



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

Resolution Agreement
Northwest Florida State College
OCR Docket Number 04-13-2133

The Northwest Florida State College (College) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to voluntarily resolve the above-referenced complaint and to ensure compliance with 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. Accordingly, to ensure compliance with Title IX and to resolve the issue of this investigation, the College voluntarily agrees to take the following actions:

I. Student Focused Remedies

- A. **By May 1, 2014**, the College agrees to provide OCR with a letter of assurance that the Student, who reenrolled in January 2014, will be permitted to complete the second and third semesters given the Student satisfactorily completes the requirements of each course of the EMS Program and Clinicals, beginning with the Spring 2014 cohort and continuing through the Summer 2014 with graduation expected in August 2014. The letter will offer the Student any academic/clinical support she needs between the date of this Agreement and August 2014, to enable her to make a smooth transition back to the EMS program with the new cohort.

REPORTING REQUIREMENT:

By May 1, 2014, the College will provide OCR with the letter of assurance as set forth above.

By May 1, 2014, and **July 1, 2014**, as applicable, the College will provide OCR with a report of the support services provided to the Complainant, if any, to enable her to transition back into the EMS Program and Clinicals with the new cohort.

II. Adoption of Grievance Procedures for Complaints of Discrimination and Harassment on the Basis of Sex

- A. **By August 1, 2014**, the College will develop and submit to OCR for review and approval, revised grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Title IX, in accordance with 34 C.F.R. §106.8(b).¹ The College's Title IX grievance procedure should include the following:

¹ Please note that the College is also required to have grievance procedures pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, at 34 C.F.R. §104.7(b); Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§12131 *et seq.*
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- a. Notice to students and employees of the procedures, including how and where to file a complaint;
- b. Application of the procedures to complaints alleging discrimination and harassment on all protected bases carried out by employees, students, or third parties;
- c. Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
- d. Designated and reasonably prompt timeframes for the major stages of the complaint process and appeal(s);
- e. Notice to the parties in writing of the outcome of the complaint and the basis for the decision;
- f. Assurance that the College will take steps to prevent the recurrence of any discrimination and harassment and to correct its discriminatory effects on the complainant and others, if appropriate;
- g. Prohibition against retaliation; and,
- h. A description of the role of the Title IX coordinator, who is responsible for carrying out the College's responsibilities to comply with Title IX, and contact information for that person, including his or her name or title, address, and telephone number

REPORTING REQUIREMENTS:

- A. **By September 1, 2014**, the College will submit to OCR for its review and approval, the grievance procedures revised in accordance with the above paragraph. If the College elects pursuant to **Footnote #1** to have one set of grievance procedures to address all complaints of discrimination and harassment, the College will submit to OCR for its review and approval, grievance procedures that will address complaints of discrimination and harassment on the basis of race, color, national origin, sex, disability and age.
- B. **By September 1, 2014**, or within 60 days after receiving written notification from OCR, whichever is later, that the grievance procedures, as revised in accordance with Item A are approved, the College will:
 1. Adopt and implement the revised procedures to ensure the prompt and equitable resolution of complaints alleging discrimination and harassment;
 2. Make appropriate revisions to the student, faculty, and staff handbooks, the College's website, and/or any other place where the College publishes its grievance procedures;
 3. Provide written notice of the revised grievance procedures to students, faculty, and staff by posting it on the College's website, by providing written notice in all regularly issued College newsletters and other publications, and by any other effective means the College elects.
 4. The College will submit to OCR information documenting the College's implementation of Item B. 1-3 above. Such documentation should include, but will not necessarily be limited to, a copy of the notification placed on the College's website along with the web address for the notification; a copy of the student and staff handbook revisions or inserts; and a list of every location where the College publishes its grievance procedures.

III. Training of College Staff

seq., at 28 C.F.R. §35.107; and The Age Discrimination Act of 1975, 42 U.S.C. §§6101 *et seq.*, at 34 C.F.R. §110.25(c), which prohibit discrimination on the basis of disability and age respectively. The College may, but is not required to, develop one set of grievance procedures that are applicable to all complaints of discrimination and harassment on a prohibited basis – race, color, national origin, sex, disability and age.

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A. **By December 1, 2014**, the College will conduct training for its administrators, faculty and staff on 34 C.F.R. §106.40(b), and Title IX's prohibition on discrimination on the basis of XXXXXXXX and the revised grievance procedures. Thereafter, the College will ensure that all College staff receives this training annually and all new College staff receives this training within 30 days of the commencement of their employment with the College.

REPORTING REQUIREMENT: By December 31, 2014, the College will provide documentation to OCR demonstrating that the College has initiated training pursuant this item of the Agreement. The documentation shall include: (1) the date of the training session; (2) a sign in log with the names and titles of College employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of Title IX; and (4) a copy of the agenda and the training materials disseminated.

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 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 the regulation implementing Title IX at 34 C.F.R. § 106.31(a), (b)(1)(i)-(iv), 106.40(a) and (b)(1) – (5).

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with Title IX implementing regulation at 34 C.F.R. § 106.31(a), (b)(1)(i)-(iv), 106.40(a) and (b)(1) – (5).

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.

This Agreement will become effective immediately upon the signature of the College's representative below.

President or designee

Date