

## **RESOLUTION AGREEMENT**

### **Sarah Lawrence College Case No. 02-14-2012**

The U.S. Department of Education, Office for Civil Rights (OCR) received a complaint from an individual complainant alleging that Sarah Lawrence College (College) failed to respond appropriately to a report of forcible sexual assault that the Complainant made in or around xxxx xxxx, in violation of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106.

Upon receipt of the complaint, OCR opened Case No. 02-14-2012. OCR investigated the allegations raised in the complaint, including the College's alleged noncompliance with Title IX. OCR also engaged in an assessment of the College's procedural compliance with Title IX and its implementing regulation at 34 C.F.R. §§ 106.8 and 106.9.

OCR determined that there was insufficient evidence to substantiate the Complainant's allegations of noncompliance with Title IX against the College, and therefore has closed that allegation. With respect to the College's procedural compliance, OCR made specific recommendations to the College regarding how to ensure full compliance with Title IX. The College has agreed to follow those recommendations, specified herein.

Therefore, in order to fully and finally resolve Case No. 02-14-2012, the College assures OCR, that it will take the actions detailed below pursuant to the requirements of Title IX and its implementing regulation. In agreeing to undertake the actions identified below, the College does not concede that at any time it was out of compliance with Title IX or its implementing regulation, or that it has not provided the training and education required under Title IX or its implementing regulation.

#### **Action Item A: Grievance Procedures**

By April 30, 2018, the College will draft a proposed revised grievance procedure that will ensure the procedure applies to complaints alleging sex discrimination (including sexual harassment and sexual assault/violence) filed against students, employees and third parties, and includes specific, designated and reasonably prompt timeframes for the major stages of the grievance process, including the investigation, complaint resolution, and appeal processes, if any. The College will adopt such revised grievance procedures within 45 days after receiving written approval from OCR.

#### **Reporting Requirements:**

- a) By April 30, 2018, the College will provide to OCR, for review and approval, its revised grievance procedures developed in accordance with Action Item A above.
- b) Within 45 calendar days of written notification from OCR of its approval of the revised grievance procedures, the College will provide documentation to OCR

demonstrating that the revised procedures were adopted and implemented and that all faculty, staff and students were provided with written notice (said notice may be communicated using the College's website and/or its "MySLC" intranet) regarding the grievance procedures together with information on how to obtain a complete copy of the grievance procedures. The College, at a minimum, will make this notification through the College's website; email messages to faculty, staff and students; and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the College deems effective to ensure that the information is widely disseminated and easily located. The College will also provide to OCR copies of, or a link to, its revised student handbooks and any other publications that contain the procedures, and a link to its webpage where the revised Title IX procedures are otherwise located.

### **Action Item B: Title IX Training**

1. Within 120 days of the adoption of the revised grievance procedures referenced in Action Item A, the College will provide training to its Title IX coordinator, his designees, and any other College officials, administrators, faculty, staff or students directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of sexual harassment, including sexual assault/violence (the "Implementing Individuals"), on the College's revised Title IX grievance procedures. The training will cover, at a minimum, any revisions to the College's grievance procedures (*see* Section A, above), and will be in addition to training the College regularly has provided on issues including the obligation of staff to report sexual harassment; how to recognize and identify sexual harassment, including sexual assault/violence and behaviors that may lead to and result in sexual violence; the College's responsibilities under Title IX to address such allegations; and, the relevant resources available. The training should also include information on additional topics regularly addressed by the College, such as the reporting obligations of College staff; the student's option to request confidentiality and available confidential advocacy, counseling, or other support services; the student's right to both file a sexual harassment complaint with the College and report a crime to campus or local law enforcement; the attitudes of bystanders that may allow conduct to continue; the potential for victimization of students who may have experienced sexual violence and its effects on students; appropriate methods for responding to a student who may have experienced sexual violence; and, the impact of trauma on students who experience sexual violence. During the trainings, the College will provide copies of its revised Title IX grievance procedures to all attendees, or refer them to their location within the publications they already possess.

**Reporting Requirement:** Within 150 days of the adoption of the revised grievance procedures, the College will provide documentation to OCR demonstrating that it has provided the training referenced in Action Item B(1) above. The documentation will include, at a minimum: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and the sign-in sheets and/or names and titles of the individuals who attended the training.

2. Within 120 days of the adoption of the revised grievance procedures, the College also will provide training to the Implementing Individuals, in addition to training the College regularly has provided, on the College's obligations regarding the investigation of complaints; information on consent and the role drugs and alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual violence; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to handle confidentiality issues; the effects of trauma; cultural awareness training regarding how sexual assault/violence may impact students differently depending on their backgrounds; how to assess hostile environment; and, Title IX's prohibitions on retaliation.
3. With respect to those Implementing Individuals responsible for the investigations into complaints and allegations of misconduct, the training will include, in addition to the training the College regularly has provided, instruction on how to conduct adequate, reliable and impartial Title IX investigations for those charged with investigative duties, including how to handle incidents that occur off campus; information on working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including same-sex sexual violence; and, information about coordination and communication between the College and the City of Yonkers Police Department, particularly with respect to suspending investigations. Consistent with training previously provided by the College, the training will also include information regarding the provision of interim measures and the need for remedial actions for the respondent, complainant, and school community, and will stress fully documenting all steps of an investigation and resolution, like testimony collected from witnesses, the start and stop dates of any investigation suspension, the offer and acceptance/decline of interim relief, and the issuance of notice to any party.

**Reporting Requirement:** Within 150 days of the adoption of the revised grievance procedures, the College will provide documentation to OCR demonstrating that it has provided the training referenced in Action Item B(2) above. The documentation will include, at a minimum: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and sign-in sheets and/or the names and titles of the individuals who attended the training.

### **Action Item C: Documenting Complaint Investigations**

Beginning immediately, the College will ensure that it appropriately and completely documents investigations. The College will maintain the following documentation, at minimum:

1. if provided by a reporting party, the name and sex of the alleged victim, and if different, the name and sex of the person reporting the incident;
2. if provided by a reporting party, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
3. the date that the complaint or other report was made to the College;
4. if provided by a reporting party, the names and sex of all persons alleged to have committed the alleged conduct;

5. if provided by a reporting party, the names and sex of all known witnesses to the alleged incident(s);
6. all requests for, offers of and implementation of interim steps with respect to the complainant and the respondent;
7. whether the parties were notified that retaliation was prohibited;
8. the dates that the complainant, respondent and all witnesses were interviewed and all interview notes;
9. any relevant documentary evidence (including medical, cell phone and other records as appropriate), and the date(s) on which each was obtained;
10. any written statements of the complainant (or alleged victim, if different from the complainant), the respondent, and any other witnesses;
11. if applicable, the date on which the College temporarily suspended the fact-finding aspect of its Title IX investigation while any law enforcement agency was in the process of gathering evidence, and as applicable, the date on which the College resumed its investigative process;
12. if applicable, where an investigation was not initiated or was initiated, but not completed, the reason for not conducting or completing an investigation, and an assessment of the situation and what actions the College must take, if any, to discharge its obligations under Title IX;
13. the outcome of the investigation, and if any, the disciplinary process, and the dates that the parties were notified of these outcomes; and
14. whether there were any appeals, the outcome of the appeals, and the dates that the parties were notified of the outcome of any appeals.

**Reporting Requirement:** By June 30, 2019, the College will submit documentation to OCR (such as a de-identified tracking report, using unique identifiers in place of student names and/or other personal identifiers) of the College's responses to complaints of sexual harassment, including sexual assault/violence, filed during academic year 2018-2019 pursuant to the College's revised grievance procedures. The documentation will include, at a minimum: unique identifiers instead of the names of complainants and respondents (*i.e.*, "Student 1," "Student 2," etc.); the conduct alleged; information about the individual(s) who received and processed the complaints; interim measures provided, if any; the status of the file at the time of submission to OCR, *e.g.*, the investigation is ongoing, the investigation is suspended due to a request from law enforcement, or the College is assessing discipline to be imposed; the outcome of all completed investigations; and, the outcome of any disciplinary matters related to the investigations or other remedial measures taken.

### **Monitoring: General Principles**

The College understands that by signing this agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the College understands that during the monitoring of this agreement, if necessary, OCR may visit the College, 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 Title IX, at 34 C.F.R. § 106.8(b) . 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, including 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, including 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 be effective immediately upon the signature of the President of the College or her designee.

April 6, 2018

/s/

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Date

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Cristle Collins Judd, Ph.D.  
President  
Sarah Lawrence College