

Frequently Asked Questions U.S. Department of Education's Office for Civil Rights

This FAQ has been prepared to help answer questions about the Title IX investigation the U.S. Department of Education's Office for Civil Rights (OCR) concluded on February 27, 2020.

We encourage you to share additional questions [here](#). We will update this FAQ periodically with additional information in response to questions received.

What is Title IX?

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in an educational institution that receives federal financial assistance. Title IX states, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." (20 U.S.C. § 1681(a)). Title IX protects students and employees from sexual discrimination in all of an educational institution's educational programs and activities, including in the employment context. Title IX applies to all forms of sex discrimination, including sexual and gender-based harassment and violence.

What is the University required to do under Title IX?

Title IX's implementing regulations require educational institutions to designate a Title IX Coordinator, publish a notice of non-discrimination, and have prompt and equitable grievance procedures for the resolving reports or complaints of sexual harassment or violence.

When an educational institution knows or reasonably should know about potential sexual harassment, the institution must take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals sexual harassment that limits or denies an individual the ability to participate in or benefit from the institution's program, the institution must then take prompt and effective steps reasonably calculated to eliminate the hostile environment and prevent its recurrence. In some cases, the institution must also remedy some of the effects of the sexual harassment.

Among other requirements, Title IX also requires an educational institution to provide reasonably available interim measures (supportive or protective), provide training, and track trends and patterns of sexual harassment or violence. Subsequent guidance from the Office of Civil Rights has expanded Title IX requirements over the past 20 years, including most recently, enhanced investigation and resolution procedures.

What is the definition of sexual harassment?

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct or communication of a sexual nature when:

- 1) Submission to such conduct is either explicitly or implicitly made a condition of an individual's employment, appointment, admission or academic evaluation, or used as a basis for evaluation in personnel decisions or academic evaluations; or
- 2) Such conduct has the purpose or effect of interfering with an individual's work or academic performance, or creating an intimidating, hostile, offensive or otherwise adverse working or learning environment.

How does sexual harassment constitute sex discrimination?

Sexual harassment by an individual, or a failure by an institution to properly respond to sexual harassment by an individual, can constitute sex discrimination by an institution in violation of Title IX when that harassment limits or denies an individual the ability to participate in or benefit from the institution's program on the basis of sex.

What is the Office for Civil Rights?

The Office for Civil Rights (OCR) is part of the U.S. Department of Education. OCR's stated mission is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. OCR enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education, including Title VI (race, color, and national origin), Title IX (sex discrimination), by Section 504 of the Rehabilitation Act of 1973 (disability), and the Age Discrimination Act (age). OCR provides technical

assistance, responds to complaints, conducts compliance reviews, and, like here, can open a directed investigation. More information about OCR can be found [here](#).

What is a directed investigation?

A directed investigation is an OCR-initiated investigation in response to concerns about possible discrimination that are not already being addressed through OCR's complaint, compliance review or technical assistance activities. As part of the investigation, OCR conducts a limited fact-gathering process by interviewing witnesses and reviewing documents. OCR's review is focused on assessing whether a college or university had notice of potential sexual harassment, and if so, whether the college or university responded promptly and equitably to that notice. OCR does not determine whether the harassment occurred, only whether any failure by the college or university may have subjected a student to discrimination. At the end of a directed investigation, OCR typically makes "findings" about whether the college or university complied with Title IX. Where OCR finds a violation, it requires a college or university to sign a Resolution Agreement that is designed to address the issues identified in the investigation and ensure compliance with the requirements of the civil rights laws and regulations enforced by OCR.

Why did OCR initiate a directed investigation at USC?

In March 2018, OCR closed a prior OCR investigation that was based on a number of student complaints dating back to 2013 and 2016. In that investigation, OCR found deficiencies in University policy, but largely found insufficient information to support the allegations in the complaints. The University entered into a Resolution Agreement in connection with that investigation. Shortly thereafter, the L.A. Times published an article detailing allegations of sexual misconduct by Dr. Tyndall.

OCR informed the University that it opened the investigation because it was concerned it had not been informed about complaints against Dr. Tyndall during the prior investigation, and any compliance issues related to Dr. Tyndall had not been investigated by OCR in the aforementioned prior case and/or addressed in the corresponding 2018 Resolution Agreement. The University provided information to OCR confirming that prior complaints against Dr. Tyndall had been miscoded in the Title IX Office's case management database and that any failure to provide the information from the 2013 investigation was unintentional.

How long did the investigation take?

The investigation began in May 2018 and was conducted over 21 months. USC worked with OCR throughout that time to provide information and facilitate interviews with more than 40 current or former employees. During June and October 2018, University community members were invited to meet with OCR representatives as part of the investigation. In late November 2019, OCR informed the University that it had concluded the fact-gathering portion of the investigation. Between November 2019 and February 2020, the University and OCR engaged in intensive discussions about the elements of the Resolution Agreement and worked to reach accord on remedial actions to address OCR's findings.

What did OCR find?

OCR found that the University violated the Title IX regulations by failing to promptly and effectively respond to notice of nine complaints by patients of potential sexual harassment by Dr. Tyndall, which may have allowed female students to be subjected to continuing sex discrimination. With respect to the nine instances of notice of potential sexual harassment, OCR did not reach a determination as to whether the underlying conduct constituted sexual harassment or discrimination.

OCR also found that the University “systemically failed at multiple points in time and at multiple levels of responsibility to respond promptly and effectively to notice of the alleged misconduct during gynecological examinations; its failure may have allowed female students to be subjected to such discrimination for more than a decade.”

More detailed information about OCR's findings is available in this [summary](#).

What were some of the systemic challenges identified by OCR and what is the University doing to correct them?

The challenges included deficiencies in data and recordkeeping systems, personnel and accountability processes, and training. We have developed solutions and are taking steps to address them, including:

- Maintaining accurate and complete data recordkeeping to more quickly identify and address patterns of sexual and gender-based harassment and violence;

- Directing all supervisory employees to review current files and ensure that all known misconduct has been reported to the Title IX Office;
- Conducting a self-audit of all reported cases of sexual harassment or violence at the end of each semester; and,
- Augmenting training programs on sexual harassment for all employees and students, with a heightened focus on employees in the University's Student Health Center.

What actions did USC agree to undertake as part of the Resolution Agreement?

USC agreed to further its efforts to provide an environment in which students can grow and thrive, faculty and staff know what is expected of them individually, and all are empowered to speak up without fear of reprisal. These actions include:

- Reinforcing the independence and authority of the newly created Office of Equity, Equal Opportunity and Title IX, and ensuring appropriate resources and support to allow it to function effectively to serve all students, faculty and staff;
- Appointing a Deputy Title IX Coordinator within Keck Medicine and designating Health Care Title IX Investigators to ensure that USC's Title IX support systems are visible and accessible to patients, students and employees, and that investigations are conducted by individuals with expertise in the unique issues that can arise in the healthcare setting;
- Maintaining complete and accurate data recordkeeping to more quickly address sexual and gender-based harassment and violence as well as improved data management within the Title IX Office;
- Directing all supervisory employees to review current files and ensure that all known misconduct has been reported to the Title IX Office;
- Conducting a self-audit of all reported cases of sexual harassment or violence at the end of each semester;
- Conducting a self-assessment of the actions of current and former employees who had supervisory responsibilities over Dr. Tyndall, were reported to have received notice of complaints related to Dr. Tyndall, or were responsible for implementing Title IX in response to those complaints;
- Revising written policies to address concerns identified by OCR in the University's response to reports about Dr. Tyndall;
- Augmenting training programs on sexual harassment for all employees and students, with a heightened focus on employees in the University's Student Health Center;

- Continuing to understand and assess culture and climate in the healthcare setting; and,
- Communications regarding individual remedies.

When will the required actions be implemented?

The Resolution Agreement includes a variety of targeted completion dates, from as early as April 6 through the fall of 2020. Other required actions must occur at the end of every academic semester, or on an annual basis. The University is already working on implementation of many of the required actions. In some instances, our planned actions must be submitted for OCR review and approval. OCR will continue monitoring for three years or until OCR determines that the required actions have been completed.

How does the Resolution Agreement impact the federal settlement that was finalized in February?

The Resolution Agreement does not impact the federal settlement. The actions in the Resolution Agreement are in addition to those reforms that were implemented as part of the federal settlement agreement.

What is the University doing to protect its students, faculty, staff and patients from similar abuses in the future?

In addition to the improvements recommended by OCR, USC has already implemented meaningful changes. Some examples:

- We have new and experienced leadership teams in the offices of the President, Provost, Human Resources, Student Affairs, Compliance, Communications and General Counsel.
- We are creating a centralized Office of Equity, Equal Opportunity and Title IX and launched a national search for a new director. We also are appointing a Deputy Title IX Coordinator within Keck Medicine to ensure that our Title IX support systems are visible and accessible to our patients, students and employees.
- We recently completed the first round of the on-campus interview process for the newly created position of Vice President of Equity, Equal Opportunity and

Title IX. We had many experienced candidates apply and are working to select the candidate best suited to lead the centralized Office of Equity, Equal Opportunity and Title IX.

- We are adopting new reporting and recordkeeping practices to more quickly address sexual and gender-based harassment and violence. As part of those efforts, we are creating a system that allows anyone in the USC community to report harassment or discrimination from their phone or computer.
- We have fully integrated the Student Health Center into Keck Medicine, which provides direct oversight of standard of care and physician conduct, uniform policies and procedures, and coordination of diverse reporting responsibilities.
- Within the Student Health Center, we have created an Independent Women's Health Advocate, hired new physicians to give patients choices based on gender, increased student representation on relevant operational committees and expanded the ability of patients to provide anonymous feedback and submit complaints.

We also are working in partnership with our faculty, staff and students to reshape campus culture around communication, collaboration, trust and accountability. OCR's conclusions intensify our resolve to strengthen USC's policies, procedures and practices to promote patient wellbeing and prevent physician misconduct.

Who do I contact if I want to make a report?

Currently, University community members can report harassment or discrimination, on the basis of sex, gender, race, national origin, age or other protected class, to:

The Title IX Coordinator

Phone: (213) 740-5086

Email: titleix@usc.edu

Mail or in person:

Office of Equity and Diversity/Title IX

Stonier Hall, Basement

837 Downey Way, STO-B

Los Angeles, CA 90089

Department of Public Safety

Emergency:

UPC: (213) 740-4321

HSC: 323-442-1200

Non-emergency:

UPC: (213) 740-6000

HSC: 323-442-1200

<https://dps.usc.edu>

**Office of Equity and Diversity
University Park Campus**

Phone: (213) 740-5086

Email: oed@usc.edu

Mail or in person:

University Park Campus
3720 S. Flower Street 2nd floor
Los Angeles, California 90089-0704

**Office of Equity and Diversity
Health Sciences Campus**

Phone: (323) 442-2020

Email: oed@usc.edu

Mail or in person:

Health Sciences Campus
2001 N. Soto Street, Suite 203
Los Angeles, CA 90002-9236

Reports can also be made anonymously by calling the USC Help & Hotline at 213-740-2500 or 800-348-7454, using a secure online [form](#), or through [Callisto](#) (a third party reporting option that allows a reporting party to maintain anonymity).

Where can I seek confidential assistance?

Community members can also seek confidential assistance from [Relationship and Sexual Violence Prevention and Services](#), [Counseling or Mental Health](#) within the [Student Health Center](#) or the [Center for Work and Family Life](#). After-hours medical, counseling or sexual assault survivor support assistance is available at (213) 740-9355 (WELL).

Where can I find additional information?

Please visit our [Commitment to Change](#) website to learn more about all of the reporting resources available to members of our community.