

**Resolution Agreement**  
**Eastern New Mexico University-Roswell**  
**OCR Complaint # 08-17-2253**

In order to resolve an allegation in Case Number 08-17-2253, filed against Eastern New Mexico University-Roswell (University) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the University agrees to implement the following Resolution Agreement. The complaint was opened to investigate an allegation that the University failed to comply with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of federal financial assistance from the U.S. Department of Education.

This agreement shall not in any way be construed as an admission by the University that it has acted wrongfully or violated any laws, and the University specifically disclaims any liability to or wrongful acts against the Complainant or any other person.

**Review of Policies, Practices, and Procedures**

1. *Notice of Nondiscrimination.* The University will review and revise, as necessary, its notice of nondiscrimination to ensure that it meets the requirements of the regulation implementing Title IX, including listing the name, title and contact information (including phone number, office address and e-mail) for its Title IX Coordinator; and stating that inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or to OCR. The University will broadly publish its revised notice of nondiscrimination, including on the University's website, and in its promotional materials, student and employee handbooks, application forms and its other published materials in accordance with 34 C.F.R. § 106.8(a).

**REPORTING REQUIREMENT:** By **October 1, 2018**, the University will provide to OCR for review and approval a summary of its review, including any proposed amendments to its notice of nondiscrimination.

**REPORTING REQUIREMENT:** If it is determined that the notice of nondiscrimination requires amendment, within 30 calendar days of OCR's approval of the amended notice of nondiscrimination, the University will provide to OCR a list of the titles of the publications in which the notice of nondiscrimination appears (e.g. University catalog, website, student handbook) and a copy of at least one publication disseminated to the campus community, or printouts or a link to an on-line publication containing the notice. Should the University require more than 30 days due to periodic printing of University materials, inserts may be used pending reprinting of those publications.

2. *Sexual Harassment Policies and Grievance Procedures.* The University will review and revise, as necessary, its sexual harassment policies and grievance procedures to ensure they adequately address and provide the University sufficient options for responding promptly and appropriately to incidents of sex discrimination and harassment. At a minimum, the University will ensure that its policies and procedures provide the following:

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- a. Notice to students and employees of the procedure, including where complaints may be filed;
- b. Application of the procedure to complaints alleging harassment carried out by employees, other students, 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. Notice to the parties of the outcome of the complaint; and
- f. An assurance that the University will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

**REPORTING REQUIREMENT:** By **October 1, 2018**, the University will provide for OCR's review a summary of its review and, if necessary, a draft of the revised policies or grievance procedures and any additional policies or informational documents that address complaints alleging discrimination on the basis of sex (including sexual and gender-based harassment, assault, and violence). OCR will review these materials in order to ensure that these comply with Title IX and this Agreement.

**REPORTING REQUIREMENT:**

If it is determined that the University's policies or grievance procedures require amendment, within 30 calendar days of OCR's approval of the revised policies and procedures, the University will certify to OCR that it has (i) formally adopted the revised documents, or, if such formal adoption has not yet occurred, the University will certify to OCR the date on which the appropriate governing body of the University will convene to formally adopt the revised policies and procedures, and the University will certify such formal adoption to OCR within 5 days thereof; (ii) updated all printed publications and on-line publications with the revised documents (inserts may be used pending reprinting of these publications); and (iii) electronically disseminated the revised grievance procedures to students and employees. This documentation will include evidence of the electronic dissemination of the revised grievance procedures to students and employees, a list of the titles of the publications in which the information appears (e.g. University catalog, website, student handbook) as well as a copy of any such publications or a link to an on-line publication containing the revised grievance procedures; or if not yet finalized, a copy of the insert for printed publications. The University will also provide documentation of how the revised procedures were distributed; and that University police, the Title IX Coordinator, Title IX staff, students, employee union leaders and other appropriate University community members have access to the procedures and know where copies may be obtained.

**Training**

3. *Policies and Procedures training.* If the University revises its sexual harassment policies and grievance procedures, the University will provide training to all University personnel charged with implementing its policies and procedures, including all University Title IX Staff (i.e., Title IX Coordinator, Title IX Investigators or other staff charged with responding to or receiving Title IX reports). The training, at a minimum, will cover: the role and duties of the Title IX Coordinator; how to identify sex discrimination, sexual and gender-based harassment, assault and violence; the University's sexual harassment policies and grievance procedures; how to appropriately address incidents and complaints under Title IX, including where and to whom to report such incidents; the University's responsibilities under Title IX to address such allegations; relevant resources available to victims; and the issues of confidentiality and retaliation. During the training, the University will provide copies of its nondiscrimination notice and Title IX grievance procedures to all attendees, or refer them to their location within the publications they already possess or on the University's website.

**REPORTING REQUIREMENTS:** Within thirty (30) calendar days of OCR's approval of the University's revised sexual harassment policies and grievance procedures, the University will identify the proposed trainer, describe the trainer's qualifications to deliver the required training, and provide a brief description of the training that is planned. The University will respond to any feedback OCR provides regarding the qualifications of the trainer and description of the training.

**REPORTING REQUIREMENTS:** Within sixty (60) calendar days of OCR's approval of the proposed training and trainer, the University will provide documentation to OCR demonstrating that the training was provided by the University. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s); the date(s) and time(s) of the training(s); a description of each training; the type of audience; sign-in sheets for each session with the names and titles of those attending; and copies of any training materials distributed.

The University 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 University understands that during the monitoring of this Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with Title IX and its implementing regulation at 34 C.F.R. Part 106. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The University 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 University 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 University's representative below.

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For Eastern New Mexico University-Roswell:

\_\_\_\_\_/s/\_\_\_\_\_  
Dr. Steven Gamble, Interim President

\_\_\_\_\_/08/20/2018\_\_\_\_\_  
Date