

Resolution Agreement
New River Community and Technical College
OCR Docket Number 03152058

In order to resolve the compliance concerns identified in the investigation of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulation, at 34 C.F.R. Part 106, the New River Community and Technical College (the College) commits to implement the provisions set forth in this Resolution Agreement (the Agreement).

ACTION STEPS

Sexual Discrimination/Sexual Harassment Grievance Procedures

1. By July 31, 2015, the College will submit to OCR for its review and approval draft Title IX grievance procedures to address complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence), as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b).

The College will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sex discrimination and will include, at a minimum, the following:

- a. notice to students and employees of the grievance procedures, including where complaints may be filed;
- b. application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination or sexual harassment (including sexual violence) carried out by employees, other students, or third parties;
- c. provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
- d. designated and reasonably prompt time frames for the major stages of the complaint process;
- e. written notice to the complainant and alleged perpetrator of the outcome of the complaint;
- f. assurance that the College will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, if appropriate;
- g. a statement of the College's jurisdiction over Title IX complaints;
- h. adequate definitions of sexual harassment (which includes sexual violence) and an explanation as to when such conduct creates a hostile environment;

- i. reporting policies and protocols, including provisions for confidential reporting;
- j. identification of the employee or employees responsible for evaluating requests for confidentiality;
- k. notice that Title IX prohibits retaliation;
- l. notice of a student’s right to file a criminal complaint and a Title IX complaint simultaneously;
- m. notice of available interim measures that may be taken to protect the student in the educational setting;
- n. a statement that preponderance of the evidence (i.e., more likely than not that sexual violence occurred) will be the standard used in investigating a complaint;
- o. notice of potential remedies for students;
- p. notice of potential sanctions against perpetrators; and
- q. sources of counseling, advocacy, and support.

Recognizing that Title IX does not require a separate sexual harassment complaint procedure, the College assures OCR that if it chooses to maintain a separate sexual harassment complaint procedure, it will comply with the requirements outlined above.

Reporting Requirement: By July 31, 2015 the College will submit to OCR for its review and comment its Title IX grievance procedures referenced in Action Step 1.

2. Within 60 calendar days of written notification from OCR that the grievance procedures developed in accordance with Action Step 1 are consistent with the Title IX requirements, the College will adopt and implement the procedures and will provide all students and employees with written notice of the new grievance procedures together with information on how to obtain a copy of the grievance procedures. The College, at a minimum, will make this notification through the College’s website, electronic mail messages to employees 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.

Reporting Requirement: Within 90 calendar days after OCR’s approval of the Title IX procedures referenced in Action Step 1, the College will provide OCR with documentation that it has implemented Action Step 2 above, including copies of the written notices issued to all students and employees regarding the new Title IX procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; regularly issued newsletters (in print or online) and a link to its webpage where the revised Title IX procedures are located.

Title IX Coordinator

3. Within 30 calendar days from the date of this Agreement, the College will ensure that it has designated one employee to coordinate the College’s efforts to comply with Title IX, who will be titled “Title IX Coordinator,” and will publish this individual’s name or title, office address, and telephone number consistent with the requirements of Title IX at 34 C.F.R. § 106.8(a). Inserts may be used pending reprinting of the publications. If the College chooses to designate one or more persons to assist the Title IX Coordinator, its publications will make clear the scope of each person’s responsibilities (e.g., who will handle complaints by students, employees, and faculty) and will designate the College’s Title IX Coordinator to have ultimate oversight responsibility with regard to Title IX matters. Additionally, the College will publish a notice of nondiscrimination with the Title IX Coordinator’s information consistent with the requirements of Title IX at 34 C.F.R. § 106.9.

Reporting Requirement: By July 31, 2015, the College will provide to OCR a copy of the College’s notice of non-discrimination which includes the contact information for the Title IX Coordinator, as well as copies or links to the College’s publications which contain information regarding the Title IX Coordinator and any individuals designated to assist the Title IX Coordinator in accordance with Action Step 3.

Training for the Title IX Coordinator and College Personnel

4. By October 31, 2015, the College will develop and/or schedule Title IX training for its Title IX Coordinator, any other coordinators, and any other College personnel who are directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual and/or gender-based harassment, sexual assault, or sexual violence) or who otherwise coordinate the College’s compliance with Title IX. The training will:
 - a. cover the College’s new grievance procedures for Title IX complaints;
 - b. provide attendees with instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title IX, as well as sex discrimination, including sexual harassment/assault and violence;
 - c. review the College’s responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature and to ensure that victims of sexual offenses that are criminal in nature are aware of the College’s Title IX obligations and its Title IX grievance procedures; and
 - d. instruct 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 (which differ from a criminal investigation).

Reporting Requirements: By November 30, 2015, the College will provide OCR with documentation that it has conducted the training required by Action Step 5, including the following information: 1) the date the training was conducted; 2) the name(s) of the individual(s) who conducted the training; 3) the topics addressed during the training; 4) copies of any written materials (i.e., slides, handouts) used or distributed during the training; and 5) a list of all College staff who attended the training. The College will also provide verification that any materials used during these training sessions were disseminated to any individuals covered by Action Step 5 who were unable to attend the training session(s), including the names and titles of the individuals who received the information.

The College understands that OCR will not close the monitoring until it determines that the College has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§ 106.8 and 106.9, which was at issue in this complaint.

The College understands that by signing this Agreement, it agrees to shall provide data and other 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, 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 complied with the terms of this Agreement and the regulations implementing Title IX, at 34 C.F.R. §§ 106.8 and 106.9, which was at issue in this complaint.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

6/22/15

President/Designee
New River Community and Technical College

Date