

Resolution Agreement
OCR Case No. 07-18-2015
Johnson County Community College

The U.S. Department of Education, Office for Civil Rights (OCR) and the Johnson County Community College, Overland Park, Kansas (College), enter into this Resolution Agreement (Agreement) to resolve the above-referenced complaint. The Agreement does not constitute an admission of liability, non-compliance, or wrong-doing by the College. The College assures OCR that it will take the following actions to comply with the requirements 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, which prohibits discrimination on the basis of sex by recipients of Federal financial assistance.

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.

Title IX Policies and Procedures

1. The College will conduct a comprehensive review of all its current Title IX policies and procedures applicable to students, employees, and third parties (Title IX Policy), to ensure that they are consistent with statutory, regulatory and OCR requirements.
 - a. If the College retains separate operating procedures for Title IX complaints regarding students, employees and/or third parties, the College will:
 - i. ensure all of the different procedures are linked on its Sexual Misconduct Policy page.
 - ii. ensure the Title IX Coordinators' contact information, including his or her name, title, email address, and phone number, appears in all operating procedures, or that the Title IX Coordinators' title appears with all operating procedures.
 - iii. ensure the procedures are consistent with statutory, regulatory, and OCR requirements:
 1. the procedures provide for prompt and equitable resolution of Title IX complaints.
 2. each procedure clearly sets forth where and how a student, employee, and/or third party may file a Title IX complaint.
 3. the procedures provide for adequate, reliable, and impartial investigation of complaints.

4. the procedures designate and follow a reasonably prompt time frame for major stages of the complaint process.
 5. the procedures provide for notification to the parties of the outcome of the complaint.
 6. the procedures provide an assurance that the College will take steps to prevent the recurrence of discrimination.
 7. the procedures provide an assurance that the College expressly prohibits retaliation for filing a Title IX complaint.
- b. If the College assigns the duties of Title IX Coordinator to employee(s) that have other investigatory duties, the College will develop intake procedures whereby it is clearly defined at the outset whether or not a complaint allegation is being opened for investigation pursuant to Title IX or pursuant to a different statute or College policy.
2. After receiving OCR's approval of any revised Title IX Policy, the College will:
- a. take any necessary steps to adopt the revised Title IX Policy;
 - b. publish the revised Title IX Policy on its website; and
 - c. disseminate the revised Title IX Policy to all students, employees, and third parties by prominently including a link to the updated webpage(s) in the College's online student and employee handbook(s).

REPORTING REQUIREMENT A: Within 90 days of the date of this Agreement, the College will submit any revised Title IX Policy to OCR for its review and approval.

REPORTING REQUIREMENT B: Within 60 days of OCR's approval of any revised Title IX Policy, the College will submit to OCR documentation reflecting the publication and dissemination of the Title IX Policy, as required by Sections 2(b) and 2(c).

REPORTING REQUIREMENT C: By the end of the Fall 2018 semester, the College will provide OCR with copies of the complaint, investigative report and notice of outcome for all Title IX complaints, including complaints of retaliation, that it processes during the Fall 2018 semester.

Training

3. The College will provide training to all Title IX coordinators, Title IX investigators, and all other employees whose designated job roles and responsibilities may include receiving, conducting and/or overseeing investigations into complaints alleging discrimination,

harassment, or retaliation on the basis of sex. The training may be conducted in-person or via live webinar. The training will include, but need not be limited to:

- a. review of any revisions made to the College’s Title IX Policy pursuant to Sections 1 and 2 herein.
- b. the legal elements and standards that must be met to make a finding of sexual harassment and/or retaliation; and
- c. skills training regarding the necessary and sufficient elements of conducting a Title IX investigation pursuant to the College’s Title IX Policy, including differentiating between Title IX and other allegations, conducting effective witness interviews and analysis of documents submitted by the parties, making legally sufficient findings, and drafting outcome letters. The skills training will include analysis of sample scenarios and fact patterns.

REPORTING REQUIREMENT D: By the end of the Fall 2018 semester, the College will submit to OCR documentation reflecting completion of the activities described in Section 3. The documentation should include the name(s) and title(s) of the person(s) conducting the training; the dates and locations of the training; a copy of the agenda and/or training materials that clearly identify the topics addressed in the training; and the names and titles of individuals who attended the training.

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.

The Agreement will become effective immediately upon the signature of the College’s representative below.

Vice President, Human Resources

Date