

**AGREEMENT OF THE UNITED STATES AND  
THE UNIVERSITY OF SOUTH CAROLINA**

The United States of America acting by and through the Department of Justice ("DOJ") and the University of South Carolina ("USC"), hereinafter identified jointly as the "parties," hereby enter into the following Agreement, whereby the parties agree to take the steps specified below to resolve DOJ's investigation into USC's policies and practices for addressing student complaints of racial discrimination on USC's Columbia campus. USC has voluntarily agreed to enter into this Agreement and nothing in this Agreement should be construed as an admission by USC that its current policies and procedures do not comply with existing law.

**I. PROCUREMENT OF THIRD PARTY CONSULTANT**

Pursuant to the South Carolina Procurement Code, USC shall retain a third party consultant to provide the services set forth in ¶¶ II.A-D. of this Agreement.

- A. Within thirty (30) days of the entry of this Agreement, USC shall, in writing, provide DOJ with a draft solicitation it proposes to use in order to procure the services of a third party consultant. This proposed consultant shall have expertise addressing issues of discrimination and harassment in postsecondary educational environments, particularly expertise addressing peer-on-peer racial discrimination and/or harassment, drafting anti-discrimination and harassment policies and procedures, and conducting training concerning discrimination and harassment. The draft solicitation shall set forth the proposed scope of work, the required level of expertise, and the factors that will be used for the selection of the third party consultant. The content of the draft solicitation shall be consistent with the terms of this Agreement.
- B. Within ten (10) business days of receiving the draft solicitation, DOJ shall inform USC in writing as to whether it agrees to USC proceeding with the solicitation.  
  
If DOJ does not agree to any aspect of the draft solicitation, the parties shall continue working together to prepare a mutually agreeable solicitation.
- C. Upon approval of the mutually-agreeable draft solicitation by DOJ, and consistent with the applicable provisions of the South Carolina Procurement Code, USC shall, by January 15, 2011, engage and retain a third party consultant to perform the services set forth in ¶¶ II.A-D. of this Agreement.
- D. Throughout the procurement process, USC shall consult with DOJ in assessing the qualifications of prospective offerors. To that end, USC shall provide DOJ with copies of all the proposals received by USC and DOJ shall have the opportunity to provide the Evaluation Committee with its assessment of the relative strengths and weaknesses of each proposal. The Evaluation Committee shall then score the proposals in accordance with the South Carolina Procurement Code.

## II. SERVICES OF THE RETAINED CONSULTANT

USC shall direct the retained third party consultant to accomplish the services set forth in ¶¶ II.A-D. of this Agreement, which include evaluating USC's current anti-discrimination and harassment policies and procedures, recommending the adoption of or modification to USC's procedures, designing a training program, and conducting training. USC shall work cooperatively with the consultant through the completion of the 2012-13 school year, and USC shall be responsible for ensuring that the consultant performs all of these services and that the services are accomplished by dates mandated under the Agreement.

### A. Evaluate USC's Anti-Discrimination Policies and Practice

Within ninety (90) days of being retained, the consultant will identify and evaluate USC's policies and procedures, both formal and informal, that relate to student complaints of racial discrimination and harassment.

1. Examine Current Delegation of Authority. The consultant will examine the roles and responsibilities of USC's various administrators and staff to determine the current delegation of authority for implementing and enforcing federal and state anti-discrimination and harassment laws and related USC policies and procedures.
2. Review Documents. The consultant will review all of USC's written policies that relate to student complaints of racial discrimination and harassment, including but not limited to:
  - a. Equal Opportunity Policy (EOP 1.00);
  - b. Equal Opportunity Complaint Processing Procedures (EOP 1.01);
  - c. Discriminatory Harassment Policy (EOP 1.03);
  - d. Non-Discrimination Policy (EOP 1.04);
  - e. Carolinian Creed (STAF 1.02);
  - f. Student Organizations Policy (STAF 3.10);
  - g. Student Rights and Hearing Procedures (STAF 6.26); and
  - h. Student Grievance Policy (STAF 6.27).

The consultant also will review any additional documents that may further his or her understanding of USC's student complaint procedures, including relevant housing guidelines, "University 101" lesson plans, training materials disseminated by the Office of Multicultural Student Affairs, and information provided to student organization officers and advisors.

3. Conduct Interviews. The consultant will conduct interviews of USC employees and students to obtain additional information concerning USC's approaches to responding to student complaints of racial

discrimination and harassment. At a minimum, the consultant will interview:

- a. Vice President for Student Affairs;
- b. Associate Vice President for Student Affairs;
- c. Executive Assistant to the President for Equal Opportunity Programs;
- d. Director of Multicultural Student Affairs;
- e. Relevant staff within the Department of Student Life; and
- f. Student government officers and other representatives of the student body.

**B. Prepare a Report of Recommendations**

Within 120 days of being retained, the consultant will prepare and submit to both parties a report of recommendations regarding the implementation of new policies and procedures that relate to student complaints of racial discrimination and harassment to ensure such complaints are properly and effectively reported, investigated, and resolved. At a minimum, the consultant's report must address the following issues:

1. Delegation of Authority. The consultant will recommend how USC should delegate the authority and responsibility for resolving both formal and informal allegations of discrimination and harassment involving students to its various officials in a clear and orderly fashion to ensure that USC is effectively implementing and enforcing applicable federal and state laws and related USC policies and procedures. The consultant also will suggest techniques USC personnel should employ to ensure that communication regarding such complaints is efficient and effective.
2. Dissemination of Information. The consultant will recommend actions USC should take to disseminate information about its anti-discrimination and harassment policies and procedures to ensure that students and relevant USC personnel are well-informed about the policies; that the policies and procedures are broadly publicized; and that accurate information about the policies and procedures is readily available for interested individuals.
3. Complaint Resolution. The consultant will recommend the type of complaint resolution system USC should use to address allegations of discrimination and harassment involving students in an appropriate and effective manner. The consultant also will describe different approaches employed at other postsecondary institutions, such as mediations, informal grievances, administrative hearings, and student conduct hearings, as well as any related appeal processes, and explain the relative strengths and

weaknesses of the different approaches as they might be employed at USC.

4. Complaint Intake. The consultant will recommend procedures USC should implement to ensure that allegations of discrimination and harassment are promptly and accurately reported to the proper official, including protocols and “best practice” techniques for receiving and documenting complaints; determining whether and how allegations implicate particular policies and procedures; and making proper notifications and referrals. The consultant also will recommend actions USC should take to respond to “informal” complaints, anonymous reports, and complaints from witnesses who are not the victims of the discriminatory conduct.
5. Investigations. The consultant will recommend procedures USC should implement to ensure that allegations of discrimination and harassment are quickly and effectively investigated, including protocols and “best practice” techniques for conducting and recording interviews with complainants, victims, alleged perpetrators, and witnesses; obtaining and maintaining necessary documents and other materials; conducting independent research; and preparing investigation summaries and reports.
6. Remedial and Disciplinary Measures. The consultant will recommend criteria USC should use to determine when certain remedial measures, such as educational and training initiatives or disciplinary sanctions, will be employed to effectively respond to discrimination and harassment complaints involving students and to minimize the likelihood that discriminatory actions will recur. In addition, the consultant will suggest criteria USC should use determine when to take remedial actions against student organizations or groups for the actions of individual members. The consultant also will propose possible sanctions that should be used by USC to respond to violations of its anti-discrimination and harassment policies and procedures, such as written warnings, probations, mandatory training classes, restricted privileges, fines and restitutions, community service, suspensions, and expulsions, as well as organizational sanctions, and explain the relative strengths and weakness of these different approaches as they might be employed at USC.
7. Record Maintenance. The consultant will make recommendations on procedures USC should implement to ensure that records related to allegations of discrimination and harassment, including notifications of complaints, interview notes, investigation summaries and reports, and documentation of remedial actions, are properly preserved and maintained.
8. Monitoring. The consultant will make recommendations about how USC should monitor its policies and practices on a periodic basis to ensure that

it is effectively resolving both formal and informal allegations of discrimination and harassment involving students.

9. Diversity Initiatives. The consultant will evaluate all diversity initiatives implemented by USC's Department of Student Life to determine whether they are congruent with USC's anti-discrimination and harassment obligations, and if s/he determines that USC erroneously conflates the two programs or that USC's diversity initiatives somehow conflict with its anti-discrimination and harassment obligations, then the consultant will recommend appropriate recommendations for modifying or revising the two programs.

**C. Develop Training**

Within forty-five (45) days of the adoption date of the new anti-discrimination and harassment policies and procedures, the consultant will prepare and submit to both parties a written report containing a comprehensive plan for conducting training for students and employees on such policies, which shall be adopted by USC pursuant to ¶¶ III.C. of this Agreement. For purposes of this Agreement, USC's "training" for students shall consist of direct or other appropriate instruction on its policies and procedures related to discrimination and harassment (*e.g.*, through educational or orientation programming). The consultant's plan will propose appropriate and reasonable training programs for individuals and groups, and tailor the topics and scope of coverage according to the needs of the different audiences.

1. Individuals to be Trained. At a minimum, the plan will provide for appropriate and reasonable training to the following individuals and groups:
  - a. The USC officials and administrators who are responsible for ensuring that USC complies with federal and state anti-discrimination and harassment laws and related USC policies and procedures;
  - b. All individuals who are responsible for processing or resolving student complaints of discrimination and harassment;
  - c. All USC staff who work in the Department of Student Life and interact directly with students or student organizations, including but not limited to staff who work in Offices of Campus Recreation, Carolina Productions, Greek Life, Multicultural Student Affairs, Student Government, and Student Organizations;
  - d. All USC faculty and staff advisors to student organizations, including any third-party or alumni advisors;
  - e. All USC staff who work in the Department of Student Development and University Housing and interact directly with students or student organizations, including but not limited to staff

who work in Offices of Student Judicial Programs, University Housing, and National Student Exchange;

- f. Members of the USC Student Grievance Committee;
- g. All USC staff who work in the Office of the Vice President for Student Affairs, the Office of Equal Opportunity Programs, and the Office of the General Counsel, and may by virtue of their position receive notice of allegations of discrimination and harassment;
- h. All USC staff who work in the Office of Orientation and Testing Services and "University 101" Programs responsible for coordinating new student training and orientation programs;
- i. All students who serve as officers in student organizations that are registered or recognized by USC; and
- j. All USC students, including both first year students and transfers.

2. Training Objectives. The plan will ensure that the content of the proposed training programs is tailored to provide adequate instruction that addresses the unique roles and responsibilities of the individuals being trained. Depending on the needs of the individuals or groups, the training may address any or all of the issues listed in ¶¶ II.B. of this Agreement. At a minimum, the plan will ensure that each training addresses the following topics:

- a. Federal and state anti-discrimination and harassment laws, briefly summarized;
- b. USC's anti-discrimination and harassment policies and procedures, and where written copies of the policies can be obtained;
- c. The types of conduct that constitute a violation of USC's anti-discrimination policies, including but not limited to disparate treatment, exclusionary practices, harassment, and other actions that establish a hostile educational environment, such as physical, verbal, written, and visual harassment, with examples of each;
- d. The responsibility of students, faculty, and staff members when witnessing actions that violate the anti-discrimination or harassment policies;
- e. The identity and contact information for the USC official(s) or office(s) responsible for resolving discrimination and harassment complaints;
- f. The process for initiating a discrimination or harassment complaint; and
- g. Potential consequences for violations of the anti-discrimination or harassment policies and procedures.

3. Diversity Training. The plan should ensure that the training on USC's anti-discrimination and harassment policies and procedures is independent

of any diversity training offered by USC, including through its Office of Multicultural Affairs.

4. Training Policies. The plan will propose policies and procedures for both initiating and continuing training for USC administrators, faculty, staff, and students to ensure that the campus community is familiar with USC's anti-discrimination and harassment policies and procedures, and interested parties know, and will continue to know, their responsibilities and obligations under the policies. Specifically, the plan will propose procedures for creating and training teams of select administrators, faculty, staff, and student leaders who shall be responsible for designing and conducting appropriate trainings sessions. The plan will also propose policies regarding when and how individuals shall be re-trained on the anti-discrimination and harassment policies.

**D. Conduct Training**

Before the end of the 2011-12 academic year or as soon as practicable, the consultant will conduct the trainings required by ¶¶ 1-3 below, and before the start of the 2012-13 academic year conduct the training required by ¶ 4 below:

1. Using the training plan adopted by USC pursuant to ¶¶ III.F. of this Agreement, the consultant will train all USC officials who are responsible for ensuring that USC complies with federal and state anti-discrimination and harassment laws and related USC policies and procedures that shall be implemented pursuant to ¶¶ III.C. of this Agreement;
2. Using the training plan adopted by USC pursuant to ¶¶ III.F. of this Agreement, the consultant will train all USC personnel responsible for processing or resolving student complaints of discrimination or harassment under the USC policies and procedures that shall be implemented pursuant to ¶¶ III.C. of this Agreement;
3. Using the training plan adopted by USC pursuant to ¶¶ III.F. of this Agreement, the consultant will train USC administrators, faculty, and staff who shall be selected by USC pursuant to ¶¶ III.D.1. of this Agreement; and
4. Using the training plan adopted by USC pursuant to ¶¶ III.F. of this Agreement, the consultant will train teams of USC administrators, faculty, staff, and student leaders who shall be selected by USC pursuant ¶¶ III.D.4. of this Agreement.

### III. **ADOPTION AND IMPLEMENTATION OF NEW POLICIES AND PROCEDURES**

USC shall adopt new anti-discrimination and harassment policies and procedures or modify existing policies as set forth in ¶¶ III.A-C. of this Agreement and adopt a new training plan as set forth in ¶¶ III.D-F. of this Agreement to ensure that its administrators, faculty, and staff implement these revised policies so that student complaints of racial discrimination and/or harassment are fully and appropriately resolved in the future.

#### A. **Prepare Proposed Changes to Anti-Discrimination Policies and Procedures**

Within forty-five (45) days of receiving the consultant's report on policies and procedures, USC shall prepare and submit to DOJ for review a written report containing proposed changes to its anti-discrimination and harassment policies and procedures. It is expected that this report will adopt many, if not all, of the recommendations contained in the third party consultant's report, which will be submitted to the parties pursuant to ¶¶ II.B. of this Agreement. If USC declines to adopt any of the consultant's recommendations, its report must explain USC's reasons for doing so. Wherever appropriate, USC's report should provide proposed policy language and, at a minimum, the report shall address the following issues:

1. **Delegation of Authority.** USC shall state how it proposes to delegate the authority and responsibility for resolving both formal and informal allegations of discrimination and harassment involving students to its various officials in a clear and orderly fashion to ensure that USC is effectively implementing and enforcing applicable federal and state laws and related USC policies and procedures. USC also shall state the techniques it intends to employ to ensure that communication between its administrators and staff regarding such complaints is done efficiently and effectively.
2. **Dissemination of Information.** USC shall state how it proposes to disseminate information about its anti-discrimination and harassment policies and procedures to ensure that students and relevant USC personnel are well-informed about the policies; that the policies and procedures are broadly publicized; and that accurate information about the policies and procedures is readily available to interested individuals.
3. **Complaint Resolution.** USC shall describe the type of complaint resolution system it intends to use to address allegations of discrimination and harassment involving students in an appropriate and effective manner. If USC proposes to employ multiple methods to resolve complaints, it shall clearly state what criteria would determine the method to be used. USC also shall indicate whether any appeals would be permitted under its proposed system and how any such appeals would occur.



4. Complaint Intake. USC shall describe the procedures it proposes to implement to ensure that allegations of discrimination and harassment are promptly and accurately reported to the proper official, including protocols its staff will use to receive and document complaints; determine whether and how allegations implicate particular policies and procedures; and make proper notifications and referrals. USC shall also state how it intends to respond to “informal” complaints, anonymous reports, and complaints from witnesses who are not the victims of the discriminatory conduct.
5. Investigations. USC shall describe the procedures it proposes to implement to ensure that allegations of discrimination and harassment are quickly and effectively investigated, including protocols its staff will use to conduct and record interviews with complainants, victims, alleged perpetrators, and witnesses; obtain and maintain necessary documents and other materials; conduct independent research; and prepare investigation summaries and reports.
6. Remedial and Disciplinary Measures. USC shall describe the criteria it intends to use to determine when certain remedial measures, such as educational and training initiatives or disciplinary sanctions, will be employed to respond to discrimination or harassment complaints involving students and to minimize the likelihood that discriminatory actions will recur. In addition, USC shall describe the criteria it intends to use to determine when to take remedial actions against student organizations or groups for the actions of individual members. USC also shall list and describe some of the different sanctions that may potentially be imposed against individuals or organizations that violate USC’s anti-discrimination and harassment policies and procedures.
7. Record Maintenance. USC shall describe the procedures it proposes to implement to ensure that records related to allegations of discrimination and harassment, including notifications of complaints, interview notes, investigation summaries and reports, and documentation of remedial actions, are properly preserved and maintained.
8. Monitoring. USC shall describe how it proposes to periodically monitor its anti-discrimination and harassment policies and practices to ensure they are effectively resolving both formal and informal allegations of discrimination and harassment involving students.
9. Diversity Initiatives. If the consultant determines that the diversity initiatives implemented by USC’s Department of Student Life are incongruent with USC’s anti-discrimination and harassment obligations,

or that USC erroneously conflates the two programs, then USC shall describe how it proposes to modify the two programs.

**B. Review Proposed Changes to Anti-Discrimination Policies and Procedures**

Within thirty (30) days of receiving USC's report of proposed changes to its anti-discrimination and harassment policies and procedures, DOJ shall inform USC in writing of any objections it might have regarding USC's proposed changes.

If DOJ objects to any of the changes USC proposes to make to its existing anti-discrimination and harassment policies and procedures, then the parties will work together to develop mutually agreeable policies and procedures. Any delays in developing new anti-discrimination and harassment policies and procedures will not excuse any party from fulfilling any other obligation set forth in this Agreement.

**C. Adopt and Implement New Anti-Discrimination Policies and Procedures**

On or before the start of the 2011-12 academic year, USC shall adopt and implement new anti-discrimination and harassment policies and procedures that adequately and reasonably address the issues listed in ¶¶ III.A. of this Agreement, and have been approved by DOJ as set forth in ¶¶ III.B. of this Agreement.

**D. Develop Proposed Training Plan**

Within thirty (30) days of receiving the consultant's report on training, USC shall prepare and submit to DOJ for review a written report containing a comprehensive plan for conducting training on USC's policies and procedures for resolving student complaints of racial discrimination and harassment, which will be adopted pursuant to ¶¶ III.C. of this Agreement. It is expected that this report will adopt many, if not all, of the recommendations contained in the third party consultant's report, which will be submitted to the parties pursuant to ¶¶ II.C. of this Agreement. The plan shall propose appropriate and reasonable training for different individuals and groups, and tailor the topics and scope of coverage according to the needs of the different audiences.

1. Individuals to be Trained. At a minimum, the plan shall provide for training to the individuals and groups listed in ¶¶ II.C.1. of this Agreement.
2. Training Objectives. The plan shall provide for appropriate training and alter the content of the training based on the roles and responsibilities of the person receiving the training. At a minimum, the plan shall ensure that the training objectives set forth in ¶¶ II.C.2. of this Agreement are achieved.

3. Training Topics. The plan shall ensure that each training USC provides on its policies and procedures for resolving student complaints of racial discrimination and harassment addresses all of the topics listed in ¶¶ II.C.2. of this Agreement.
4. Training Policies. The plan shall propose policies and procedures for both initiating and continuing training for USC administrators, faculty, staff, and students to ensure that the campus community is familiar with USC's new anti-discrimination and harassment policies and procedures, and interested parties know, and will continue to know, their responsibilities and obligations under the policies. Specifically, the plan will propose procedures for creating and training teams of select administrators, faculty, staff, and student leaders who shall be responsible for designing and conducting appropriate trainings sessions. The plan will also propose policies regarding when and how individuals shall be re-trained on the anti-discrimination and harassment policies.

**E. Review Proposed Training Plan**

Within thirty (30) days of receiving USC's report of its plan for conducting training on USC's policies and procedures for resolving student complaints of racial discrimination and harassment, DOJ shall inform USC in writing of any objections it might have regarding USC's proposed plan.

If DOJ objects to any part of USC's plan for offering training on its anti-discrimination and harassment policies and procedures, then the parties will work together to develop mutually agreeable policies and procedures. Any delays in developing a comprehensive training plan will not excuse any party from fulfilling any other obligation as outlined in this Agreement.

**F. Adopt New Training Plan**

Within fifteen (15) days of receiving DOJ approval, USC shall adopt a comprehensive plan for training on its new anti-discrimination and harassment policies and procedures that is consistent with the ¶¶ III.D. of this Agreement, and has been approved by DOJ as set forth in ¶¶ III.E. of this Agreement.

**G. Conduct Training**

1. USC shall direct the designated third party consultant to conduct training as set forth in ¶¶ II.D.1-3. of this Agreement before the end of the 2011-12 academic year, and to conduct training as set forth in ¶ II.D.4. of this Agreement before the beginning of the 2012-13 academic year.
2. Starting with the 2012-2013 school year and moving forward, USC shall implement the comprehensive plan for conducting training on its policies

and procedures for resolving student complaints of racial discrimination and harassment using the training plan adopted pursuant to ¶¶ III.F. of this Agreement.

#### IV. MONITORING AND CONCLUSION OF INVESTIGATION

- A. In addition to the reports contemplated in ¶¶ II.B., II.C., III.A., and III.D. of this Agreement, USC shall provide documentation of its compliance with this Agreement in a written report ("Compliance Report"). The Compliance Report shall be sent to DOJ on August 30 and January 30 for the years 2010-2013, with the first Compliance Report due January 30, 2011.
- B. From the date USC enters into this Agreement or the date of the last Compliance Report, whichever is the latter, the USC shall provide in its Compliance Reports:
1. For each instance in which a USC employee either witnessed or was notified of allegations of racial discrimination or harassment involving a USC student or prospective student:
    - a. The date on which the employee was informed of or witnessed the alleged discrimination and harassment, and the employee's name and title;
    - b. A detailed description of the alleged discrimination and harassment, including the date and location of the incident, the nature of the underlying action, and the name of the alleged actor(s);
    - c. A detailed description of all actions taken by USC in response to the allegations, including but not limited to any investigations conducted by USC;
    - d. The name and status (*e.g.*, student, professor, or advisor) of each person who witnessed the alleged discrimination and harassment and each person interviewed in any subsequent investigation conducted by USC;
    - e. The names and titles of the employees involved in USC's response to the alleged discrimination and harassment and whether these individuals are current USC employees;
    - f. A description of any conclusion and remedial or disciplinary action taken by USC in response to the allegations;
    - g. What, if anything, USC communicated to the complainant(s) regarding the alleged discrimination or harassment and any resulting investigation or actions; and
    - h. All documents that reference the alleged discrimination and harassment, including but not limited to investigation notes, internal memoranda and notes, emails, written/oral communications with the complainant, and notifications/communications with the accused perpetrator.

2. For each training conducted pursuant to ¶ II.D.4. of this Agreement:
  - a. The name and position of all employees and students selected and trained to lead USC trainings on new anti-discrimination and harassment policies;
  - b. The name and position of the individual(s) who conducted the training; and
  - c. A statement describing the subject of the training, the date of the training, and the amount of time spent on the topic.
3. For each training conducted pursuant to ¶ III.F. of this Agreement:
  - a. The number and percentage of students who have received the training (*e.g.*, 26,000 students; 90% of the student body);
  - b. The number and percentage of employees who have received the training;
  - c. The name and position of the individual(s) who conducted the training;
  - d. The name and position of all administrators who have not received the training; and
  - e. A statement describing USC's plan for training those individuals who have not yet received training.
4. A brief description of all training USC intends to conduct related to this Agreement or USC's anti-discrimination and harassment policies and procedures, by topic and date.

- C. Within sixty (60) days of receiving a Compliance Report from USC, DOJ shall notify USC in writing of any objections or concerns it may have regarding USC's compliance with the terms of this Agreement or applicable federal anti-discrimination laws.

If DOJ notifies USC of any objection or concern about USC's compliance with this Agreement or any applicable federal anti-discrimination laws, the parties will work cooperatively to resolve DOJ's objection or concern.

- D. DOJ shall close its current investigation into USC's anti-discrimination and harassment policies and procedures if, pursuant to ¶¶ IV.C. of this Agreement, DOJ does not notify USC of any objection or concern within sixty (60) days of receiving USC's August 30, 2014 Compliance Report, or after all outstanding objections and concerns are resolved.

## V. ENFORCEMENT OF AGREEMENT AND FEDERAL LAWS

- A. If, pursuant to this Agreement, DOJ notifies USC of any objection or concern and the parties are unable to resolve the outstanding objection or concern, DOJ

reserves the right to pursue any investigation or enforcement actions that may be appropriate.

- B. USC understands and acknowledges that DOJ may initiate judicial proceedings to enforce the specific terms and obligations of this Agreement.
- C. USC understands and acknowledges that DOJ retains the right to evaluate USC's compliance with this Agreement, including the right to conduct site visits and engage in *ex parte* communications with students and employees, except for USC vice presidents, the USC president, members of the USC Board of Trustees, USC deans, USC department chairs, any USC employee who supervises, directs or regularly consults with USC's attorneys concerning USC's policies and practices for addressing student complaints of racial discrimination, and any USC employee who has authority to obligate USC with respect to USC's policies and practices for addressing student complaints of racial discrimination, or whose acts or omissions may be imputed to USC for purposes of civil or criminal liability.
- D. USC understands and acknowledges that DOJ retains the right to investigate and, where appropriate, to initiate judicial proceedings concerning any and all allegations of discrimination by USC, consistent with its responsibility to enforce Title IV of the Civil Rights Act of 1964, *see* 42 U.S.C. § 2000c, *et seq.*, and notwithstanding the terms of this Agreement.

SO AGREED,

*For the United States:*

Thomas E. Perez  
Assistant Attorney General

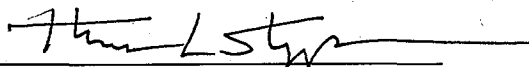


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Date Signed: 11/10/10

*For the University of South Carolina:*



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Thomas L. Stepp, Secretary  
University of South Carolina Board of  
Trustees

Date Signed: 11-8-2010