

RESOLUTION AGREEMENT
Nebraska College of Technical Agriculture
Case # 07-18-2073

The U.S. Department of Education, Office for Civil Rights (OCR), and the Nebraska College of Technical Agriculture (College), Curtis, Nebraska, enter into this Resolution Agreement (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 VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 100.

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.

1. The College will ensure that it continues to implement requirements for documenting, investigating, maintaining, and tracking complaints and incidents of harassment on the bases of race, color, or national origin (including reporting of incidents that do not result in the filing of a written complaint). At a minimum, the requirements will include the following:
 - a. A method for documenting all complaints of harassment as well as all reports of harassment that may not result in complaints.
 - b. The person designated to conduct the investigation will have appropriate knowledge and experience to conduct investigations.
 - c. The person designated to conduct the investigation will attempt to interview all relevant witnesses as appropriate, including the alleged harasser(s), the student(s) allegedly harassed, and others with knowledge of the incident(s) as appropriate.
 - d. A method for documenting interviews, information from all sources (including parties involved, witnesses, faculty, staff, and administrators), investigative findings, and the specific steps taken in conducting the investigation and reaching conclusions.
 - e. The person designated to conduct the investigation will determine whether the alleged harassment did or did not occur in light of the information obtained.
 - f. A requirement that the person designated to conduct the investigation will maintain contact with the individual allegedly harassed throughout the investigation, and within a reasonable period of time following conclusion of the investigation, to assess whether the individual allegedly harassed has additional concerns or allegations of harassment or retaliation, and to determine whether additional supportive measures are needed.
 - g. The person designated to conduct the investigation will help to ensure that records related to the complaint and investigation are documented and maintained. Such records would

include any complaint, investigation, interim measures, interview notes, and findings (including records of any corrective action taken) and the basis for those findings.

Reporting Requirement: By **January 15, 2019**, the College will provide to OCR for review and approval a detailed description of the proposed requirements for documenting, investigating, maintaining, and tracking complaints and incidents of harassment on the bases of race, color, and national origin developed in accordance with this action item. Within 30 calendar days of receiving OCR's approval, the College will provide confirmation that the requirements have been implemented.

2. **Within 30 days of receiving OCR's approval of Item 1**, the College will provide training to its staff who respond to and investigate allegations of discrimination and harassment. The training will cover: recognizing and appropriately responding to complaints and incidents of discrimination and harassment; how to conduct and document adequate, prompt, reliable, and impartial investigations, including conducting interviews in a fair, non-biased, and objective manner; and the requirements developed pursuant to item 1 above.

Reporting Requirement: **Within 15 days of providing the training in Item 2**, the College will submit to OCR documentation showing it has provided the training described in Item 2 of this Agreement. The documentation must identify and include:

- a. the name, title, and qualifications of the individual(s) who conducted the training;
- b. the date, time, and location of the training;
- c. an outline of the content of the training;
- d. a copy of any materials distributed to the training participants; and
- e. sign-in sheets with the name and title of each employee who participated in 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 VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 100. Upon completion of the obligations under this Agreement, OCR shall close 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.

Ron Rosati, Dean
Nebraska College of Technical Agriculture

Date

Michael J. Boehm
Vice President for Agriculture and Natural Resources
University of Nebraska

Date