

**Resolution Agreement  
Northeast Technical Institute  
OCR Complaint No. 01-16-2150**

The Northeast Technical Institute (Institute) voluntarily enters into this resolution agreement (Agreement) to resolve the allegation in the above-referenced complaint, which the U.S. Department of Education, Office for Civil Rights (OCR) investigated pursuant to the requirements of Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX).

Prior to the completion of OCR's investigation, the Institute agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. The OCR has not made any findings regarding the above-referenced complaint and by entering into this Agreement with the OCR, the Institute is not admitting that it has violated Title IX. Accordingly, to resolve the issues of this investigation, the Institute agrees to take the following actions.

**ACTION ITEM 1 – POLICIES AND PROCEDURES:**

1. By July 31, 2018, the Institute will review all policies and procedures related to sex discrimination, including sexual harassment, and revise where necessary to ensure compliance. In doing so, the Institute will revise or eliminate conflicting policies and procedures as appropriate; ensure the policies and procedures are internally consistent; and add cross references and links between the procedures to clearly refer students to the applicable procedures.<sup>1</sup>

The revised procedures for resolving allegations of sex discrimination, including sexual harassment, shall include at least the following information:

- i. Notice to students, and employees of the procedure, including where complaints may be filed;
- ii. Application of the procedure to complaints alleging harassment carried out by other students, employees or third parties;
- iii. Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
- iv. Designated and reasonably prompt timeframes for the major stages of the complaint process;<sup>2</sup>
- v. Notice to the parties of the outcome of the complaint; and
- vi. An assurance that the Institute will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

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<sup>1</sup> This review shall include, but not be limited to, the Institute's General Student Complaint/Grievance Procedure, and the Institute's "stand-alone" TIX policy.

<sup>2</sup> Furthermore, if not clearly identified already, the identification of each informal and formal meeting and hearing that may occur in the resolution process.

### **Reporting Requirements:**

1. By July 31, 2018, the Institute will submit for OCR's review and approval a list of policies/procedures it reviewed, and shall identify all changes, if any, made to these documents to ensure internal consistency and clarity (e.g., via track changes).

This submission shall include the Institute's revised policies and procedures for resolving allegations of sex discrimination, including sexual harassment.

2. The Institute agrees to promptly incorporate feedback from OCR. Within 30 days of receiving OCR's final written approval of these materials, the Institute will adopt, implement, and publish the revised policies and procedures. The Institute will make this information available through the Institute's website, revised student handbooks, and any other additional means of notification the Institute deems effective to ensure that the information is disseminated.
3. Within 30 days of receiving OCR's final written approval of these materials, the Institute will provide OCR with documentation that it has adopted, implemented and published its revised policies and procedures, including a description of how the policies and procedures were distributed, copies of its revised student handbooks, a link to its webpage where the revised policies and procedures are located, and documentation of any other additional means of notification used by the Institute.

### **ACTION ITEM 2 – GENERAL TRAINING:**

1. Within 90 days of disseminating the revised policies and procedures addressed in Action Item 1, above, the Institute will provide Title IX training to Institute staff who interact with students on a regular basis, including teaching professionals and administrative staff. The Institute shall ensure that the Accused Instructor attends. The training will provide attendees with guidance and instruction on:
  - a. What constitutes sex discrimination under Title IX, including examples of different types of sex discrimination (different treatment and sexual harassment, including sexual violence);
  - b. The responsibility of staff to report potential sex discrimination of which they have knowledge, including when to report such incidents to the Title IX Coordinator;
  - c. The Institute's obligation under Title IX to recognize and respond to incidents of possible sex discrimination of which it has notice;
  - d. The Institute's OCR-approved procedures related to sex discrimination, including sexual harassment, as set forth in Action Item 1; and
  - e. Potential disciplinary consequences for students and, separately, staff who are found responsible for sex discrimination, including sexual harassment.

2. Within 90 days of disseminating the revised policies and procedures, the Institute will also provide training for its designated Title IX Coordinator(s) and investigators; Human Resources staff; and any other staff involved in receiving, processing, investigating, adjudicating, or resolving complaints of sexual harassment, on how to conduct thorough, reliable, and impartial investigations of complaints of sexual harassment pursuant to Title IX. Such training will include:
  - a. Instruction on preventing, recognizing, and appropriately addressing allegations and complaints pursuant to Title IX;
  - b. Instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation and how to create and maintain adequate case files;
  - c. Developing and communicating interim measures;
  - d. Appropriate remedies to address the effects of sexual harassment;
  - e. Best practices for tracking patterns and/or systemic problems or trends;
  - f. The Institute's OCR-approved procedures related to sex discrimination, including sexual harassment;
  - g. How to objectively evaluate the credibility of parties and witnesses; and
  - h. Obtaining, analyzing, and documenting both inculpatory and exculpatory evidence;
  - i. Decision-makers' obligation to understand conflicts of interest and the process to recuse themselves if needed to preserve the impartiality of the resolution.
  - j. Decision-makers' obligation to ensure that each party had or has the same meaningful access to information that will be used during any informal or formal disciplinary meeting or hearing, including the investigation report.
  - k. Decision-makers' obligation to ensure that disciplinary sanctions shall (1) be made for the purpose of deciding how to best enforce the Institute's code of conduct; (2) consider the impact of separating a student from his/her education; and (3) be a proportionate response to the violation.

### **Reporting Requirements:**

1. Within 30 days after the trainings in Action Item 2 have been conducted, the Institute will provide to OCR:
  - a. the name(s) of the individuals who conducted the training;
  - b. a list of the individuals who attended the training and their positions;
  - c. information demonstrating that the Accused Instructor attended the training;
  - d. the date(s) the training was conducted; and
  - e. copies of any training materials disseminated.

### **ACTION ITEM 3 – ACCUSED INSTRUCTOR**

By April 30, 2018, the Institute will hold a meeting with the Accused Instructor to explain the Institute's Title IX obligations and the prohibition against sexual harassment, including disciplinary consequences for engaging in sexual harassment.

The Institute agrees to maintain written minutes of this meeting for production to OCR.

#### **Reporting Requirement:**

Within 15 days of conducting the meeting, the Institute shall provide to OCR the written minutes of this meeting.

### **ACTION ITEM 4 – RECORDKEEPING**

1. By July 31, 2018, the Institute will develop and maintain a recordkeeping system that comprehensively documents its receipt, investigation, and resolution of all oral and written complaints, reports or other notices of sexual harassment.
2. The Institute will also maintain documentation fully detailing any interim measures afforded to complainants pending the completion of an investigation and, where sexual harassment is found to have occurred, documentation fully detailing all the steps, individual and systemic, the Institute took to stop the harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects on the complainant and any others as appropriate.

#### **Reporting Requirements:**

1. By July 31, 2018, the Institute will provide to OCR verification that it has developed and is implementing the recordkeeping system described in Action Item 4.
2. By January 31, 2019, the Institute shall provide OCR with a summary of its Title IX investigations/resolutions beginning the date the Agreement is signed through December 31, 2018 term. The information shall include the following:
  - a. name or unique identifier of complainant,
  - b. name or unique identifier of alleged perpetrator,
  - c. date of alleged harassment,
  - d. location of alleged harassment,
  - e. allegation,
  - f. date of investigation and names of investigator(s),
  - g. what interim measures (if any) were provided,
  - h. resolution, and
  - i. how the notice of outcome was communicated to the parties.
3. The Institute agrees that it shall make additional information available to OCR upon request, including, but not limited to, the complaint itself, incident reports, correspondence (including e-mail) or other written descriptions of the allegations, and

documentation of the Institute's response (including interview notes, investigative reports, written findings, and records of any corrective action taken, including any disciplinary action).

#### **ACTION ITEM 5: NOTICE OF NON-DISCRIMINATION**

1. The Institute shall revise its notice(s) of non-discrimination (Notice) to state the following:
  - a. The Institute does not discriminate on the basis of sex in its programs, activities, or employment and is prohibited from doing so by Title IX and its implementing regulation.
  - b. The Notice shall include the name, title, office address, telephone number, and electronic mail (email) address of the Institute's designated Title IX Coordinator(s) and the office address, telephone number, and email address of OCR.
  - c. The Notice shall include a statement that inquiries regarding the application of Title IX and its implementing regulation may be referred to the Title IX Coordinator(s) or to OCR.
2. The Institute will broadly disseminate its revised Notice, including on the Institute's website and in its promotional materials, student and employee handbooks, application forms and its other published materials, to applicants for admission and employment, students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the Institute in accordance with 34 C.F.R. § 106.8(a). Inserts may be used pending reprinting of the publications.

#### **Reporting Requirements:**

1. By April 30, 2018, the Institute shall provide to OCR a copy of its revised Notice for its review and approval.
2. Within 15 days of receipt of written approval from OCR that its revised Notice conforms with Title IX and this Agreement, the Institute will provide OCR with documentation of the Institute's wide dissemination of its revised Notice, including copies of any publications and web links to any electronic publications containing the Notice.

#### **General Requirements**

The Institute understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the Institute understands that during the monitoring of the Agreement, if necessary, OCR may visit the Institute, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Institute has fulfilled the terms

of the Agreement. Upon the Institute's satisfaction of the commitments made under the Agreement, OCR will close the case.

The Institute 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 the Agreement, OCR will give the Institute 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 Institute's representative below.

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[Authorized Official]  
Name/Title: Mr. James Liponis President

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Date