

## AGREEMENT MODIFICATION

This Agreement Modification is made by and between the United States of America acting by and through the Department of Justice (“DOJ”) and the University of South Carolina (“USC”).

WHEREAS, on November 10, 2010, the parties entered into an Agreement, a copy of which is attached hereto, whereby the parties agreed to take certain steps to resolve DOJ’s investigation into USC’s policies and practices for addressing student complaints of racial discrimination on USC’s Columbia campus; and

WHEREAS, the parties desire to modify their Agreement of November 10, 2010, in order to update certain deadlines in the Agreement;

NOW, THEREFORE, the November 10, 2010, Agreement between the parties is hereby modified in the following respects only:

Section I.C is amended as follows:

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 July 12, 2011, engage and retain a third party consultant to perform the services set forth in ¶¶ II.A-D. of this Agreement.

The second sentence of section II is amended as follows:

USC shall work cooperatively with the consultant through January 1, 2014, 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 this Agreement.

The first sentence of section II.C is amended as follows:

Within thirty (30) 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.

The first sentence of section II.D is amended as follows:

Before December 31, 2012, or as soon as practicable, the consultant will conduct the trainings required by ¶¶ 1-4 below.

The first sentence of section III.A is amended as follows:

Within thirty (30) 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.

Section III.C is amended as follows:

On or before March 1, 2012, 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.

The first sentence of section III.D is amended as follows:

Within twenty (20) 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.

The first sentence of section III.E is amended as follows:

Within twenty-five (25) 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.

Section III.G.1 is amended as follows:

USC shall direct the designated third party consultant to conduct all the training set forth in ¶¶ II.D.1-4 of this Agreement before December 31, 2012.

Section III.G.2 is amended as follows:

Beginning January 10, 2013, 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.

The second sentence of section IV.A is amended as follows:

The Compliance Report shall be sent to DOJ on August 30 and January 30 for the years 2012-2015, with the first Compliance Report due January 30, 2012.

Section IV.D is amended as follows:

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, 2015 Compliance Report, or after all outstanding objections and concerns are resolved.

No other changes:

All other provisions of the November 10, 2010, Agreement between the parties shall remain in full force and effect.

SO AGREED,

**For the United States**

Thomas E. Perez  
Assistant Attorney General

---

Anurima Bhargava  
Mark A. Dann  
Whitney M. Pellegrino  
U.S. Department of Justice  
Civil Rights Division  
Educational Opportunities Section  
950 Pennsylvania Avenue, NW  
Patrick Henry Building, Suite 4300  
Washington, DC 20530  
Tele: (202) 541-4092  
Fax: (202) 514-8337

Date Signed: \_\_\_\_\_

**For the University of South Carolina**

---

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

Date Signed: \_\_\_\_\_