



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
KANSAS
MISSOURI
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OKLAHOMA
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August 2, 2018

Sent via email only

XXXXX XXXXX

General Counsel
Johnson County Community College
12345 College Blvd.
Overland Park, Kansas 66210
XXXXX@jccc.edu

Re: Johnson County Community College
OCR Case Number: 07-18-2015

Dear Ms. XXXXX,

On November 3, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging retaliation on the basis of sex by Johnson County Community College, Overland Park, Kansas (College). This letter is to confirm the College has voluntarily submitted a Resolution Agreement (Agreement) to resolve the complaint.

OCR investigated whether the College subjected the Complainant to ongoing verbal and other harassment in retaliation for her filing a Title IX complaint with the College's Human Resources Department regarding the alleged sexual harassment of female students in the College's Hospitality/Culinary Management Program.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 1681, and its implementing regulation, 34 Code of Federal Regulations (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. The Title IX regulation at 34 C.F.R. § 106.71 incorporates by reference the Title VI regulation prohibiting retaliation. As a recipient of FFA from the Department, the College is subject to Title IX.

On February 5, 2018, OCR sent notification letters to the parties, including a data request to the College. On February 26, 2018, the College informed OCR that the College had processed an internal complaint filed by the Complainant regarding the same allegation the Complainant filed with OCR. On March 13, 2018, and March 27, 2018, the College provided responsive data to OCR's data request. On April 26, 2018, OCR interviewed the Title IX Coordinator who was assigned to the Complainant's internal complaint.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Prior to the completion of OCR's investigation, the College requested to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual (CPM)*.¹ The College submitted a signed Agreement (copy enclosed) dated August 1, 2018, that, when fully implemented, will resolve the allegation under investigation. To resolve the allegation, the College agreed to review its Title IX policy and procedures (Title IX Policy) to ensure consistency with statutory, regulatory and OCR requirements, ensure all operating procedures specify the Title IX coordinators' names/contact information, develop intake procedures that ensure the Title IX coordinators with other investigatory responsibilities identify at the outset of an investigation whether a complaint is being investigated pursuant to Title IX, and provide copies of key investigation documents to OCR for one academic semester. The College also agreed to conduct training with relevant staff regarding the changes to Title IX Policy and the practical applications of same. Please consult the Agreement for further details.

OCR considers this complaint resolved effective the date of this letter and will monitor the College's implementation of the Agreement. When OCR concludes the College has fully implemented the terms of the Agreement, OCR will close the complaint. If the College fails to carry out the Agreement, OCR may resume the investigation.

The College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, please be advised that individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

If you have any questions, please contact XXXXX X. XXXXX, Attorney, at (816) 268-XXXX0 (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

Anne Bradley
Acting Supervisory Attorney

Enclosure

¹ The CPM may be accessed at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.