

## **Resolution Agreement #05-14-6001 Ivy Tech Community College**

Ivy Tech Community College (College) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve compliance review #05-14-6001, pertaining to the College's science, technology, engineering, and mathematics (STEM) programs. The College submits this Agreement to ensure its compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination based upon sex in any education program or activity receiving Federal financial assistance. Before the conclusion of OCR's investigation, the College expressed an interest in resolving the compliance review; accordingly, the College agrees to take the actions set forth below:

### **STEM PROGRAMS**

1. By **November 15, 2016**, the College will establish a STEM Committee that includes the Title IX Coordinator, College administrators, academic advisors, STEM and non-STEM faculty, and STEM and non-STEM students. The purpose of the Committee will be to review, assess, and make recommendations relating to the recruitment, enrollment, and retention of female students in the College's STEM courses and programs to ensure that all students are provided with equal access to and an equal opportunity to participate in the College's STEM courses and programs. The Title IX Coordinator will coordinate the STEM Committee's meetings and works.

**REPORTING REQUIREMENT:** By **November 15, 2016**, the College will submit to OCR a list of individuals in the STEM Committee with a schedule of the STEM Committee's proposed meetings.

2. By **February 15, 2017**, the STEM Committee will complete a review and assessment. As part of its review and assessment, the STEM Committee, or a subcommittee thereof, will, at a minimum:
  - a. review the College's recruitment and outreach efforts at the Central Office and each campus;
  - b. review the College's enrollment data, retention data, and graduation data by sex, in its STEM courses and programs at each campus to determine the extent to which female students continue to be enrolled, retained and graduate from STEM courses at lower rates as compared their overall enrollment at the College and determine the cause(s) of any identified disproportionalities;
  - c. review the College's data on transfers to four-year institutions and job placement data, by sex, for students enrolled in STEM courses and programs at each campus;
  - d. review the College's advising department at the Central Office and each campus;
  - e. review the number and types of STEM courses and programs at the Central Office and each campus;

- f. review any sex discrimination and sexual harassment<sup>1</sup> complaints by current or former STEM students to determine whether the actions alleged contributed to an attrition in STEM programs;
- g. consult individually or in focus groups with female students who have dropped STEM programs at the College;
- h. conduct climate surveys of students enrolled at the College and analyze the survey results;
- i. consult with experts within the College and other colleges concerning effective methods or models of best practices for increasing and maintaining female student enrollment in STEM courses and programs;
- j. review research and, as appropriate, consult with experts regarding increasing and maintaining female student enrollment in STEM courses and programs; and
- k. review and assess any other potential barriers to increased participation in the College's STEM courses and programs.

**REPORTING REQUIREMENT:** By **December 15, 2016**, the College will submit to OCR for review and approval a copy of its proposed climate survey(s) and the survey administration protocols pursuant to Item #2(h). Within 10 calendar days of OCR approval, the College will administer the student survey(s). By **February 15, 2017**, the College will submit documentation to OCR summarizing the STEM Committee's review and assessment of the recruitment, enrollment, and retention of female students in the College's STEM courses and programs.

3. Based upon the STEM Committee's review and assessment pursuant to Item #2, the STEM Committee will undertake actions to ensure that all qualified students are provided with equal access to and an equal opportunity to participate in the College's STEM courses and programs. Recommended actions may include, but are not limited to:
  - i. publishing a STEM website that includes the location of the College's STEM programs and the enrollment process for the STEM programs, along with information about mentorships, available adjustments to or assistance with prerequisite courses offered by the College to engender STEM enrollment, and STEM career benefits to students enrolling in such programs;
  - ii. adopting and expanding outreach and peer presentation programs to engage K-12 students throughout the state in STEM programs;
  - iii. aligning STEM programs between high schools, the College, and state colleges and universities by offering, among other actions and enhanced advising;
  - iv. developing programs and opportunities at all levels for female students with an interest in STEM, including academic counseling, tutoring, modifications or other interventions that allow students to succeed in high-level, rigorous and appropriate STEM programs; and where possible, assistance in finding programs to address financial and other considerations (work, transportation,

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<sup>1</sup> For purposes of this agreement, sexual harassment refers to gender-based harassment, sexual violence, and all other forms of harassment prohibited by Title IX.

- affordable child care, etc.), including adding paid internships and co-op placements, to the extent these considerations prevent or discourage students from participating in STEM programs;
- v. partnering with experts in academia and businesses in the state to offer mentoring programs for students with demonstrated interest in STEM;
  - vi. clarifying enrollment criteria and prerequisites as appropriate with a focus on ensuring equal access and an equal opportunity for students to participate by ensuring they are not an unnecessary barrier to STEM enrollment;
  - vii. providing ongoing training to STEM instructors on practices to ensure that all students feel welcome in their classes; and
  - viii. taking other steps as necessary to address any identified disproportionalities in enrollment, retention, and graduation of female students in STEM programs.

**REPORTING REQUIREMENT:** By **June 15, 2017**, the College will submit to OCR the STEM Committee’s recommended actions. For each recommended action, the College will submit a timeline for the implementation of the recommendation. By **September 15, 2017, and September 14, 2018**, the College will submit documentation to OCR concerning its implementation of each recommended action for that academic year, along with information about the success of each recommendation, and new recommendations based on the College’s experiences.

4. By **February 15, 2017**, the College will develop a plan to improve the academic advising (Academic Advising Plan) provided to students to ensure that students receive complete and accurate information regarding the College’s STEM courses and programs. The Academic Advising Plan will ensure that advisors inform students of available STEM courses and programs do not counsel or steer qualified, interested students away from STEM programs; encourage each student to meaningfully consider enrollment in the courses or programs that are most likely to meet their educational needs and objectives; advise interested students about the significance of STEM courses and programs to employers and colleges in the subsequent 4-year college or College admissions process; and encourage students to enroll in programs or remedial courses that prepare students for STEM careers. The Academic Advising Plan should include resources for counselors to refer students when appropriate to study skills classes, executive functioning seminars, time management workshops study groups, tutors, and mentors.

**REPORTING REQUIREMENT:** By **February 15, 2017**, the College will submit to OCR for its review and approval a copy of the Academic Advising Plan referenced in this Item to be implemented by the fall 2017 semester. By **September 15, 2017 and September 14, 2018**, the College will submit documentation to OCR concerning its implementation of the Academic Advising Plan for that academic year, along with information about the success of the Academic Advising Plan, and new recommendations based on the College’s experiences

5. By **June 15, 2017**, the College will develop a monitoring program to assess the effectiveness of its efforts to increase female enrollment and retention in the College’s STEM courses and programs. In that connection, the STEM Committee will meet to consider and address in subsequent reports submitted to OCR, continued as well as new ways to measure and

evaluate the impact of the action(s) the College has taken, including measuring and evaluating the effectiveness of strategies and policy changes implemented by this Agreement. Beginning with the 2016-2017 academic year, the College will assess the effectiveness of its efforts to increase female participation and retention in STEM courses and programs. Such monitoring shall include a review of the College's enrollment data at each location, and retention data for its STEM courses and programs and consultation with the STEM Committee.

**REPORTING REQUIREMENT:** By **June 15, 2017**, the College will provide OCR for review and approval a description of the monitoring program. By **September 15, 2017, and September 14, 2018**, the College will provide OCR with reports of the Committee with subsequent changes made and the results of its actions to date, along with data showing the overall enrollment, by sex, at each College campus and the enrollment, attrition and graduation data, by sex, in each STEM program and course at each campus during the just completed academic year.

### **TITLE IX COORDINATOR(S)**

5. By **September 15, 2016**, the College will develop and provide to OCR for review and approval a job description for the Title IX Coordinator(s) that ensures that the Title IX Coordinator's role and responsibilities are consistent with Title IX. The job description will include, at a minimum, that:
  - a. The Title IX Coordinator's primary responsibilities are to coordinate the College's compliance with Title IX, including the College's grievance procedures for resolving Title IX Complaints, and to coordinate the College's responses to all complaints involving possible sex discrimination, including monitoring outcomes, identifying and addressing any patterns of sex discrimination, and assessing effects on the campus climate; and
  - b. The Title IX Coordinator must be appropriately trained and possess comprehensive knowledge and authority in all areas over which he or she has responsibility in order to effectively carry out those responsibilities, including the College's Title IX policy and procedures and all complaints raising Title IX issues throughout the College.

**REPORTING REQUIREMENT:** By **September 15, 2016**, the College will submit to OCR the job description. Within 10 calendar days of OCR's approval of the job description, the College will submit the name and credentials of the individual it proposes to designate as its new Title IX Coordinator, including a description of the training that individual has received to carry out his or her duties and responsibilities under Title IX and a description of other duties and titles held by the proposed individual. Within 10 calendar days of OCR's approval of the College's designated Title IX Coordinator, the College will provide documentation to OCR that it has provided the required notice to students and employees of the Title IX Coordinator's name or title, office address, email address, and telephone number. By **September 15, 2017 and September 14, 2018**, the College will submit to OCR a description

of all ongoing training the Title IX Coordinator receives to ensure that individual continues to carry out his or her duties and responsibilities under Title IX.

### **NON-DISCRIMINATION NOTICE**

6. By **December 15, 2016**, the College will develop and provide to OCR for review and approval a proposed notice of non-discrimination. The notice will inform applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the College that the College does not discriminate on the basis of sex, including sexual harassment, in the educational program or activity which it operates, and that it is required by Title IX not to discriminate in such a manner. The notice must include that inquiries concerning the application of Title IX and its implementing regulation may be referred to the Title IX Coordinator or to OCR. Within 30 calendar days of OCR's approval of the notice, the College will post the notice on its website. Thereafter, the College will include this notice in all relevant publications provided to applicants for admission and employment, students and parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the College.

**REPORTING REQUIREMENT:** By **December 15, 2016**, the College will submit to OCR the proposed notice. Within 30 calendar days of OCR's approval of the notice, the College will submit documentation to OCR that the statement referenced has been published on the College's website. By **September 15, 2017, and September 14, 2018**, the College will provide to OCR samples of publications to demonstrate that it has notified applicants for admission and employment, students and parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the College that the College does not discriminate on the basis of sex in the educational program or activity which it operates, and that it is required by Title IX not to discriminate in such a manner.

### **REVIEW OF TITLE IX POLICIES AND PROCEDURES**

7. By **December 15, 2016**, the College will review and revise, as necessary, its written policies and procedures (Title IX Policies and Procedures) to ensure that they provide for the prompt and equitable resolution of complaints alleging any actions that would be prohibited by Title IX, including alleged incidents of sexual harassment and/or discrimination in the provision of STEM opportunities. The College will ensure that the Title IX Policies and Procedures include, at a minimum, the following:
  - a. a statement that the procedures apply to complaints alleging discrimination or sexual harassment carried out by employees, others students, and third parties;
  - b. the steps the College will take to conduct adequate, reliable and impartial investigations of reported incidents, including an equal opportunity to access and present evidence;

- c. the name or title, office address, telephone number, and email address for the Title IX Coordinator;
- d. a description of the formal complaint procedures, including a complaint form, designated and reasonably prompt timeframes for major stages of the investigation, and the process for extending timeframes;
- e. a requirement that written notice of the outcome be provided to the parties;
- f. an assurance that the College will take action to stop the discrimination/harassment, remedy the discrimination/harassment, and prevent recurrence on the complainant and others, if appropriate;
- g. an explanation of the interim measures that can be taken by the College before the final outcome of the investigation (e.g., a no contact order; changes to academic situations as appropriate with minimum burden on the complaining student; counseling; health and mental services; and academic support) to respond to allegations of sexual harassment;
- h. a prohibition of retaliation against persons who report sex discrimination, including sexual harassment, or participate in related proceedings, and discipline of individuals who engage in retaliation;
- i. a requirement that designated employee(s) at each College campus document all reports of incidents of sex discrimination, including sexual harassment, provide copies of such reports to the Title IX Coordinator, and that the College establish a protocol for recordkeeping of such incidents; and
- j. provide for adequate training for the Title IX Coordinator(s) and any investigator or adjudicators on what constitutes discrimination/harassment, and the College's Title IX Policies and Procedures.

**REPORTING REQUIREMENT:** By **December 15, 2016**, the College will submit to OCR for its review and approval its revised Title IX Policies and Procedures referenced in this Item.

- 8. Within 30 calendar days of OCR's approval of the Title IX Policies and Procedures referenced in Item #7, the College will adopt, implement and publish the revised Title IX Policies and Procedures. Publication will include written notice of the Title IX Policies and Procedures to the College community, including students and employees. The College will make this notification available through the College's website, revised student handbooks, and any other additional means of notification the College deems effective to ensure that the information is widely disseminated.

**REPORTING REQUIREMENT:** Within 10 calendar days after the completion of this Item, the College will provide OCR with documentation that it has completed this Item,

including copies of the written notices to students and employees regarding the revised Title IX Policies and Procedures and a description of how the notices were distributed, copies of its revised student handbooks, a link to its webpage where the revised Title IX Policies and Procedures are located, and documentation of any other additional means of notification used by the College.

### **COLLEGE PERSONNEL TITLE IX TRAINING**

9. By **December 15** of each academic year beginning with 2016-2017, the College will require all College administrators and relevant faculty and staff to complete effective training relating to the Title IX Policies and Procedures revised pursuant to Items #7 and #8. At a minimum the training will encompass the following:
  - a) The College will provide a general overview of Title IX, including how the law's nondiscrimination provisions apply to students; an explanation of what constitutes discrimination and sexual harassment; the prohibition against retaliation; the role of the Title IX Coordinator; and the existence of OCR and its authority to enforce Title IX.
  - b) The College will explain its Title IX Policies and Procedures, including the names and contact information for the Title IX Coordinator and any designated staff member(s) to whom students or others may report allegations of sex discrimination or sexual harassment; where to locate the College's Title IX Policies and Procedures on the College's website; and the disciplinary sanctions related to findings of violations of the College's Title IX Policies and Procedures.
  - c) The College will remind all staff of its commitment to having a College environment free from sex discrimination and sexual harassment; explain what they should do if they believe students have been subjected to sex discrimination and/or sexual harassment; and explain their duty to immediately report all allegations of possible discrimination or harassment and of the potential for discipline of employees who fail to report sex discrimination or harassment to the Title IX Coordinator.

**REPORTING REQUIREMENT: By December 15, 2016, and annually thereafter through December 2018**, the College will provide OCR with documentation that it has provided the training referenced in this Item, including 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 certifications, attestations or other documentation showing the names and titles of the College staff who completed the training.

10. By **December 15** of each academic year beginning with 2016-2017, the College will provide effective training to all employees who are directly involved in processing, investigating and/or resolving complaints or other reports of sex discrimination/harassment. The training will review the College policies and procedures referenced in Item #7 of this Agreement and include instructions on how to conduct and document adequate, reliable, and impartial sex

discrimination and harassment investigations, including the appropriate legal standards to apply in such investigations.

**REPORTING REQUIREMENT: By December 15, 2016, and annually thereafter through December 2018**, the College will provide OCR with documentation that it has provided appropriate College staff with the training referenced in this Item, including 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 certifications, attestations or other documentation showing the names and titles of the College staff who completed the training.

### **STUDENT ORIENTATION & TRAINING**

11. By **December 15** of each academic year beginning with 2016-2017, the College will provide effective training during new student online orientation that includes the following components:

- a. The programs will include a review of the College’s Title IX Policies and Procedures, including an explanation of what constitutes sexual harassment; and the disciplinary sanctions related to findings of violations of the College’s Title IX Policies and Procedures.
- b. The programs will provide a description of the Title IX Coordinator for the applicable campus; an explanation of the Title IX Coordinator’s role; the name(s) and contact information for the Title IX Coordinator and any other designated staff member(s) to whom students may report allegations of sex discrimination or sexual harassment.
- c. The College will remind students of its commitment to having a College environment free from all discrimination and harassment, and explain to students what they should do if they believe they or other students have been subjected to discrimination or harassment; and will encourage students to report discrimination or harassment they have experienced or observed.

**REPORTING REQUIREMENT: By December 15, 2016, and annually thereafter through December 2018**, the College will provide OCR with documentation that it has implemented this Item, including copies of any materials that were used or distributed regarding the required topics.

### **MAINTENANCE OF DATA**

12. Effective immediately, the College agrees to maintain documents relating to STEM recruitment, enrollment, attrition and graduation rates, along with information about specific complaints or other reports of sex discrimination, including sexual harassment, of students, including the following:

- a. by campus, the College’s recruitment, enrollment, attrition and graduation data, by sex, each semester in its STEM courses and programs;

- b. by campus, documentation of the College’s STEM recruitment efforts;
- c. by campus, a list of the types of STEM courses and programs and prerequisite courses;
- d. a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of sex discrimination of any kind, with an indication for each of whether it occurred in a STEM course or program;
- e. a narrative of all actions taken in response to the reports of sex discrimination by College personnel, including any written documentation;
- f. a copy of any and all disciplinary sanctions issued to students or employees for violations of the Title IX Policies and Procedures;
- g. documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the accused and/or witnesses of the incident(s), such as counseling or other appropriate services; and
- h. a narrative of all action taken to prevent recurrence of any discrimination/ harassing incident(s), including any written documentation.

**REPORTING REQUIREMENT: By December 15, 2016, and annually thereafter through December 2018**, the College will provide to OCR copies of the documentation referenced in Item #12(a) – (c) and the number of reports contained in Item #12(d), for the just-completed academic year. Upon receipt of this information, OCR will then work with the College to determine how the College will provide access to OCR for the remaining documents maintained through this Item.

The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 fulfilled the terms of this Agreement.

The College understands that the 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 the regulations implementing Title IX, at 34 C.F.R. §§ 106.8, 106.9, 106.21, 106.23, 106.31, and 106.36, which were at issue in this review.

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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the College written notice of the alleged breach and 60 calendar days to cure the alleged breach.

Approved and agreed to on behalf of Ivy Tech Community College.

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President or designee

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Date