

RESOLUTION AGREEMENT
Simmons College
OCR Complaint No. 01-16-2066

Simmons College (College) has voluntarily entered into this agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the allegations in the above-referenced complaint. The College assures that it will take the following actions and will meet its obligation to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), or any other law enforced by OCR.

Prior to the completion of OCR's investigation, the College agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the College agrees to take the following actions.

Action Item I: Investigation of the Complainant's Case

- a. In accordance with its current Gender-Based Misconduct Policy, the College will investigate the Complainant's complaints from XXXX and XXXX that she was being sexually harassed and stalked by another student (Respondent). The investigation will specifically consider the concerns that OCR identified with respect to the College's response to and its application of the Gender-Based Misconduct Policy to the Complainant's case.
- b. The outcome of the College's investigation of the Complainant's case may depend on whether the Complainant or Respondent is still affiliated with the College, whether there are circumstances suggesting the existence of a continuing pattern of conduct, whether there are any appropriate remedies that may still be available for the Complainant (if applicable), and whether there are investigative steps or broad remedies necessary to identify and address any extant concerns about sexual harassment.

Reporting Requirements

1. By March 1, 2018, the College will provide OCR with the results of its investigation, as described in Action Item I, including, but not limited to, any actions taken and any remedies put in place by the College as a result of its investigation.

Action Item II: Counseling Services

- a. By March 1, 2018, the College will ensure that its Counseling Center staff (including interns) who interact with students are trained in the College's Gender-Based Misconduct Policy and in providing counseling services to students who have experienced sexual harassment.

Reporting Requirements

1. By March 15, 2018, the College will provide OCR with narrative explanation of the training provided to its Counseling Center staff (including interns) who interact with students during the 2017-2018 academic year on the College's Gender-Based Misconduct Policy and in providing counseling services to students who have experienced sexual assault.

Action Item III: Title IX Team

- a. The College will ensure that the Title IX Coordinator has oversight over all Title IX complaints, not only Title IX complaints by employees. The College will notify all members of the Title IX Team, as well as students and employees of the Title IX Coordinator's role in processing Title IX cases on campus.

Reporting Requirements

1. By January 31, 2018, the College will provide OCR with a copy of the notice sent to the Title IX Team and the notice(s) sent to students and employees regarding the Title IX Coordinator's role in processing Title IX cases on campus.
2. By June 30, 2018, the College will report to OCR how the Title IX Coordinator provided oversight over all Title IX complaints during the 2017-2018 academic year, including for each case a description of specific actions taken and/or practices used by the Title IX Coordinator in overseeing the processing of these complaints.

Action Item IV: Tracking of Reports of Sexual Harassment

- a. The College will develop a system for tracking and reviewing all reports, investigations, and resolutions of student, employee, and third party complaints of sexual harassment to ensure that such reports are promptly and equitably resolved. The system will require, at minimum, the following:
 1. All employees designated as responsible employees will notify the Title IX Coordinator or designee within 24-48 hours of receiving information about possible sexual harassment against students or employees regardless of whether the student or employee involved requests information about the complaint procedures, for the purpose of ensuring that individuals subject to discrimination are consistently and promptly receiving necessary services and information.
 2. The Title IX Coordinator or designee will enter into an electronic, confidential database or spreadsheet at least the following fields of information, unless that information is not known and cannot be discovered through the exercise of reasonable diligence: the date and nature of the report (e.g., direct, bystander, responsible employee or anonymous report); the name of the complainant; the name of the person(s) who received the report or made the report; the date the report was referred to the Title IX Coordinator; the name(s) of the respondent; the name(s) of the person(s) assigned to investigate the report, and take any interim

measures; the interim measures offered and/or taken, if any; the date of the investigative findings; a summary of the findings, including any actions proposed and/or taken on behalf of the complainant and any disciplinary or other actions taken against the respondent; the date of any request(s) for appeal, if any; the outcome on appeal, if any.

- b. The Title IX Coordinator will maintain records of all reports, investigations, findings, the basis for those findings, and appeals, including, but not limited to: the circumstances of the report; the name of the complainant (if available), the respondent, and witnesses; any statements or other evidence submitted or collected; interview notes; correspondence relating to the investigation; actions taken on behalf of the complainant, if any, including any interim measures; actions taken against the respondent, if any, including any interim measures; records of any discipline or proposed discipline, if any; records of findings communicated to the parties; and records of any appeals.

Reporting Requirements

1. By January 31, 2018, the College will provide to OCR for review and approval documentation demonstrating its implementation of this Action Item IV, including a copy of the electronic database or spreadsheet required by Action Item IV(a)(2), above, containing all relevant data through this date.

Action Item V: Policy Regarding Issuing No Contact Orders and No Trespass Orders

- a. The College will promptly revise any policies, procedures, and other materials regarding the College's issuance of no contact orders and no trespass orders. If no policies, procedures, or other materials exist, the College will develop such a policy. Specifically, the College's policy will address the following items:
 1. Notice to students and employees regarding how no contact orders and no trespass orders can be requested by a student or employee and how they are delivered, maintained, and enforced by the College.
 2. An explanation of the differences between no contact orders and no trespass orders, including any limits on the restrictions that can be included therein.
 3. An assurance that all no contact orders, no trespass orders, and any revisions or amendments thereto will be in writing and will be communicated to all parties involved, including the requesting party, the receiving party, and those at the College charged with enforcing the order or amendment.

Reporting Requirements

1. By March 1, 2018, the College will provide for OCR's review and approval a draft of the revised or newly drafted policy regarding issuing no contact orders and no trespass orders.

2. Within sixty (60) calendar days of written approval from OCR that the revised or newly drafted policy conforms this Agreement, the College will provide written notice to OCR that the College has formally adopted the revised or newly drafted policy and electronically disseminated the revised or newly adopted policy to students and employees. The College will also provide OCR the following documentation:
 - a. Evidence of the electronic dissemination of the revised or newly adopted policy;
 - b. A copy of any publications or a link to any website containing the revised or newly adopted policy; and
 - c. An assurance that the Title IX Team and Public Safety have access to the revised or newly adopted policy and know where copies may be obtained.

Action Item VI: Training

- a. Within sixty (60) calendar days of written approval from OCR that the revised or newly adopted policy regarding issuing no contact orders and no trespass orders conforms with this Agreement, the College will provide comprehensive training on the policy for its Title IX Coordinator, Deputy Title IX Coordinator(s), Title IX Team, Public Safety officials, and any other College officials directly involved in receiving requests for, drafting, delivering, maintaining, and enforcing no contact orders and no trespass orders.

Reporting Requirement

1. Within thirty (30) calendar days of the training required by Action Item VI, the College will certify to OCR that the training has occurred. The College will provide OCR the following documentation: the date(s) of the training, the name(s) and title(s) of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet or other evidence of attendance with the names and titles of the individuals who attended the training.

The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that during the monitoring of this Agreement, if necessary, OCR may visit the College to interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title IX at 34 C.F.R. Part 106, which was at issue in this case. The College understands that OCR will not close the monitoring of the Agreement until such time that OCR determines the College has fulfilled the terms of the Agreement and is in compliance with the statutes and regulations that were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close this case.

The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to

enforce this Agreement, OCR shall give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the College's representative below.

By: /s/
Helen Drinan
President

Date: 11/29/17