

RESOLUTION AGREEMENT

Tabor College

Docket Number 07142015

The Tabor College (College), Hillsboro, Kansas, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Docket No. 07142015. The College, as a recipient of Federal financial assistance, is subject to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d, and its implementing regulation at 34 Code of Federal Regulations (C.F.R) Part 100, which prohibits discrimination based on race, color, or national origin.

Prior to OCR concluding its investigation, the College expressed an interest in resolving issues identified during the course of OCR's investigation and voluntarily agreed to take the steps outlined in this Agreement. The College is resolving the compliance issues identified during OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*. This Agreement is entered into to ensure the College's compliance with Title VI. It does not constitute an admission of liability on the part of the College, nor does it constitute a determination by OCR of any violation of Title VI which was at issue in this complaint.

The College agrees to take the following actions:

Notice of Nondiscrimination

1. The College will ensure it has met the identification, notification and publication requirements set forth in the OCR publication, *Notice of Non-Discrimination* (August 2010). The publication is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>. The notice of nondiscrimination must include the name or title, address, and telephone number of the College employee(s) designated to coordinate efforts to comply with and carry out the College's responsibilities under:
 - Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance;
 - Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance;
 - Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on

the basis of sex in any education program or activity operated by a recipient of Federal financial assistance; and

- Age Discrimination Act of 1975, 42 U.S.C. § 6101, and its implementing regulation, 34 C.F.R. Part 110. The Age Act prohibits discrimination on the basis of age by recipients of Federal financial assistance.

The individual(s) identified to coordinate compliance with the civil rights statutes enforced by OCR shall be knowledgeable of the law for which s/he is responsible. OCR is available to provide technical assistance to the College upon request.

REPORTING REQUIREMENT: By October 17, 2014, the College will provide OCR with a revised version of its Notice of Nondiscrimination, which meets the requirements set forth in this Agreement for OCR's review and approval.

2. Upon receiving approval from OCR of its revised Notice of Nondiscrimination, the College will publish and prominently display its revised combined Notice of Nondiscrimination in an easily visible location, in student and employee hard-copy and online publications, including, but not limited to, the following publications: a) student and employee handbooks; b) catalogs; c) employee application forms; d) appropriate policies and grievance procedures; and e) any other major general publications, including the College's website.

REPORTING REQUIREMENT: Within 14 calendar days of receiving approval of its revised Notice of Nondiscrimination from OCR, the College will provide OCR with copies or links to the information (if it is available on the College's website) of the major publications identified above evidencing its dissemination and publication of the OCR approved Notice of Nondiscrimination.

Grievance Procedure

3. The College will review and revise its grievance procedure for complaints alleging discrimination or harassment under any of the statutes identified in the College's revised and OCR approved Notice of Nondiscrimination (see Item 1 of the Agreement) to ensure the procedure meets the requirements set forth below.¹ The

¹ The College may elect to develop a combined procedure or separate procedures to address discrimination complaints under each statute; certain statutes may impose additional requirements for a recipient's grievance procedure beyond those required by Title VI. OCR is available to provide technical assistance to the College regarding these requirements upon request.

grievance procedure shall be accessible to students, employees, and other affected parties.² The grievance procedure will include, at a minimum:

- a. notice to students, employees, and other interested parties of the procedure, including where and with whom complaints may be filed;
- b. a statement explaining the application of the procedure to complaints alleging race discrimination or harassment, including discrimination carried out by employees, other students, and/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;
- e. written notice to the parties of the outcome of the complaint;
- f. an assurance that the College will take steps to prevent recurrence of any discrimination or harassment and to correct its effects on the complainant and others, if appropriate;
- g. an assurance that retaliation against any individual who files a complaint or participates in a complaint inquiry is prohibited under Title VI; and
- h. a prompt and equitable means for appealing the findings and/or remedies resulting from a complaint under this process and written notice of the outcome of any appeal to the parties.

REPORTING REQUIREMENT: By October 17, 2014, the College will submit to OCR a copy of the draft grievance procedure for review and approval.

4. Within 14 calendar days of receiving OCR's approval of the College's grievance procedure for students required by Item 3 of the Agreement, the College will disseminate the approved procedure using its standard methods for disseminating new information and procedures that impact the College's student population (such as including the information on the College's website and in student handbooks).

REPORTING REQUIREMENT: Within 30 calendar days after taking action to appropriately publish and disseminate the grievance procedure developed pursuant to Item 3 of the Agreement, the College will provide OCR with links to

² In the event the College develops a separate grievance procedure for employees, those procedures shall also meet the requirements of the statutes identified in Item 1 of the Agreement.

the information, if available in electronic format, or copies of publications including the approved procedure demonstrating the completion of this item.

5. The College will provide OCR with documentation regarding any Title VI complaints filed pursuant to the grievance procedure developed pursuant to Item 3.

REPORTING REQUIREMENT: By June 13, 2014 and January 16, 2014, (dates within four (4) weeks of the end of the 2nd semester of the 2013-14 school year and end of the 1st semester of the 2014-15 school year), the College will provide OCR documentation demonstrating its implementation of its OCR-approved Title VI discrimination grievance procedure. The documentation will include the following: a list with the names of the students, and individuals filing on behalf of students, who filed a discrimination complaint, or grievance, with the College during the second semester of the 2013-14 school year, summer 2014, or the first semester of the 2014-15 school year; a summary of the allegation(s) in each complaint; a detailed description of the College's investigation into each complaint (including the name and title of the individual(s) who investigated the complaint, names and titles of individuals interviewed during the investigation, and a list of the documents the College reviewed in making a determination regarding the complaint); a copy of or description of the College's determination regarding each complaint; and a copy of the College's correspondence informing the parties to each applicable complaint of its determination.

Training

6. By October 17, 2014, and annually thereafter, the College will conduct internal training for appropriate staff, faculty, and administrators regarding the College's revised grievance procedure, including the College's responsibility to investigate and respond to complainants alleging discrimination. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to discrimination under the statutes identified in the College's revised Notice of Nondiscrimination.

REPORTING REQUIREMENT: Within 30 calendar days of completing the training described in Item 6 of this Agreement, the College will provide OCR with documentation confirming the completion of this Item. The documentation must identify the following: 1) the date, time and location of the training; 2) the topics addressed at the training (the College may provide OCR an outline of the training and a copy of the materials disseminated at the training); 3) the name(s), title(s), and credentials of the individual(s) who conducted the training; and 4) the name and title of each College administrator or employee who attended the training (a sign-in sheet with the attendees' names and titles is sufficient). The College need not provide OCR documentation of subsequent annual training unless OCR requests such documentation.

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 regulations implementing Title VI.

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 the regulations implementing Title VI, which were at issue in this complaint.

The College understands and acknowledges that OCR may initiate administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement or judicial proceedings to enforce this Agreement, OCR shall give the College written notice of the alleged breach and a minimum of 60 (sixty) calendar days to cure the alleged breach.

/s/Jules Glanzer
Dr. Jules Glanzer, President
Tabor College

5-21-14
Date