

**RESOLUTION AGREEMENT**  
**Bennington College**  
***OCR Complaint No. 01-17-2247***

Bennington 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 1: POLICY**

The College will revise its Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy and Procedures (the Policy) to be consistent with the obligations of Title IX and its implementing regulation (Revised Policy), regarding the requirement that such policies have designated and reasonably prompt timeframes for the major stages of the complaint process. The College agrees that the Revised Policy will replace the Policy.

**Reporting Requirements**

1. By **December 1, 2018**, the College will provide the Revised Policy for OCR's review and approval
2. **Within 30 days** of OCR's approval of the Revised Policy, the College will:
  - a. publish these documents on its website or other usual means of distribution, and provide OCR with the URL and/or other evidence of distribution; and
  - b. disseminate a memorandum to College personnel who are involved in the Title IX process, to apprise such staff of the Revised Policy, and provide a copy of that memorandum, as well as evidence of its dissemination, such as the distribution list or email by which it was sent.

**Action Item II: INTERIM MEASURES**

- A. The College will take steps to amend its practices and/or procedures to ensure that it is making individualized assessments regarding interim measures for both complainants and respondents that, to the extent appropriate, make interim measures available to both parties and minimize the burden on either party. This will also include conducting a prior individualized assessment regarding interim measures for respondents, such as a confidential resource and counseling services, parallel to those offered to complainants. The College's revised practice or procedure will not designate the same individual for to be the confidential resource for both the complainants and respondent.

- B. The College will develop an internal procedure to ensure that No Contact Orders (NCOs) issued in Title IX cases are disseminated by the Campus Safety office to the Title IX team and the Associate Dean of Students or other College officials responsible for student housing and other interim measures, and that any change in a student's housing or other circumstances is reported to Campus Safety by the Associate Dean of Students to ensure that NCOs are updated promptly.

### **Reporting Requirements**

1. By **December 1, 2018**, the College will provide OCR with the proposed written internal procedures or a description of its practices for: (a) providing appropriate interim measures to both complainants and respondents; and (b) coordinating NCOs and other interim measures by the Campus Safety Office, the Title IX team, and the Associate Dean of Students or other officials responsible for housing and other interim measures.
2. **Within 30 days** of OCR's approval of the procedures or description of its practices, the College will disseminate a memorandum to College staff who are involved in the Title IX process, Campus Safety officers, and staff of the Assistant Dean of Students responsible for housing and other interim measures, to apprise such staff of the procedures/practices, and provide a copy of that memorandum, as well as evidence of its dissemination, such as the distribution list or email by which it was sent.

### **Action Item III: TRAINING**

Within sixty (60) calendar days of written approval from OCR that the revised procedure and/or practices referenced in Action Item II conform to the requirements of this Agreement, the College will provide comprehensive training on the procedures and/or practices for its Title IX Coordinator, Deputy Title IX Coordinator(s), Title IX Team, Campus Safety staff, the Associate Dean of Students, the Dean of Students, and staff.

### **Reporting Requirement**

1. Within thirty (30) calendar days of the training required by Action Item III, 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/\_\_\_\_\_ Date: November 2, 2018  
Mariko Silver  
President