Common Sense Self-Defense, DUI Awareness, Rape Aggression Defense (RAD), and Violence in the Workplace. The University also has a student-based division of the CUPD, the Student Patrol, which operates the Tiger Transit, a service that provides rides to and from any on-campus location between 6 p.m. and 6 a.m. when school is in session.

The OCR review team asked graduate PA students whether they believed the campus and surrounding environment were safe. A majority of them said they felt the campus was safe. One male student qualified his statement that the campus was safe by saying that he would not walk around at night. Several students mentioned the strong police presence on campus, the availability of the Tiger Transit rides, and the blue emergency lights and phones around campus as making them feel safe.

Many PA faculty members who were interviewed stated they felt the campus and surrounding environment were safe. They also mentioned the police presence, Tiger Transit, and blue emergency lights and phones as indications that the campus is safe. Several faculty members mentioned warning students, especially female students, to be cautious at night or when working alone. One faculty member said he appreciated the fact that the few safety incidents that have occurred on campus were not covered up.

Additionally, the President established a Sexual Violence Task Force beginning during the 2012-13 Academic Year. The task force is made up of faculty, students, and staff and is charged with considering a wide variety of issues related to preventing sexual violence on the campus and developing recommendations for new resources and programming.

## **Findings and Recommendations**

### ***Academic Climate***

The Department finds that a majority of the graduate PA students who were interviewed believed that their sex had not affected any aspect of their study at the University; that the sex of a student did not affect the dynamics between male and female students in the classroom; and that one's sex did not affect the dynamics between professors and students in the classroom. From September 2016 to January 2017, the Office of Diversity and Inclusion conducted ten diversity and inclusion awareness trainings across the DOE complex and for external organizations. The Department recommends that the University continue to foster an academic climate where students feel that their sex does not affect any aspect of their studies.

### ***Campus Safety***

The Department finds that generally students and faculty believe the campus and surrounding environment to be safe, although both students and faculty stated that they are still cautious when on campus late or by themselves. The Department commends the University for instituting a Sexual Violence Task Force to develop recommendations to discourage sexual assaults on campus.

The Department recommends that the University continue to identify methods for combating campus crime. The Department recommends also that the University continue to find creative ways for improving campus safety, and that the University regularly remind students, faculty, and staff of the safety programs available to them.

## **III. Title IX Requirements**

### **A. Designation of a Title IX Coordinator and Title IX Notification Requirements**

#### **1. Designation of a Title IX Coordinator**

DOE Title IX implementing regulations require each recipient of financial assistance to designate at least one employee to coordinate its efforts to comply with and to carry out its responsibilities under Title IX and DOE Title IX implementing regulations. 10 C.F.R. § 1042.135(a) (2013).

The University has designated the Director of the Office of Access and Equity (OAE) as its Title IX Coordinator. The Director is responsible for (among other functions): acting as University liaison for affirmative action (AA) and equal employment opportunity (EEO) matters both on and off campus; providing training and guidance to departments/colleges regarding all phases of

the University's search procedures and AA/EEO obligations; directing, investigating, and mediating pre-grievances based on illegal discrimination; developing and providing education and training programs for faculty, staff, and students on topics related to compliance with AA/EEO, Americans with Disabilities Act (ADA), Title VI, and Title IX requirements, diversity and civil treatment; and directing, monitoring, and evaluating AA/EEO, ADA, Title VI, and Title IX compliance efforts. The University has also designated the Director of the Office of Community and Ethical Standards (OCES) as the Title IX Deputy Coordinator.

## **2. Notification Requirements of Title IX**

DOE Title IX implementing regulations require each recipient of financial assistance to notify all of its students and employees of the name, office address, and telephone number of the individual it has designated as the Title IX coordinator. 10 C.F.R. § 1042.135(a) (2013). DOE Title IX implementing regulations also require each recipient of financial assistance to implement specific and continuing steps to notify applicants for admission, students, and employees "that it does not discriminate on the basis of sex in the educational programs or activities that it operates, and that it is required by Title IX and [DOE] Title IX regulations not to discriminate in such a manner." 10 C.F.R. § 1042.140(a)(1). In addition, each recipient is required to prominently include a statement of its nondiscrimination policy on the basis of sex in each announcement, bulletin, catalog, or application form that it makes available to applicants for admission, students, and employees, or which is otherwise used in connection with the recruitment of students or employees. 10 C.F.R. § 1042.140(b)(1).

The University has adopted nondiscrimination and harassment policies and procedures, which include Title IX. The University's harassment policy states "harassment of any kind...by employees, students or non-employees will not be tolerated." Included in the University's definition of harassment is harassment based on a protected class, including sex, a protected activity, or sexual harassment. The University's Affirmative Action/Equal Employment Opportunity Policy prohibits discrimination based on any legally protected class, including sex. In this policy, the University states, "no person shall be excluded from participation in or be denied the benefits of any program or activity of the University. It is the policy of the University to recruit, hire, train and promote employees without discrimination."

In its written response to the DOE Data and Document Request, the University indicated that all of its nondiscrimination and harassment policies and procedures were available on the OAE and OCES websites. These same policies and procedures are also included in the Student Handbook, the Student Code of Conduct, the Graduate Student Handbook, and the Graduate Student Government Handbook. OAE also provides harassment presentations to graduate research and teaching assistants, tutors, and student organizations throughout the year at the request of the departments. Title IX Training on Sexual Harassment/Sexual Violence/Sexual Misconduct (for Student Organizations) is also available on the OAE website. The training gives an overview of the University's responsibilities under Title IX, student sexual misconduct policies, and resources available to persons involved in the complaint process.

The University requests that departments post nondiscrimination posters in their workplace and OAE monitors the campus to make sure these posters are visible. The University also strongly encourages a program called Civil Treatment for Managers, which is designed to familiarize

supervisors (including deans, associate deans, and department chairs) with policies and procedures to ensure that they appropriately respond to problems that may arise in the workplace. The University also has selected a number of graduate student teaching assistants for a pilot program, Aspire, which will consist of peer-led dialogue addressing topics including sexual violence prevention in adherence with Title IX. The University stated that the Office of Human Resources, through their expanded onboarding process, would begin providing new employees with the information on the policies relating to Title IX during orientation. One of the responsibilities of the newly appointed members of the Presidential Task Force on Sexual Violence is to develop a website that provides information on preventing sexual violence, resources for victims, and links to campus policies and procedures.

The University stated that each method of notification mentioned above provides information on what harassment and discrimination is, and the processes in place to address these types of concerns.

### **3. Student and Faculty Awareness of Title IX and the Title IX Coordinator**

A majority of the graduate PA students who were interviewed stated that they were not familiar with or had very basic knowledge of Title IX, although several stated they researched the topic after receiving emails about this compliance review. In addition, a majority of the students interviewed indicated that they did not know whether the University had a Title IX Coordinator. Some students knew that there was a Title IX Coordinator, but did not know who it was or where the office was located. One student felt that, even though he did not know who the Title IX Coordinator was, it would not be hard to find out.

About half of the PA faculty members who were interviewed stated they were not familiar with Title IX. In addition, about half the PA faculty members interviewed stated they were not aware that the University had a Title IX Coordinator, and they did not know who it was.

The OCR compliance review team asked the Faculty and Graduate Program Director and the PA Department Chair whether the PA Department offers Title IX-related training to its students, faculty, and staff. They both stated that OAE provides training on Title IX-related issues and they both indicated that they took this OAE training. They further stated that graduate students have mandatory yearly training, that the University can direct staff to take the Title IX-related training, and that faculty received the Title IX training during new employee orientation.

### **Preliminary Observations Announced During the On-campus Visit**

At the conclusion of the on-campus visit, the OCR staff conducted an exit meeting with University administrators. During the exit meeting, the OCR made three preliminary observations, and requested that the University submit a plan for addressing the preliminary observations within forty-five days of the exit meeting.<sup>10</sup>

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<sup>10</sup> The first two preliminary observations are discussed in this subsection of the report. The third preliminary observation is discussed in Subsection B, “Title IX Complaint Procedures and Processes.”

The first preliminary observation related to the requirement that each recipient notify all of its students and employees of the name, office address, and telephone number of the individual it has designated as the Title IX coordinator. 10 C.F.R. § 1042.135(a). The OCR informed the University that many of the students who were interviewed were not aware that the University had a Title IX Coordinator. In addition, the OCR noted that while some faculty indicated they knew who the title IX Coordinator was, they did not gain that knowledge until the Title IX Coordinator emailed them about the instant Title IX Compliance review. Therefore, the OCR requested that the University identify methods for increasing awareness about the existence of the university's Title IX coordinator, and for informing students and employees of the Title IX Coordinator's name, office address, and telephone number.

The second preliminary observation related to the requirement that the University implement specific and continuing steps for notifying applicants for admission, students, and employees, among others, about Title IX's prohibition against sex discrimination. 10 C.F.R. §§ 1042.140(a)(1), 1042.140(b)(1). The OCR informed the University that many of the students and faculty who were interviewed were not familiar with Title IX. Therefore, the OCR requested that the University enhance its methods for notifying students and faculty about Title IX and its prohibition against sex discrimination.

After the on-site visit, the University submitted a Title IX Campus Communication Plan addressing the OCR's preliminary observations. To address the Department's preliminary observations, the University stated that it would take the following actions:

1. Distribute Title IX policies to all entering freshmen and transfer students, and distribute by email Title IX policies and procedures to all employees; the expected implementation date was spring 2014.
2. Provide online tutorial and distribution of Title IX policy to all students; the expected implementation date was August 2014.
3. Implement mandatory online training for persons likely to receive reports of Title IX violations (including faculty, administrators, staff, graduate assistants) to ensure comprehension of policies, procedures, responsibilities to report and resources for support; the expected implementation date was August 2014.
4. Require ASPIRE training for graduate students; a pilot program was expected to be launched in fall 2014, and the program was expected to be extended to all graduate students in 2014-15 academic year.
5. Add nondiscrimination statement to website (expected spring 2014), graduate and undergraduate announcements (expected August 2014), brochures for new students and orientation booklet (expected August 2014).
6. Develop Title IX poster to post in academic departments, laboratories, residence halls; the expected implementation date was March 2014.

7. Develop Title IX brochure/flyer for distribution to students and employees; the expected implementation date was March 2014.
8. Develop Title IX webpage; as of April 2014 the website was live and included an overview of Title IX, directions for filing a complaint, reporting a sexual assault, Clemson's Sex Discrimination Policy and other related resources.
9. Include Title IX information in rotation on TV screens and electronic message boards; the expected implementation was March 2014.
10. Place Title IX ad (each semester) and article (annually) in the Tiger; the expected implementation date was March 2014.
11. Send correspondence from VP for Student Affairs addressing Title IX; the expected implementation date was spring 2014.
12. Provide Title IX article annually in Parent's Newsletter; the expected implementation date was summer 2014.
13. Utilize online Training Assessment and Report, with priority given to vendors that provide online training programs that have this feature; the expected implementation date was August 2014.

## **Finding**

The Department finds that the University has taken substantial steps since the on-site visit, and proposes to take additional steps, to better inform students, faculty, and staff about: (1) the existence of the University's Title IX Coordinator; (2) the Title IX Coordinator's name, office address, and telephone number; and (3) Title IX and its prohibition against sex discrimination.

The Department also finds that, although Title IX training is required for PA graduate students yearly and PA faculty during orientation, most students and many faculty members were still not knowledgeable about Title IX nor did they know who the University's Title IX Coordinator was.

## **Recommendation**

In addition to the previously stated two recommendations, the third preliminary recommendation was that the PA Department require all graduate PA students and faculty members to participate in Title IX-related refresher training on a regular basis, through which information about Title IX and the University's sex discrimination and sexual harassment policies are conveyed to students and faculty.<sup>11</sup>

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<sup>11</sup> Since the on-site review, the University has informed the Department that it has purchased an online Title IX training program that will be administered to incoming students and returning students.



## **B. Title IX Complaint Procedures and Processes**

DOE Title IX implementing regulations require recipients of financial assistance to adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints related to Title IX. *See* 10 C.F.R. § 1042.135(b). Since Title IX prohibits sex discrimination and sexual harassment, such grievance procedures must provide for the prompt and equitable resolution of sex discrimination and sexual harassment complaints. *See id.*; *see also* CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE, TITLE IX LEGAL MANUAL (2001) (stating that Title IX also prohibits sexual harassment, and that this prohibition is derived from Title IX's general prohibition against sex discrimination).

### **1. Background Information on the University's Title IX-Related Complaint Procedures**

The Office of Access and Equity (OAE), oversees the implementation and administration of the University's Policies for Equitable Treatment. These policies include the University's Affirmative Action/Equal Employment Opportunity Policy, Policy on HIV Disease and Aids, Policy for Individuals with Disabilities, Policy for Disabled and Vietnam-Era Veterans, and Harassment Policy. Title IX complaints involving faculty or staff are handled by the OAE, under its Procedures for Resolution of Discrimination/Harassment Complaints; however when a student is the alleged perpetrator, the Title IX complaint is handled by the Office of Community and Ethical Standards (OCES) under the Student Code of Conduct. In these cases, OAE provides assistance to OCES to make sure matters are handled appropriately.

### **2. OAE Procedures for Resolution of Discrimination/Harassment Complaints**

The OAE Procedures advise all members of the University's community to contact OAE if they observe or encounter conduct that may violate any of the University's Policies for Equitable Treatment. Reports can also be made to an immediate supervisor, or alternatively, if the immediate supervisor is the harasser, complaints may be made to the next level supervisor. Students can report alleged violations to the Office of the Dean of Students (undergraduate students), the Dean of the Graduate School (graduate students), Academic Deans, Department Chairs, or directly to OAE. University officials, managers, Deans, Department Chairs and supervisors that receive a complaint of discrimination/harassment are required to notify OAE. The OAE Procedures state that reports of discrimination/harassment should be brought as soon as possible after the alleged conduct occurs, but no more than 120 days after the complaining party becomes aware of the allegedly discriminatory or harassing conduct.

The OAE Procedures for resolving Title IX-related complaints of discrimination and harassment, described below, provide both a formal and an informal process for the resolution of harassment, discrimination, and/or retaliation complaints. The Informal Complaint Process includes, but is not limited to, discussions with the parties, mediating an agreement between the parties, referring the parties to counseling programs, conducting targeted educational programs, and making other recommendations for resolution. The formal complaint process occurs if the informal complaint process is not successful or appropriate for addressing the allegations of the complaining party. The wishes of the individual making the report will be considered but are not determinative in the decision to initiate the Formal Complaint Process.

### ***Informal Complaint Process***

Upon notification of an informal complaint, an OAE investigator will conduct an investigation into the allegation. The investigator will talk to the complainant and the accused separately to review the allegation and develop a mutually satisfactory resolution. If appropriate, the investigator may bring the parties together for a joint discussion.

The OAE Procedures state that the resolution process will be confidential to the extent permitted by law. OAE will advise all parties of the confidentiality of the investigation and the strict prohibition against retaliation. OAE will provide a written record of the allegation and resolution to the parties, and OAE will retain a copy.

The OAE Procedures state that OAE should complete resolution of complaints under the Informal Complaint Process within 30 days of OAE receiving the complaint, or OAE should refer the complaint to the Formal Complaint Process within that same time. OAE will notify all parties in writing if a complaint submitted under the Informal Complaint Process is going to be handled under the Formal Complaint Process.

The Informal Complaint Process is an optional step available to the complaining party; however OAE may decide to skip this step. If the investigator determines that a formal investigation is necessary, the complaint will be handled under the Formal Complaint Process.

### ***Formal Complaint Process***

Upon notification of a formal complaint, an OAE investigator will conduct an investigation into the allegation. The process will be confidential to the extent permitted by law, and OAE will advise all parties of the confidentiality of the investigation and the strict prohibition against retaliation. The individual accused of violating any University Policy for Equitable Treatment will be given a written statement of the allegation made by the complainant.

The OAE Procedures state that the investigation will include interviews with the parties, interviews with other witnesses as needed, and a review of relevant documents if appropriate. If the investigator does not interview all witnesses identified by the parties, the investigator will document the reason the interviews were not conducted.

The investigation should be completed as promptly as possible, and in most cases within forty-five days of the date the Formal Complaint Process was initiated. If the investigation cannot be completed within forty-five calendar days because of extenuating circumstances, the complainant will be notified and given a projected time of completion. In a case where the complaint is submitted to OAE near the end of the semester, the 45-day limit can be suspended until the start of the following semester if necessary to conduct interviews of witness who were unavailable during academic breaks.

The OAE Procedures state that the investigation should result in a written report that includes a statement of the allegation, the positions of the parties, a summary of the findings of fact, and a determination by the investigator as to whether University policy has been violated, and recommendations for actions to resolve the complaint, if appropriate. This report will be

submitted to the University official with authority to implement the actions necessary to resolve the complaint.

The complainant and the accused will be informed within thirty days of the conclusion of the investigation that the investigation is complete, and whether any violations of policy were found. The complainant will be informed of actions taken to resolve the complaint only if they are directly related to the complainant, such as a directive that the accused not contact the complainant. The complainant may generally be notified that the matter has been referred for disciplinary action, but will not be informed of the details. Both parties will be notified if all witnesses they identified were not interviewed, and will be informed of the reasons why they were not interviewed.

### ***Appeals of the Formal Complaint Process***

The OAE Procedures provide the complainant or accused with the right to appeal the decision of the Formal Complaint Process. Appeals must be submitted in writing to the Office of the President of the University within seven working days after receipt of the final report of the Formal Complaint Process. The President will appoint a member of his Administrative Council to review and decide the appeal. The appointed member of the Administrative Council will issue a decision on the appeal to all parties involved within thirty calendar days of the written appeal. Decisions not appealed within the given time frame are deemed final.

### ***Filing with External Agencies***

In addition to, or in lieu of, the OAE Procedures, a complainant may file complaints with external agencies as well. Students may file a complaint with the Department of Education, Office for Civil Rights, within 180 calendar days of the date of the most recent alleged discrimination. Employees may file complaints with the South Carolina Human Affairs Commission within 180 calendar days of the date of the most recent discrimination, or they may file with the Equal Employment Opportunity Commission within 300 days of the most recent alleged discrimination.

### ***Temporary Measures***

At any point during the informal or formal process, the OAE Procedures allow an investigator to recommend interim actions to protect parties or witnesses to the investigation, including but not limited to separating the parties, reassignment, alternative work or student housing arrangements, or other types of temporary measures. The OAE Procedures also allow the University to issue “no contact” provisions to any or all parties involved.

### ***Retaliation Prohibited***

The OAE Procedures state that retaliation is conduct causing any interference, coercion, restraint or reprisal against a person filing a complaint of discrimination or assisting in any way in the investigation and resolution of a complaint. Retaliation is a violation of the University's Harassment Policy and appropriate sanctions will be taken against anyone found to have participated in any acts of retaliation.

### **3. The Student Code of Conduct**

As mentioned above, when Title IX complaints involve a student as the alleged perpetrator, the Office of Community and Ethical Standards (OCES) handles the complaint. The University's Student Code of Conduct identifies a set of community and ethical standards that students and student organizations are expected to abide by and the administrators are expected to enforce. These standards include, among other things, prohibitions against harassment, sexual misconduct, actions that violate University policies (including the policies against discrimination) and actions that violate Federal, State or Local laws.

The University's Student Code of Conduct sets forth the procedures under which alleged violations of the Code are resolved. Those procedures are described below.

#### ***Referrals***

Anyone may initiate a complaint against any student or student organization for violation of the University's community and ethical standards. The complaint should be submitted in writing and directed to the OCES. The standard of proof will be a preponderance of the evidence, i.e. whether it is more likely than not that the referred student violated the Student Code of Conduct.

If it is determined that a student violated the Student Code of Conduct, the following sanctions, or any combination thereof, are available under the Student Code of Conduct: oral reprimand; written reprimand; in-kind restitution; restriction of privileges; no contact order; monetary penalty; disciplinary probation; eviction; suspension; dismissal; or interim suspension.

The OCES Director and his/her designee have the authority to determine the appropriateness of a referral, accept a student's admission(s) to a violation(s), impose sanction(s) and hear cases involving alleged violations of the general student regulations as well as alleged violations by student organizations. The Director and his/her designee may present the facts, circumstances and evidence on behalf of the University, or on behalf of the complainant, to the various hearing boards.

#### ***Hearing Authorities***

The Student Code of Conduct provides authority to hearing officers and administrative hearing boards to hold hearings for alleged violations of the Student Code of Conduct. OCES staff will determine the appropriate type of hearing body after consideration of a number of variables including, but not limited to, the type of alleged offense, the student's prior conduct record, and/or the location of the incident.

University Hearing Officers are staff members deemed appropriate who have the authority to hear cases involving alleged violation of the student code. In addition to the Director and Associate/Assistant Director of OCES, staff members may be the Associate Vice Presidents for Student Affairs, Residential Life staff and graduate assistants.

Administrative Hearing Boards will consist of two students, one faculty member and one staff member unless the student waives this option or extenuating circumstances occur. The associate vice president for Student Affairs or his/her designee will serve as the chairperson of the Administrative Hearing Board for cases in which the contemplated sanction for the alleged violation may include eviction from University housing, suspension or expulsion from the University.

### ***Discipline Conference***

Upon receipt of an incident report, police report or written complaint from the complainant, the Director or his/her designees will review the report and initiate the following procedures in cases retained by the administration:

The student will be contacted by a staff member via letter, telephone, or email to schedule an appointment for a discipline conference, when possible, to discuss the alleged violation of student regulation and the disciplinary process. The student will be given an opportunity to review the information describing the alleged violation and respond to the allegations.

If the facts and/or sanctions cannot be agreed upon by the staff member and the referred student, the staff member will provide the following options to the student, if the contemplated sanction does not include eviction from University housing, suspension, or dismissal from the University: (1) the student may plead no contest and have the staff member impose sanctions; or (2) the student may appeal to the Student Conduct Code Review Committee (SCCRC).

If the contemplated sanction does include eviction from University housing, suspension or dismissal from the University: (1) the student may plead no contest, have the staff member impose sanctions and waive his/her opportunity for an administrative hearing; (2) the student may request a hearing before the Administrative Hearing Board, so that a broader exploration of the facts and circumstances may occur; or (3) if a referred student or students fail to appear at a scheduled discipline conference, an additional charge of failure to comply with an official request will be added, and the staff member may render a decision in the absence of the student.

### ***Administrative Hearings***

In cases where the contemplated sanction is eviction from University Housing, suspension or dismissal from the University, and the referred student requests an administrative hearing, the Director or Associate Director will initiate the following procedures.

The referred student will be notified in writing a minimum of five calendar days prior to the date of the hearing unless the referred student waives this right or extenuating circumstances preclude this possibility. Such notice should include a statement of the specific regulations the student is

being charged with violating, a description of the incident upon which the charge is based, the names of the possible witness (except where their physical welfare may be in jeopardy as a result of this disclosure), a copy of any documents in OCES's possession that will be presented to the Administrative Hearing Board, the possible sanctions to be imposed if the charges are supported, and the time, date and location of the hearing.

Administrative hearings are closed and the Administrative Hearing Board will hold all statements, information, or comments in strictest confidence. The hearing will be recorded and that recording will be kept by the OCES for six months, but no typed record is required. The referred student will have the right, upon request, to listen to the recording in the presence of an OCES staff member or request a transcript at the student's expense with the Family Education Rights and Privacy Act (FERPA) protected information regarding other students redacted.

On behalf of the University or at the request of the complainant, the Director or his/her designee will present the facts, circumstances and evidence. OCES will contact and request the presence of witnesses deemed necessary to appear. University students and employees are required to attend unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities. Referred students are responsible for contacting and requesting witnesses to attend on their behalf, and are limited to three character witnesses.

The University, Administrative Hearing Board members, the referred student and complainant shall have the opportunity to present and examine statements, facts and any relevant information regarding the case. The University, the referred student and the complainant will have the opportunity to present and question their own witnesses, and the opportunity to present any questions for the witnesses, other than their own, to the chairperson of the Administrative Hearing Board in order to refute or respond to the testimony.

All procedural questions are subject to the final decision of the chairperson; the rules of evidence as used in the legal system will not be applied in this hearing. After the information has been presented, the Administrative Hearing Board will go into closed deliberations to determine whether the student has violated each section of the student code which the student has been charged with violating. The determination will be based on a majority decision of the Administrative Hearing Board members. The chairperson will render a decision in writing to the referred student.

The decision of the Administrative Hearing Board will be final unless the decision is eviction from University housing, suspension, or dismissal from the University; in those cases, an appeal may be filed and heard by the Vice President for Student Affairs. In cases involving allegations of sexual harassment, the referred student or the victim may file an appeal.

### ***The Appeals Process***

Regardless of the type of hearing, one of four criteria must be met in order for an appeal process to begin: (1) a procedural error so substantial that the student did not receive a fair hearing; (2) significant information or evidence has become available that was not available previously to the

original administrative hearing; (3) the sanction was arbitrary or grossly disproportionate to the offense; (4) or the decision was completely unsupported by the evidence.

Discipline Conference decisions not resulting in eviction from University housing, suspension, or dismissal from the University may be appealed by the referred student to the Community and Ethical Standards Code Review Committee within five business days of the receipt of the decision of the staff member.

Appeals will be considered by a minimum of two students, preferably one undergraduate student and one graduate student, and one faculty or staff member. Appeals must be in writing and delivered to OCES. Failure to submit an appeal within the allotted time will render the original decision final and conclusive.

SCCRC may: (1) review the record and render a written decision to the student; or (2) request that the staff member clarify the original decision and then render a written decision to the student. The decision will be final.

Administrative Hearing Board decisions resulting in eviction from University housing, suspension, or dismissal from the University may be appealed by the referred student to the Vice President for Student Affairs or his/her designee within five business days of the receipt of the decision of the Administrative Hearing Board. In cases involving sexual harassment, the referred student or the victim may appeal the decision. Appeals must be in writing and delivered to OCES and the Office of the Vice President for Student Affairs. Failure to submit and appeal within the allotted time will render the original decision final and conclusive.

The Vice President for Student Affairs can: (1) review the record and render a written decision to the student; (2) grant an appeals hearing and then render a written decision to the student; (3) request that the Administrative Hearing Board clarify the original decision and then render a written decision to the student; or (4) remand the case to the Administrative Hearing Board for a rehearing, but only when: (i) the student alleges that new evidence has been found that could materially affect the decision; (ii) the Vice President for Student Affairs agrees that the new evidence could materially affect the decision; and (iii) the Vice President for Student Affairs is satisfied that the student was unable to present the new evidence at the original hearing through no fault of his/her own.

The decision of the Vice President for Student Affairs will be final unless the decision is suspension or dismissal and the referred student files an appeal. Appeal decisions sustaining suspension or dismissal may be appealed or victims of sexual misconduct may appeal to the President of the University within five business days of receipt of the Vice President for Student Affairs' decision, by delivering the appeal in writing to the Office of the President, who will render a written decision to the student.

#### **4. Bias Incident Protocol Response**

The University's Bias Incident Protocol Response outlines an organized response to bias incidents that may occur within the University community. This is not a discipline protocol, but rather a set of responses which provide assistance and support for individuals who perceive that

they are the victims of a bias incident. OAE and OCES continue to respond to complaints that are directed to their attention, but this protocol complements their work to ensure an efficient, effective and appropriate response to incidents that are considered to be bias-motivated involving University students.

The Protocol defines “bias incident” as any conduct or expression that demeans, degrades or harasses an individual or group based on the actual or perceived age, ancestry, color, race, religion, culture, gender, gender identity expression, sexual orientation, ability (physical, emotional or intellectual), national origin or veteran status of another individual or groups of individuals.

### ***Filing a Complaint***

Students who perceive that they have experienced a bias-motivated incident, as well as students, faculty or staff who are witnesses to a bias incident involving students are urged to report the incident immediately by either filing a report using the Maxient system (a link to the Maxient system appears on the diversity office website) or filing a report using a form available at designated offices on campus.

### ***Bias Incident Response Team***

The University Bias Incident Response Team was established to determine an appropriate University response to incidents of bias. The team is coordinated by the University’s Chief Diversity Officer (CDO) or the Director of OAE in the absence of the CDO. The CDO or his/her designee will routinely consult with the chair or vice chair of the crisis management team before determining a response to a reported bias incident.

### ***Institutional Responsiveness***

Any Bias Incident Report Form submitted to a team member must be forwarded to the CDO within one business day. The CDO will maintain a record of the incident and initiate contact with appropriate members of the Incident Response Team, and make all members of the team aware of the incident. The Incident Response Team will be responsible for identifying and contacting appropriate departments and offices which are necessary to implement an appropriate intervention.

If warranted, a University response to the incident will be developed and implemented in a timely manner. The Incident Response Team will be responsible for determining if a University response to the incident is necessary and will recommend an appropriate University response to a reported bias incident when a University response is deemed warranted.

## **5. Ombuds Office**

The University’s Ombuds Office is an independent, informal, neutral and confidential resource that provides assistance to all members of the University community in exploring options to resolve problems, complaints, and conflicts. This assistance is an alternative to formal administrative channels, supplementing them but not replacing them. The Ombuds Office can



refer individuals to persons able to resolve problems or handle issues at the lowest possible level. Where appropriate, the office can also facilitate communication between parties who find themselves in a dispute.

## **6. Title IX-Related Concerns/Complaints**

All of the graduate PA students who were interviewed stated they had never filed a discrimination complaint at the University. When asked if they knew whether any of their classmates have filed such a complaint, most of the graduate PA students replied no, however, some of them recalled an incident in 2013 involving a female graduate student, who later graduated, filing a complaint against a male faculty member. A male student also recalled another incident with the same professor making what he termed as “sexist comments” about a female professor.

In addition, a majority of the graduate PA students stated they had never experienced or observed harassment or gender bias in the PA Department. Both female and male graduate students indicated they believe the PA Department had an even playing field, though one male student also stated that there are subtle social expectations for gender roles, and that science is a field that has an underrepresentation of women.

The OCR compliance review team also asked PA faculty members whether they were aware of any graduate PA students who had filed a discrimination complaint. Most faculty members were aware, even if only through rumors, of the male faculty member who had a discrimination complaint filed against him by a female student. One male faculty member stated that he was shocked by the allegations. The male faculty member who was named in the discrimination complaint eventually resigned.

When the OCR review team asked faculty members whether gender issues had ever arisen in their dealings with students, in their role as a professor or advisor, many faculty members responded by saying, “no.” A couple of faculty members recalled certain instances where female students felt disrespected by their male counterparts. One male faculty member indicated he had a female graduate student who was not making progress with her research, and that after he talked to her about whether her heart was really in physics; she decided to change her career direction to education. Another female faculty member stated that she has made accommodations in the past for pregnant graduate students.

## **7. Student and Faculty Awareness of Title IX-Related Grievance Procedures**

Many of the graduate PA students who were interviewed were unfamiliar with the procedures for filing a discrimination complaint, and did not know where specifically to go to file a discrimination complaint. Many students indicated they would contact their advisor or department chair about a complaint. Others indicated they would go to the Office of Access and Equality or the Ombuds Office. Several students stated that because they did not know the proper procedure, they would probably ask around. One female student mentioned asking in the Women in Physics group, or looking online or in the graduate student handbook for the appropriate place to raise a complaint.

A majority of the PA faculty members who were interviewed indicated that they were not familiar with the procedures for filing a discrimination complaint. Those who were familiar with the procedures included one member of the grievance board and another faculty member who was familiar because a colleague was involved in a discrimination complaint.

Additionally, most faculty members replied “no” when asked whether they would be able to advise a student on the University’s policies and procedures for filing a sex discrimination complaint. Most faculty members did however believe they could find out the correct procedures or would check the relevant policies and then be able to advise students, despite not knowing the policies and procedures immediately.

### **Preliminary Observation Announced During the On-campus Visit**

As noted above, the OCR made three preliminary observations, which were discussed at the exit meeting. The first two preliminary observations were discussed above in Subsection A. The third preliminary observation relates to the requirement that the University adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints related to Title IX. *See* 10 C.F.R. § 1042.135(b). The OCR informed the University that many of the students and faculty who were interviewed were not aware of the procedures for filing a Title IX-related complaint or where to file such a complaint. Therefore, the OCR requested that the University identify methods for increasing awareness among students and employees about the University’s Title IX-related grievance procedures and about where such complaints may be filed.

The activities proposed by the University in its Title IX Campus Communication Plan, which were identified above in Subsection A, will also serve to raise awareness among students and employees about the University’s Title IX related complaint procedures, including where such complaints may be filed.

### **Finding**

The Department finds that the University has taken some steps since the on-site visit, and proposes to take additional steps, to better inform students, faculty, and staff about the University’s Title IX-related complaint procedures and about where such complaints may be filed.

### ***OAE Procedures for Resolution of Discrimination/Harassment Complaints***

The Department finds that the University’s OAE Procedures provide for the equitable resolution of Title IX-related complaints, in that they provide for: (1) relief for a complainant who has a Title IX-related complaint; (2) a respondent to have an opportunity to respond to the allegations in a complaint; (3) the impartial investigation of Title IX-related complaints; (4) definite time limits for completing the various stages of the complaint process; and (5) an appeals process.

### ***The Student Code of Conduct***

The Department finds that the Student Code of Conduct provides for the equitable resolution of Title IX-related complaints, in that it provides for: (1) relief for a complainant who has a Title IX-related complaint; (2) a respondent to have an opportunity to respond to the allegations in a complaint; (3) an impartial investigation of a complaint; (4) an impartial disciplinary hearing; and (5) an appeals process. With respect to the requirement that Title IX complaint procedures provide for the prompt resolution of complaints, however, the Department finds that the Student Code of Conduct does not set out definite time limits for completing various stages of the complaint process.

### ***Title IX-Related Concerns/Complaints***

The Department finds that although a majority of the PA graduate students interviewed reported that they never experienced discrimination or gender bias or filed a Title IX complaint, they were generally aware of at least one instance of alleged gender discrimination by a male faculty member towards a female student.

The Department also finds that students and faculty members were not aware of the Title IX policies and procedures. In fact, most faculty members indicated that, in order to advise a student who came to them with a sex discrimination claim, they would have to research the correct policies and procedures.

### **Recommendation**

#### ***OAE Procedures for Resolution of Discrimination/Harassment Complaints***

Based on the finding that the OAE Procedures provide for the equitable resolution of Title IX-related complaints, the Department recommends the University continue its efforts to provide education to students and faculty on the Title IX appropriate procedures outlined here.

### ***The Student Code of Conduct***

As noted above, Title IX regulations require that complaint procedures provide for the prompt and equitable resolution of student and employee complaints related to Title IX. *See* 10 C.F.R. § 1042.135(b). To help ensure that the complaint resolution process under the Student Code of Conduct is prompt, the Department recommends that the University establish reasonable time limits for each stage of the Student Code of Conduct complaint resolution process.

### ***Title IX-Related Concerns/Complaints***

Although it seems that most students and faculty members have not had a reason to file a Title IX complaint, the Department recommends that the University provide more opportunities for

Title IX education so that students will know where to file a Title IX complaint and faculty members will be equipped to help any student who comes to them with a Title IX complaint.<sup>12</sup>

#### **IV. Conclusion**

The Department recognizes that the university has fostered an academic climate where students feel that their sex has no effect on their studies, and a campus environment where students and faculty generally feel safe.

The Department has also identified a number of promising practices, including the Women in Physics group, the creation of the Sexual Violence Task Force, and the implementation of the ASPIRE training.

The Department finds that the following areas/practices comply with the nondiscrimination provisions of Title IX and DOE Title IX implementing regulations: (1) the outreach and recruitment efforts of the PA Department; (2) the admissions process for applicants to the PA Department's graduate programs; (3) the leave of absence, re-enrollment and maternity/paternity leave policies for graduate PA students; (4) the PA Department's selection process for TA and RA positions; (5) the PA Department's process for awarding recruitment incentives; (6) the PA Department's nomination and selection process for achievement awards; and (7) the PA Department's administration of the processes for candidacy requisite for the M.S. and Ph.D. student. The Department also finds that the University has satisfied the requirement under Title IX and DOE Title IX implementing regulations that it designate a Title IX Coordinator. The Department commends the University for compliance with Title IX and DOE Title IX implementing regulations in these areas/practices.

The Department recognizes that the University has taken substantial steps and proposes to take additional steps to notify students and employees of: (1) Title IX and its prohibition against sex discrimination; (2) the University's Title IX-related complaint procedures, and where such complaints may be filed; and (3) the name, office address, and telephone number of the University's Title IX Coordinator. The Department commends the University for these efforts.

The Department further recognizes that the University has adopted and published Title IX-related grievance procedures. As noted above, the Department finds that the OAE Procedures provide for the equitable resolution of Title IX-related complaints. The Department also finds that the Student Code of Conduct provides for the equitable resolution of Title IX-related complaints.

#### **Summary of Recommendations:**

1. The Department previously notified PA of three preliminary recommendations outlined on pages 21-23 related to general awareness and training on Title IX contacts and

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<sup>12</sup> After the on-site visit, the University notified us that it has developed posters on Title IX subjects which are being distributed, and that the University has also developed a Title IX website: <http://www.clemson.edu/campus-life/campus-services/access/title-ix/>.

procedures. In response Clemson provided a draft Title IX Communication Plan which is also on pages 21-23.

- a. On March 22, 2017, Clemson officials provided an update on this plan implementation. Clemson relayed that the communication plan had been substantially implemented and awareness of Title IX among the Clemson community has markedly increased.
2. Additionally, the Department recommends that the University modify the Student Code of Conduct to include reasonable time limits for completing the various stages of the complaint process to help ensure that the complaint resolution process under the Charter is prompt.
    - a. On March 22, 2017, Clemson officials provided an update on the complaint resolution process time limits. Clemson stated that they are currently in the process of reviewing complaint procedures and plan to publish the finalized process including time limits in the Student Code of Conduct as well as in other materials.