

**Resolution Agreement**  
**OCR Case No. 07-17-2064**  
**Vatterott College**

The U.S. Department of Education (Department), Office of Civil Rights (OCR) and Vatterott College (College) enter into this agreement to resolve the allegation in the above-referenced complaint. 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 comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) §§ 1681-1688, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 106, which prohibits discrimination on the basis of sex by recipients of Federal financial assistance from the Department.

Prior to the completion of OCR's investigation, the College agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the College agrees to take the following actions.

Notice of Non-Discrimination

1. The College will ensure that a consistent and complete notice of nondiscrimination is published and widely disseminated. The notice of nondiscrimination must: a) clearly identify the individual responsible for investigating complaints of sex discrimination; b) clearly identify and provide the name and/or title, office address, email address, and telephone number of the individual designated as Title IX Coordinator; and c) state that inquiries concerning application of Title IX and its implementing regulation may be referred to the campus Title IX Officer, Title IX Coordinator, or to OCR.

**REPORTING REQUIREMENT:** By *June 30, 2018*, the College will provide OCR with documentation demonstrating that a consistent and complete notice of nondiscrimination has been published and widely disseminated, including copies of relevant pages of the College's website, Course Catalog and any other student handbooks, and the employee handbook.

Grievance Policies and Procedures

2. The College will conduct a comprehensive review of all current policies and procedures applicable to students, staff, and third parties, relating to sex discrimination, including sexual harassment, to ensure that they are consistent with and/or reference the College's Title IX Policy last revised on October 2017. The College will revise or eliminate the policies and procedures as appropriate, including revising or adding cross references and links between the various documents to ensure the policies and procedures, guidelines, and other documents are internally consistent and do not contain conflicting/contradictory information. This review will include a review of all policies and procedures found in the College's employee handbook(s).

**REPORTING REQUIREMENT:** By *June 30, 2018*, the College will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

3. Following 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. The College will make this information available through the College’s website, revised student and employee handbooks, and any other additional means of notification the College deems effective to ensure that the information is widely disseminated.

**REPORTING REQUIREMENT:** By *August 31, 2018*, the College will provide OCR with documentation demonstrating that it has completed this item, including a link to the webpage where the revised policies and procedures are located, a copy of the student and employee handbooks applicable to the XXXXX campus, and documentation of any other additional means of notification used by the College.

Title IX Coordinator and XXXXX Title IX Officer

4. The College will ensure that the Title IX Coordinator and XXXXX Title IX Officer possess sufficient autonomy, authority, resources, and knowledge to effectively execute the responsibilities of their respective positions. The College will clearly delineate the scope of the Title IX Coordinator’s duties and the XXXXX campus Title IX Officer’s duties, to ensure that the Title IX Coordinator and the XXXXX campus Title IX Officer are properly performing their designated functions with respect to the College’s Title IX policies and procedures. The College will ensure the Title IX Coordinator and the XXXXX campus Title IX Officer are responsible for coordinating their respective functions with regard to all investigations of sex-based discrimination and harassment: disseminating information to students, employees, and third parties on the applicable policies and procedures, including where complaints may be filed; advising complainants of the informal and formal complaint resolution processes; advising complainants of their rights to and limitations of confidentiality during an investigation; ensuring the prompt and equitable investigation of complaints, which may include but is not limited to interviewing witnesses and/or the parties and gathering other evidence; making findings as to whether discrimination did or did not occur using a preponderance of the evidence standard of review; notifying the parties in writing of the determination, and the right to and process for an appeal of such determination; determining disciplinary sanctions and ensuring the implementation of any disciplinary sanctions; ensuring the implementation of remedies, including interim measures such as changing academic, living, transportation, and working arrangements pending a determination, necessary to address the discrimination, eliminate any hostile environment and prevent its recurrence; maintaining appropriate records; and, addressing any patterns or systemic problems as they arise.<sup>1</sup>

**REPORTING REQUIREMENT:** By *June 30, 2018*, the College will provide OCR documentation demonstrating that it has established or confirmed the responsibilities of the Title IX Coordinator position and the XXXXX campus Title IX Officer position.

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<sup>1</sup> All Title IX Coordinator responsibilities generally identified in this item of the Agreement are contemplated by the College’s current policy “Title IX Policy” (last rev. October 2017).

Documentation should indicate the respective roles and responsibilities of the Title IX Coordinator and the XXXXX campus Title IX Officer and/or delineate the scope of the Title IX Coordinator's duties and the XXXXX campus Title IX Officer's duties.

**REPORTING REQUIREMENT:** By *October 1, 2018*, the College will provide OCR documentation demonstrating that the Title IX Coordinator and the XXXXX campus Title IX Officer have received appropriate training to effectively execute the responsibilities of their respective positions. The documentation must include: the date(s) of the training; the names/position titles of the attendees; the name(s) and credentials of the presenter(s); and, copies of any materials used during the training, including any handouts, guides or other materials or a description of the topics covered if no written materials were provided.

### Staff and Student Training

5. The College will ensure College personnel at the XXXXX campus, including administrators and instructors, are effectively and appropriately trained on an annual basis on the prohibition against sexual harassment and relevant sections of the employee code of conduct prohibiting sexual misconduct. The College will ensure College personnel at the XXXXX campus personnel are effectively and appropriately trained on the responsibility to report incidents of possible harassment based on sex to the Title IX Coordinator and/or Campus Title IX Officer, and the procedures for doing so. The training will provide instruction on how to recognize, prevent, and respond appropriately to such harassment, including any coordination of efforts between the XXXXX campus and the corporate office. The training will identify the name and contact information for the individual at the College's XXXXX campus who is available to answer questions on and receive reports of sexual harassment. The training will also address the prohibition of retaliation against persons who report sexual harassment or participate in related proceedings and possible sanctions that may be imposed against staff that are found to have violated the College's policies.

**REPORTING REQUIREMENT:** By *October 1, 2018*, the College will provide documentation to OCR demonstrating that the first annual training required by Item 5 of the Agreement was provided to College personnel at the XXXXX campus, including administrators and instructors. The documentation must include: the date(s) of the training; the name(s) and credentials of the presenter(s); copies of any materials used during the training, including any handouts, guides or other materials or a description of the topics covered if no written materials were provided; and sign-in sheets or lists showing which College personnel attended the training. The College does not need to submit documentation to OCR regarding subsequent annual training sessions contemplated by this Agreement.

6. The College will provide annual student training regarding harassment to all new and returning students at the College's XXXXX campus. The training will be designed to increase awareness of what constitutes harassment based on sex; the College's prohibition against such harassment; how to recognize harassment based on sex and the importance of reporting it; how to report harassment; the prohibition against retaliation for reporting sexual

harassment incidents and how to report incidents of retaliation; and the consequences for subjecting individuals to sexual harassment. The training will identify the name and contact information for the individual at the College's XXXXX campus who is available to answer questions on and receive reports of sexual harassment.

**REPORTING REQUIREMENT:** By *October 1, 2018*, the College will provide documentation to OCR demonstrating that the first annual training required by Item 6 of the Agreement was provided to all students. The documentation must include: the date(s) of the training; general information on the number of student attendees; the name(s) and credentials of the presenter(s); and, copies of any materials used during the training, including any handouts, guides or other materials, or a description of the topics covered if no written materials were provided. The College does not need to submit documentation to OCR regarding subsequent annual training sessions contemplated by this Agreement.

7. The College will identify a protocol to ensure that all employees and students at the XXXXX location complete the annual training contemplated by Items 5 and 6 of this Agreement, respectively. The protocol will: describe how the corporate office will coordinate with the XXXXX campus to implement employee and student training; delineate the respective roles and responsibilities of the corporate office and the XXXXX campus; identify the name, title, and location of all persons responsible for tasks associated with employee and student training at the XXXXX campus; identify anticipated timeframes for completion of initial and annual training for employees and students; describe the process for notifying employees and students of training requirements and timeframes for completion of the training; describe the process for monitoring completion of employee and student training, and, when necessary, conducting follow-up with those employees and students who have not completed the training within the prescribed timeframes; identify any potential consequences for an employee's failure to complete employee training; and, identify all documentation maintained for purposes of tracking completion of employee and student training and the location of such documentation.

**REPORTING REQUIREMENT:** By *August 31, 2018*, the College will submit a copy of the protocol to OCR for review and approval. Within 60 days of OCR's approval, the College will provide documentation to OCR that it has implemented the protocol. Documentation may include copies of emails correspondence between the appropriate persons in the College's corporate office and at the XXXXX campus.

#### Recordkeeping and Maintenance of Data

8. The College will develop a recordkeeping and data retention policy that ensures the maintenance of documentation of its responses to and investigations of sexual discrimination or harassment reports and complaints at the XXXXX campus. All documentation maintained pursuant to the policy shall be readily accessible by both the Title IX Coordinator in the corporate office and the Title IX Officer at the XXXXX campus. At a minimum, the College's recordkeeping and data retention policy shall commit the College to maintaining the following documents related to specific complaints or reports of sexual harassment of students at the XXXXX campus:

- 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. documentation fully detailing any interim services offered and afforded to complainants pending the completion of an investigation, and, where sexual harassment is found to have occurred, documentation fully detailing all the steps 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;
- d. a copy of all disciplinary sanctions issued to or other information detailing the actions taken by the College against students or employees for violations of the policies and procedures prohibiting sexual harassment; and
- e. 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.

**REPORTING REQUIREMENT:** By *June 30, 2018*, the College will provide OCR the draft recordkeeping policy and a description of how it will coordinate implementation of the policy with the appropriate persons in the College's corporate office and at the XXXXX campus. Within 60 days of OCR's approval, the College will provide documentation to OCR that it has implemented the recordkeeping policy. Documentation may include copies of emails correspondence between the appropriate persons in the College's corporate office and at the XXXXX campus.

**REPORTING REQUIREMENT:** By *June 1, 2019*, the College will provide OCR copies of the documentation retained regarding specific complaints or reports of sexual harassment of students at the XXXXX campus pursuant to the College's policy during the 2018-19 school year.

#### Complainant Focused Remedies

9. If the Complainant enrolls in the College during the 2017-18 or 2018-19 school years, the College shall provide written notice to the Complainant stating that the College will take all steps reasonably necessary to ensure that the Complainant is not subjected to harassment on any basis, including sex-based harassment, or a hostile environment on the basis of sex on College grounds and in College-sponsored activities. These steps will include, but are not limited to, developing a safety plan in collaboration with the Complainant, identifying specific contact person(s) to whom the Complainant should report incidents of harassment, identifying a safe place on campus where the Complainant can go, as needed, and checking in with the Complainant on a periodic basis to ascertain whether any instances of harassment have occurred, and taking prompt and appropriate action in accordance with this Agreement if any such harassment has occurred. To the fullest extent possible, any plan developed

pursuant to the requirements of this item will only be shared with College employees who must have knowledge of the plan in order to fully implement its provisions.

**REPORTING REQUIREMENT:** By *June 1, 2019*, the College will provide documentation to OCR demonstrating its implementation of Item 9 of the Agreement following receipt of notice that the Complainant intends to enroll in the College during the 2017-18 or 2018-19 school years. Specifically, the College shall provide documentation evidencing that the Complainant was invited to participate in the development of the safety plan and, if applicable, a copy of the safety plan that is developed for the Complainant. This requirement is not applicable if the Complainant does not return to the College during the 2017-18 or 2018-19 school years and the College will notify OCR that no action is required because the Complainant did not enroll during the 2017-18 or 2018-19 school years. The College has no obligation to conduct any activities pursuant to Item 9 of this Agreement if the Complainant enrolls following the conclusion of the 2018-19 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, 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 Title IX and its implementing regulations at 34 C.F.R. §106. 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 (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 sixty (60) calendar days to cure the alleged breach.

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

/s/ \_\_\_\_\_  
President or Authorized Designee  
Vatterott College

4/3/2018 \_\_\_\_\_  
Date