

RESOLUTION AGREEMENT

Ithaca College Case No. 02-18-2335

In order to resolve Case No. 02-18-2335, Ithaca College (the College) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements 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.

Action Item I: Individual Remedies for the Complainant

- A. By November 1, 2019, the College will vacate its findings and investigative report issued on XXXXX XX, XXXX; the determination and suspension issued by the Conduct Review Board on XXX XX, XXXX; and, the determination issued by the Vice President for Student Affairs and Campus Life on XXXX X, XXXX, all related to student A's complaint filed against the complainant on XXXXXXXX XX, XXXX, regarding an incident of alleged sexual misconduct. In addition, the College will expunge from the complainant's transcript, and any other College records, any and all references to the suspension related to student A's complaint filed against the complainant on XXXXXXXX XX, XXXX.
- B. By November 1, 2019, the College will refund all monies that the complainant paid to the College for housing during the summer of 2018.
- C. By November 1, 2019, the College will extend to the complainant a written offer for immediate readmission. The College will provide the complainant with a minimum of 30 calendar days to respond to the offer.
- D. By November 1, 2019, the College will extend to the complainant, and to student A, written offers to provide, within 30 calendar days, any additional information, including written statements for him/herself and/or any witnesses relevant to student A's complaint.¹
- E. By December 15, 2019, the College will re-adjudicate student A's complaint against the complainant. The College shall ensure that any College staff assigned to participate in any stage of the re-adjudication of student A's complaint have not previously participated in any stage of the College's initial adjudication of student A's complaint. The College shall not consider the investigative report, dated XXXXX XX, XXXX, that was prepared in the initial adjudication of student A's complaint. During the re-adjudication of student A's complaint against the complainant, the College may consider the text messages that the parties submitted during the initial adjudication and provide the option to both students as to whether their own written statements from the initial adjudication will be resubmitted to the College for consideration; however the College will redact any references to the initial adjudication within these statements. The College will ensure that any other documents from the initial adjudication and subsequent appeals, or any portions of documents containing references

¹ If either the complainant and/or student A fails to respond or indicates an unwillingness to proceed with further investigation, the College will note this information in its reporting requirement.

thereto, are excluded from the re-adjudication of student A's complaint against the complainant. In accordance with Title IX, the College will determine whether the complainant was responsible for the alleged misconduct; and, provide written notification of this determination to both the complainant and student A. The written notification shall include the basis for the findings and any sanctions, as well as information about the parties' rights to appeal.

Reporting Requirements:

- 1) By December 1, 2019, the College will provide to OCR documentation of the College's expungement of the complainant's records and refund of his housing costs; a copy of the written offer to the complainant for readmission; a copy of the written offers to the complainant and student A to submit additional information regarding student A's complaint; and, a copy of the complainant's and student A's response(s), if any.
- 2) Within five days of the College's reaching a determination regarding the re-adjudication of student A's complaint against the complainant, the College shall provide to OCR a copy of its written determination; proof that notice of the outcome was provided to the complainant and student A; and, a copy of all documents and evidence received in the re-adjudication of student A's complaint.
- 3) If either party appeals the College's determination(s), the College shall notify OCR in writing, within five days of receiving such appeal(s), that it has received such appeal(s).
- 4) Within five days of the College's determination regarding any appeal filed, as described in (3) above, the College will provide to OCR a copy of the College's determination; proof that notice of the outcome was provided to the complainant and student A; and, a copy of all documents and evidence the College received. For any appeal, the College's written notification to each party shall include the basis for the findings and any sanctions, as well as information about the parties' rights to appeal, as appropriate.

Action Item II: Assurances, Training and Reporting on Complaint Investigations

The College will ensure that its Title IX Coordinator, Office of Public Safety staff, and any other College employees or third parties directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of sexual harassment and/or discrimination, including sexual assault/violence, treats equitably the parties to such complaints, including ensuring that any process the University affords to one party during the investigative and/or hearing phase(s) is afforded to the other party.

The College will ensure that when it opens an investigation into possible violation(s) of Title IX that may result in disciplinary action against a responding party, the College will provide written notice to the responding party of the allegation(s). The written notice must include sufficient details and provide the responding party with sufficient time to prepare a response in advance of any interview or hearing. Sufficient details include the identities of the parties involved, the

specific section of the code of conduct allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident(s).

To that end, by January 31, 2020, the College will provide training to the Title IX Coordinator, Office of Public Safety staff, and any other College employees directly involved in processing, investigating, adjudicating and/or resolving complaints of sexual harassment. The training will include instruction on the College’s Title IX obligations, including providing written notice to the responding party of the allegation(s); conducting adequate, reliable, and impartial investigations; and, ensuring that each party is treated equitably during all stages of the complaint process.

Reporting Requirements:

- 1) By February 15, 2020, the College will provide documentation to OCR demonstrating that it provided training in accordance with Action Item II above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s), the date(s) and time(s) of the training(s), the names and positions/titles of staff in attendance, confirmation of whether all relevant employees have been trained (and if not, how many remain), and copies of any training materials distributed.
- 2) By June 30, 2020, the College will provide to OCR copies of all completed Title IX complaint files for academic year 2019-2020, including, but not limited to copies of the formal complaints; written notices provided to the responding parties of the allegation(s) constituting a potential violation of the College’s sexual misconduct policy; and, all investigative reports, final reports, and written determinations issued by the College.

The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the College understands that during the monitoring of the resolution 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 the resolution agreement. Upon the College’s satisfaction of the commitments made under the resolution agreement, OCR will close this case.

The College understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will 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.

10/4/2019
Date

/s/ _____
Shirley Collado
President
Ithaca College