

Resolution Agreement #05-17-2066

Goshen College

Goshen College (College) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case #05-17-2066. 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 prohibits discrimination based upon sex in any education program or activity receiving Federal financial assistance.

ANTI-HARASSMENT/VIOLENCE STATEMENT

- 1) By January 31, 2018, the College will develop and provide for OCR's review and approval a statement to all College students and employees that the College does not tolerate harassment on the basis of sex. The statement will define harassment on the basis of sex and will include examples of sexual harassment. The statement will encourage any student who believes he or she has been subjected to sexual harassment to report the incident(s) to the College and will note the College's commitment to conducting a prompt investigation, including the procedures under which students may file a complaint of harassment. The statement will identify the individual(s) responsible for investigating complaints of sexual harassment, will contain time frames for completion of such investigations and notice to complainants, will provide for appropriate disciplinary sanctions of individuals who engage in sexual harassment, and will make clear that such discipline may include, if circumstances warrant, suspension or expulsion of a student and suspension or termination of an employee. The statement will warn that students or employees who retaliate against individuals who report sexual harassment will be promptly disciplined. The statement will include identification of, and the office address, email address, and telephone number of, the individual designated as the College's Title IX Coordinator. The statement will further state that inquiries concerning application of Title IX and its implementing regulation may be referred to the Title IX Coordinator or to OCR. Within 15 days of OCR's approval of the statement, the College will widely publish the statement, including by posting it on the College's website, publishing it in the student handbook, posting it in all College buildings, and by any other means of notification the College deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENTS: By January 31, 2018, the College will submit to OCR for its review and approval the statement it proposes to publish. Within 30 days of OCR's approval of the statement, the College will provide OCR with documentation that the statement has been published, including copies of emails, relevant pages of the College's website, and documentation of the postings in the buildings.

REVIEW OF POLICIES AND PROCEDURES

- 2) By February 28, 2018, the College will conduct a comprehensive review of its policies and procedures for addressing sexual harassment to ensure that they adequately address any

incident of sexual harassment and provide for the prompt and equitable resolution of complaints alleging sexual harassment.

REPORTING REQUIREMENTS: By February 28, 2018, the College will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

- 3) Within 60 calendar days of receipt of notice of OCR's approval of the policies and procedures referenced in Item #2, the College will adopt, implement and publish the revised policies and procedures. Publication will include written notice of the College's policies and procedures to the College community, including students, administrators and staff. 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 REQUIREMENTS: Within 30 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, administrators and staff regarding the revised 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 policies and procedures are located, and documentation of any other additional means of notification used by the College.

TRAINING OF COLLEGE PERSONNEL

- 4) By April 28, 2018, and by September 15 of each subsequent academic year, the College will provide effective training to all staff who are responsible employees for recognizing and reporting incidents of sexual harassment, to the extent they are not confidential resources under policy or applicable law. The training will cover, at a minimum: the College's current grievance procedures; the obligation of responsible employees to report sexual harassment; how to recognize and identify sexual harassment; the College's responsibilities under Title IX to address such allegations; and the relevant resources available. During the training sessions, the College will provide copies of its Title IX grievance procedures to all attendees, or refer them to their location within the publications they already possess.

REPORTING REQUIREMENTS: By April 28, 2018, September 14, 2018, and September 13, 2019, 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 a list of College employees who successfully completed the training.

- 5) By April 28, 2018, and by September 15 of each subsequent academic year, the College will provide effective training to its Title IX coordinator(s) and designees and any other College employees directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of sexual harassment. The training will include instruction on the College's Title IX grievance procedures; the College's obligation regarding investigation of complaints; how to conduct adequate, reliable and impartial Title IX investigations for those

charged with investigative duties; information about coordination and communication between the College and law enforcement; the importance of accountability for individuals found to have committed sexual harassment; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to handle confidentiality issues; how to assess hostile environment; and the prohibitions on retaliation. The training will also include information regarding the provision of interim measures and the need for remedial actions for the complainant, respondent, and school community. Finally, the training will stress fully documenting all steps of an investigation and resolution.

REPORTING REQUIREMENTS: By April 28, 2018, September 14, 2018, and September 13, 2019, 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 a list of College employees who successfully completed the training.

STUDENT ORIENTATION & TRAINING

- 6) By April 28, 2018, the College will review and revise its existing freshman orientation programs and materials (including information that is sent to students after acceptance of their offer of admission to the College) to include information specifically targeted to raise awareness among its student population of Title IX and what it prohibits and the rights it confers on students; the College's prohibition against all forms of sex discrimination prohibited by Title IX, including sexual harassment, and how to recognize sexual harassment when it occurs; how and with whom to report any incidents of sex discrimination, including sexual harassment; their rights to and limitations of remaining confidential in reporting sexual harassment; who to speak with if they are concerned about issues of sexual harassment; and the identity and role of the Title IX Coordinator with regard to ensuring the College's compliance with Title IX and his/her contact information. In addition, the orientation sessions will cover the College's updated grievance procedures for Title IX complaints.
- 7) By April 28, 2018, the College will develop training for returning students to include a series of required informational session(s) to ensure that students are aware of Title IX and what it prohibits and the rights it confers on students; the College's prohibition against sex discrimination, including sexual harassment and how to recognize sexual harassment when it occurs; how and with whom to report any incidents of sex discrimination, including sexual harassment; their rights to and limits of remaining confidential in reporting sexual harassment; who to speak with if they are concerned about issues of sexual harassment; and the identity and role of the Title IX Coordinator with regard to ensuring the College's compliance with Title IX and his/her contact information. The training sessions will cover the College's updated grievance procedures for Title IX complaints.

REPORTING REQUIREMENTS: By September 14, 2018, and September 13, 2019, the College will provide OCR with documentation that it has provided the training referenced in these items, including the dates of the training, the names and titles of the trainer(s), and a copy of any materials used or distributed during the training.

STUDENT SPECIFIC ITEM

- 8) By April 28, 2018, the Title IX Coordinator will send a letter via certified mail to Student A explaining the ways in which the grievance process has been revised to meet the Title IX requirements for complainants and respondents and will offer Student A an opportunity to share concerns regarding her experiences with the College's handling of her earlier report.

REPORTING REQUIREMENTS: By April 28, 2018, the College will provide documentation to OCR that it has implemented the requirements of this item.

RECORD KEEPING AND DATA MAINTENANCE

- 9) By January 31, 2018, the College will submit to OCR for review and approval a record-keeping and data retention policy that ensures the preservation of documentation of its responses to and investigations of sexual discrimination or harassment reports and complaints (including documentation of services provided to reporting and accused students) and prohibits destruction of records of such reports and complaints, to ensure that the College's data retention policy is consistent with Title IX. At a minimum, the College's record-keeping and data retention policy shall commit the College to maintaining for a minimum of seven years, the following documents related to specific complaints or reports of sexual harassment of students:

- a) a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of sexual harassment;
- b) a narrative of all actions taken by College personnel in response to the reports, including any written documentation;
- c) a copy of all disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting sexual harassment;
- d) a copy of all written determinations or a description of all verbal notifications of determinations provided to the parties, with the date of each notification; and
- e) documentation fully detailing any interim services offered and afforded to complainants pending the completion of an investigation, including copies of no contact orders issued to both parties, the dates issued and the date the parties acknowledged receipt, and, where sexual harassment is found to have occurred, documentation fully detailing all the steps, individual and systemic, the College took to stop the sexual harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects on the complainant and any others as appropriate.

REPORTING REQUIREMENTS: By January 31, 2018, the College will provide OCR the draft data retention policy. Within 30 days of OCR's approval, the College will provide documentation to OCR that it has published and implemented the data retention policy. By

June 29, 2018, and June 28, 2019, the College will provide to OCR copies of the documentation retained pursuant to the College's new policy for the just-completed school year.

The College understands that by signing this Agreement, it agrees to provide the foregoing 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 fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§ 106.8 and 106.31. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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 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