RESOLUTION AGREEMENT
Lafayette College
OCR Complaint No. 03-24-2029

Lafayette College (the College) enters into this Resolution Agreement (Agreement) pursuant to Section 302 of OCR’s Case Processing Manual prior to the conclusion of OCR’s investigation. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the College. The College assures OCR that it will take the following actions to resolve this complaint and to ensure compliance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin, including shared ancestry or ethnic characteristics, by recipients of Federal financial assistance.

Action Item I – Review of Policies and Procedures

The College will review its policies and procedures to ensure that they adequately address the Title VI prohibition on discrimination based on race, color, and national origin, including discrimination based on a student’s actual or perceived shared ancestry or ethnic characteristics. During its review, the College will identify the relevant policies and procedures currently in effect to ensure that they consistently provide that the College must assess whether incidents of reported shared ancestry discrimination or harassment have created a hostile environment, even where the conduct may have taken place off campus or on social media.

The College will ensure its Policies and Procedures include the following provisions:

1. A statement setting forth the College’s commitment to having an environment free from discrimination, including harassment, on the basis of national origin, including shared ancestry or ethnic characteristics, and a commitment to take appropriate action to address and ameliorate such discrimination, including when it involves recognized student organizations or social media postings.
2. A statement clarifying that the College’s prohibition of, and commitment to having an environment free from, discrimination, including harassment, on the basis of national origin, including shared ancestry or ethnic characteristics, extends to the College’s programs and activities, including all academic, extra-curricular and College-sponsored activities.
3. A description of examples of shared ancestry discrimination that can manifest in the College environment including but not limited to racial, ethnic, or ancestral slurs or stereotypes; how an individual looks, including skin color, physical features, or style of dress that reflects ethnic traditions; a foreign accent, a foreign name, including names commonly associated with particular shared ancestry or ethnic characteristics; or speaking a foreign language.
4. A statement that the College must assess whether each reported incident has created a hostile environment, whether or not the conduct alleged occurred off campus or on social media.
5. A description of the steps the College will take in response to the alleged discrimination, including harassment, even where discipline may not be appropriate.
6. The name or title, office and email address, and telephone number for the College employee(s) responsible for receiving and investigating reports of discrimination and retaliation.
7. Description of the procedures that will be used to receive, investigate, and resolve complaints, including how to file complaints, the availability of supportive measures, the steps that will be taken as part of the complaint investigation, and notice of the outcome to the complaint, if the complaint is not anonymous. The description of the procedures include the following:
   a. A requirement for documented interviews, if warranted, with individuals who have information about the complaint, including but not limited to, the complainant – if known, the person accused of discrimination, witnesses, and anyone mentioned as having relevant information.
   b. Review of any records, notes, statements, or other documents related to the complaint.
   c. Notice of the outcome of the complaint following its investigation, if the complainant is known and not anonymous.
   d. An expressed commitment that after a finding of discrimination, the College will take appropriate remedial action to eliminate the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant and any other affected individuals.

8. A statement that retaliation is prohibited against persons who report discrimination or participate in related proceedings and how to report retaliation.

**Reporting Requirements:**

a) Within 90 calendar days of the signing of this Agreement, the College will submit to OCR, for review and approval, copies of its Antiharassment Policies and Procedures drafted and/or revised in accordance with Action Item I above.

b) Within 30 calendar days of OCR’s approval of the revised Antiharassment Policies and Procedures, the College will provide documentation to OCR demonstrating that it adopted the revised Antiharassment Policies and Procedures and disseminated the Antiharassment Policies and Procedures to College students and employees through its website, as well as by any other means the College deems effective to ensure that the information is widely disseminated.

**Action Item II – Annual Investigator Training**

By December 17, 2024, the College will provide annual training to all employees and staff responsible for investigating complaints and other reports of discrimination, including harassment, based on shared ancestry or ethnic characteristics (which includes antisemitism) to ensure the investigators know how to identify relevant witnesses to interview and how to conduct interviews about such harassment. The training will also be provided to all staff involved in responding to reports of race, color and national origin discrimination and harassment, including all members of the College’s Bias Support Team. The training will address:

1. The College’s obligations under Title VI to respond to alleged discrimination, including harassment based on shared ancestry;
2. The College’s obligations to assess whether alleged conduct reported creates a hostile environment on the basis of shared ancestry;
3. Examples of the type of harassment conduct and behavior that is covered by the College’s Antiharassment Policies and Procedures;
4. A review of the College’s Antiharassment Policies and Procedures that focus on the investigation of complaints of discrimination, including harassment, based on national origin/shared ancestry, including instructions on how to conduct and document thorough and impartial investigations of alleged discrimination, including harassment, based on shared ancestry;

5. A description of the steps the College will take, if warranted, in response to the alleged discrimination, including harassment, such as the offer of support for students who are subjected to harassment, the alleged harasser, where appropriate, and remedial measures to ensure that any hostile environment created by the harassment is eliminated;

6. A description of the steps the College will take, if warranted, in response to the alleged discrimination, including harassment, even where discipline may not be appropriate; and

7. How to identify possible indications that a complainant or other witness may be experiencing retaliation and how to respond.

Reporting Requirements:

a) By December 30, 2024, the College will provide documentation to OCR demonstrating that it provided training in accordance with Action Item II above, including the date(s) of the training; the name(s) and credentials of the trainer(s); copies of any training materials distributed; the agenda and/or a short summary of the material covered; and a list of attendees, by name and title.

b) Within 30 calendar days of completing the training required by Action Item II above, the College will survey all staff that attended the training to assess whether the staff attending the training viewed it as effective.

c) Within 30 calendar days of disseminating the survey, the College will provide OCR with the survey results regarding the effectiveness of the training and a summary of the steps that the College plans to take, if any, to address the survey results.

Action Item III – Staff and Student Training

By December 17, 2024, the College will provide training to all staff and students addressing discrimination based on race, color and national origin, including harassment based on shared ancestry and ethnic characteristics. The training will address, at a minimum:

1. An explanation that harassment is prohibited pursuant to College policies and procedures;
2. Examples of the type of harassing conduct and behavior that is covered by the policy, including examples of harassment based on shared ancestry and ethnic characteristics;
3. An explanation that the College’s policies and procedures may address harassment that occurs off campus or on social media, and examples of where such conduct may rise to the level of a hostile environment;
4. An explanation that staff and students who are aware of harassment should promptly report the harassment to the College using the College’s reporting process;
5. Examples of the type of harassment conduct and behavior that is covered by the College’s Antiharassment Policies and Procedures;
6. A description of the steps the College will take, if warranted, in response to the alleged discrimination, including harassment, even where discipline may not be appropriate; and
7. Notice of how to access the College’s Antiharassment Policies and Procedures.

Reporting Requirements:

By December 30, 2024, the College will provide documentation to OCR demonstrating that it provided training in accordance with Action Item III above, including the date(s) of the training; the name(s) and credentials of the trainer(s); copies of any training materials distributed; the agenda and/or a short summary of the material covered; and a list of attendees, by name and title.

Action Item IV – File Reviews

A. By October 1, 2024, the College will review its response to each report of discrimination and/or harassment on the basis of shared ancestry for the 2023-2024 school year, to ensure that the College made a determination regarding whether the alleged conduct created a hostile environment, even where the conduct occurred off campus or on social media. If the College’s review reveals that it did not complete a determination for any of the reports made during the 2023-2024 school year, the College will promptly make a determination regarding whether the alleged conduct created a hostile environment, and will provide the parties with notice of its determination. For each incident, the College will make a legal determination of whether the alleged conduct was unwelcome based on the totality of the circumstances, both subjectively and objectively offensive, and so severe or pervasive that it limited or denied a student’s ability to participate in or benefit from the College’s program or activity.

B. By June 15, 2025 and June 15, 2026, the College will provide OCR with a file of the College’s response to all complaints and oral reports alleging discrimination, including harassment, on the basis of shared ancestry, during the preceding academic year. At a minimum, the spreadsheet will include separate fields for:

1. The date(s) of receipt of the written complaint or oral report;
2. The name of the person who provided notice to the College (“the reporter”);
3. The status of the reporter (e.g., professor, student, friend);
4. The name of the individual who was allegedly discriminated against/harassment (“the complainant”);
5. The status of the complainant (e.g., student, professor, parent, advocate);
6. The name(s) of the individual(s) who allegedly engaged in discrimination and/or harassment (“the respondent(s)”);
7. The status of the respondent (e.g., student, professor, staff member), including if applicable, the respondent’s job title (if an employee);
8. The nature of the alleged harassment (e.g., verbal harassment by students using antisemitic slurs);
9. The date(s) of the alleged harassment;
10. The location(s) of the alleged harassment (e.g., school name, in a particular class, in the library);
11. The names of any witnesses;
12. The name(s) and job title(s) of the individual(s) who received and processed the complaint or oral report;
13. The date the investigation commenced;
14. Any supportive measures offered to the complainant, respondent, and/or other person;
15. The status of the investigation of the complaint or oral report (e.g., completed, ongoing);
16. The outcome of all completed investigations (e.g., the determination regarding whether or not discrimination, including harassment, on the basis of national origin, including shared ancestry, took place; and if so, whether the harassment created a hostile environment);
17. A description of the disciplinary sanctions imposed, if any, and the date imposed;
18. A description of the remedial measures taken, including the remedies offered and provided to the complainant and/or other individual(s);
19. A description of any steps the College took to eliminate and/or prevent the recurrence of a hostile environment created by the incident;
20. The date(s) the College provided written notice of the outcome of the investigation to the parties;
21. The date of any appeal; and
22. The outcome of any appeal.

C. Upon request, the College will provide to OCR within 15 calendar days a copy of the complete investigative file(s), including applicable College records, student disciplinary records, employee disciplinary records, and human resources/personnel files. The data will be produced electronically in a mutually agreed format and will be organized and labeled as individual files, with all relevant documents for an incident.

**Reporting Requirements:**

a) By October 1, 2024, the College will provide to OCR documentation of its review pursuant to Action Item IV.A, including a description of the information relied upon in making its determination, a summary of its determination and, if applicable, a copy of the notice provided to the parties regarding its determination.

b) By June 15, 2025 and June 15, 2026, the College will provide to OCR a copy of the electronic sortable spreadsheet and accompanying documentation as required by Action Item IV.B and C. The College will promptly address OCR’s feedback, if any, until the College receives notice from OCR that no further reporting is required.

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 Agreement. Further, the College understands that during the monitoring of the Agreement, if necessary, OCR may visit the College after contacting the College to determine a mutually convenient time, 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 Agreement. The College understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the College is in compliance with the terms of this Agreement and Title VI and its implementing regulation at 34 C.F.R. Part 100, which were at issue in this complaint.
The College understands that OCR may initiate administrative enforcement proceedings or refer the complaint to the U.S. Department of Justice for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the College written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement is effective immediately upon the signature of the College’s representative below.

June 20, 2024 /s/ ____________________________
Date College designee
Lafayette College