

**RESOLUTION AGREEMENT**  
Butte-Glenn Community College District  
OCR Case No. 09-13-2096

The Butte-Glenn Community College District is comprised of one community college, Butte College. Throughout the Resolution Agreement (Agreement), the term College is used to refer to both the College and the District. Without admitting to any violation of law, the College agrees to implement this Agreement in the above-referenced case investigated by the U.S. Department of Education, Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation. The Agreement includes terms that resolve allegations for which OCR identified violations under section 303(b) of OCR's Case Processing Manual (CPM). The Agreement also includes terms in Sections VI. and X. that the College has voluntarily entered into and agreed to in order to resolve an allegation that was not fully investigated prior to the conclusion of the investigation in accordance with section 302 of the CPM.

In addition, the College is entering into the Agreement to assure that it has an environment and culture in which all students feel safe and well supported, and that it responds promptly, effectively, and equitably to incidents of discrimination on the basis of sex, including sexual harassment and sexual violence, in a manner designed to stop the discrimination, prevent its recurrence, and remedy its effects, consistent with the requirements of Title IX.

**I. NOTICE OF NONDISCRIMINATION**

- a. Consistent with the requirements of 34 C.F.R. §§ 106.8 and 106.9, the College will amend its notice of nondiscrimination to include the contact information for the Title IX Coordinator (name, title and contact information, including phone number, office and email address) and a statement that inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or OCR and will publish the revised notice in all required locations, including but not limited to the College and Safe Place and Wellness Program (Safe Place) websites, in its promotional materials, the student and employee handbook, application forms and registration materials, student pamphlets, and other electronic and printed publications that provide information to employees, applicants, and students about the College.
- b. **Reporting Requirement:** By September 30, 2017, the College will provide OCR with a copy of its notice of nondiscrimination for review and approval, along with an explanation of the distribution plan and an assurance that the College will continue to distribute the notice of nondiscrimination approved by OCR in compliance with the regulations. Within 45 days of OCR's approval of the notice of nondiscrimination, the College will provide OCR with documentation of its dissemination of the notice of nondiscrimination, including web links to the aforementioned publications containing the notice of nondiscrimination and, to the extent a publication is only provided in print form, the title page of that publication and the page(s) on which notice appears. If the College makes changes to the notice of nondiscrimination and/or distribution plan while this Agreement is in effect, the College will provide the

revised notice of nondiscrimination and/or distribution plan to OCR within 45 days of such decision for review and approval.

## **II. TITLE IX COORDINATOR**

- a. The College will identify its Title IX Coordinator and her/his qualifications and ensure that the Title IX Coordinator has received the required training and can fulfill all responsibilities specified in this Agreement. The Title IX Coordinator will have a line of reporting that will provide for sufficient autonomy and authority to effectively execute the responsibilities of the Title IX Coordinator. The College will develop a statement of roles and responsibilities and mandatory training requirements for the Title IX Coordinator to, at a minimum, include:
  - i. The Title IX Coordinator will have expert knowledge of the Title IX grievance procedure(s) and oversight responsibility for the prompt and equitable response to Title IX disclosures, oral reports, and written complaints (reports) made directly to the Title IX Coordinator and from any individual, including but not limited to students, employees, third parties, and those delegated the responsibility for receiving and/or investigating reports of sex discrimination, including sexual harassment and sexual violence, and will address any patterns or systemic issues that arise during the review of such reports under Title IX and assess overall efficacy of prevention, coordination and response by the College to sexual harassment and sexual violence, including the implementation and efficacy of interim measures, and steps taken to stop discrimination/harassment on the basis of sex found to have occurred, prevent its recurrence, eliminate any hostile environment based on sex and remedy its discriminatory effects on the complainant and others, as appropriate.
  - ii. The Title IX Coordinator will coordinate with appropriate administrators and administrative offices (e.g., academic deans, Vice President of Student Affairs, Human Resources), Safe Place, student and health and counseling services, and law enforcement offices to identify and address any patterns or systemic problems under Title IX and to assess the overall efficacy of the coordination among these various offices.
  - iii. The Title IX Coordinator will be responsible for the prompt and equitable investigation of reports alleging sexual harassment and sexual violence; making findings as to whether sexual harassment and/or sexual violence occurred; identifying remedies (including interim measures) necessary to address sexual harassment and/or sexual violence, eliminate any hostile environment, prevent recurrence, and address the effects; and will be available to present any investigative report and/or answer questions about the proceedings below. To the extent that any of these duties in this subpart will be delegated to other individuals at the College or an external entity, the statement will include what will be delegated to whom and how the Title IX

Coordinator will retain oversight of those who may be delegated such responsibilities in fulfilling these duties.

- iv. The Title IX Coordinator will coordinate the duties and activities of any Title IX investigators (and/or Deputy Title IX Coordinators) or an external entity the College designates. The College will develop specific statements of roles and responsibilities for each Title IX investigator and/or Deputy Coordinator that delineate the scope of each individual's duties and their subordinate role to the Title IX Coordinator.
- v. The Title IX Coordinator will have sufficient experience and training on the substantive requirements of Title IX and how to investigate reports under Title IX. The Title IX Coordinator will oversee the provision of initial and ongoing training on the substantive requirements of Title IX and how to investigate reports under Title IX to any Deputy Title IX Coordinator, Title IX investigators and any other individuals from any College department or office delegated responsibility for receiving and/or investigating reports of sex discrimination, including sexual harassment and sexual violence.
- vi. The Title IX Coordinator will have responsibility for the development, scheduling, and implementation of regular events hosted by or supported by Safe Place and leadership on campus to raise awareness in the campus community about all forms of sex discrimination (including sexual harassment and sexual violence).
- vii. The Title IX Coordinator will ensure the development, scheduling and implementation of necessary training and distribution of information for the College community (faculty, coaches, and staff (employees) and students) regarding their Title IX rights and responsibilities, including information about the resources available on and off College property, the duty of responsible employees to share information with the Title IX Coordinator, informal and formal resolution processes, the availability of interim measures, and the right to file a report with local law enforcement and the College simultaneously.
- viii. The Title IX Coordinator will be responsible for periodic review and assessment of the College's Title IX policies and procedures to ensure that they comply with Title IX, are consolidated to the maximum extent appropriate to provide an efficient resource for students, faculty, and staff, are consistent with each other or have appropriate cross-references, and are easy to access and understand.
- ix. The Title IX Coordinator should not have other job responsibilities that create a conflict of interest with regard to the duties and responsibilities under Title IX.

- x. The Title IX Coordinator will be responsible for communicating with the campus police regarding the College's obligations under Title IX and serving as a resource on Title IX issues. The Title IX Coordinator will be given access to campus police records regarding Title IX investigations, so long as it does not compromise the criminal investigation or is not otherwise prohibited by law. The Title IX Coordinator will ensure training is provided annually to the campus police regarding the College's Title IX obligations and their duties as responsible employees under Title IX.
- xi. The Title IX Coordinator will be responsible for coordinating the development and implementation of annual assessments (e.g., surveys or focus groups) of campus climate with regard to sexual harassment and sexual violence.

**b. Reporting Requirements:**

- i. By August 15, 2017, the College will provide documentation to OCR showing that it has established the responsibilities of the Title IX Coordinator position in accordance with Section II for OCR review and approval.
- ii. By August 15, 2017, the College will provide OCR with a copy of the statement of Title IX Coordinator's responsibilities and corresponding training requirements to meet those responsibilities for OCR review and approval.
- iii. By September 30, 2017, the College will provide OCR with copies of any electronic links to College publications, websites or other materials where the statement has been published.
- iv. By September 30, 2017, the College will provide OCR with the name and qualifications of the Title IX Coordinator and the Coordinator's training schedule in accordance with II.b.ii.

**III. POLICIES AND PROCEDURES**

- a. The College will revise its policies and procedures, including, but not limited to: BP 3430 and AP 3430 "Prohibition of Harassment"; AP 3435, "Discrimination and Harassment Investigations"; BP 3540 and AP 3540, "Sexual Assaults"; Procedures 5.7 "Sexual Harassment," and 5.8 "Unlawful Discrimination"; and BP 5500 and AP 5500, "Standards of Conduct: Student Discipline and Title IX Procedures," so that they are consistent with Title IX requirements. The College has determined that it will create one policy and procedure to address sexual harassment and sexual violence and eliminate duplicative policies and procedures.
- b. The College will conduct a comprehensive review of all of the policies and procedures listed in Section III.a., and any additional relevant published College materials through any College department or office, and submit for OCR review and approval revisions to policies and procedures and other related guidance and

documents (documents) related to reports of sexual harassment and sexual violence involving students, faculty, staff and third parties. To the extent the College retains multiple secondary guidance documents, i.e., Human Resources and Student Conduct Code guidelines and Safe Place brochures, the College will ensure that all documents are consistent with the remaining policy and procedure with respect to defined terms, reporting options and timelines, and investigation and appeal procedures. The College's revisions to policies and procedures will include revising or adding cross-references and links between documents and/or deleting documents, to ensure, at a minimum:

- i. in addition to the remaining policy and procedure, all other documents will be internally consistent and will not contain conflicting/contradictory information;
- ii. clear and consistent explanations in all documents of the specific College policy and/or procedure that applies to each type of report investigation;
- iii. the College's commitment to respond to all reports of sexual harassment and sexual violence, as well as any other incidents of sexual harassment and sexual violence of which it knows of should have known;
- iv. notification to students, employees and third parties about the policy and procedure that shall be utilized for reports of sexual harassment and sexual violence when filed by or against any member of the aforementioned groups;
- v. consistent definitions of sexual harassment, which must encompass quid pro quo, persistent or pervasive harassment, as well as severe incidents (i.e., sexual violence);
- vi. consistent definitions or explanation of factors that may impact the ability to consent, including incapacitation;
- vii. a statement that, in determining whether sexual harassment against a student resulted in a sexually hostile environment, the College will consider the conduct in question from both a subjective and objective perspective;
- viii. reasonable and consistent time frames for each major stage of the procedure;
- ix. consistent and equitable rights and information provided to both parties to a report, including but not limited to an equal opportunity for the parties to access and review evidence, and present witnesses and other evidence and to receive notice of the outcome of the grievance process, including but not limited to the investigation and appeal phases;
- x. if the College continues to offer an informal resolution process, it will include a description of what the process entails and ensure that it is prompt and equitable;
- xi. clarification regarding the College's obligation to identify witnesses, seek evidence, and ask questions of the parties and witnesses when resolving reports of sexual harassment and sexual violence;
- xii. a requirement that the College consider the effects of off-campus sexual harassment and sexual violence when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity;
- xiii. a definition of "responsible employee" that is consistent with Title IX requirements and a statement that responsible employees must promptly,

- within 24 hours, report sexual harassment and sexual violence upon receiving notice;
- xiv. the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator;
  - xv. an explicit prohibition against retaliation, which includes witness intimidation and interference, and clarification that reports of any of the aforementioned will be promptly investigated by the College under processes and standards that meet Title IX requirements;
  - xvi. a statement recognizing that introduction of evidence of the complainant's past sexual relationships with individuals other than the accused may have a prejudicial effect on the proceedings and should not be considered;
  - xvii. sufficient time for any appeal body to review the investigation record and any supplemental materials prior to the appeal hearing, if an appeal is offered;
  - xviii. if someone other than the Title IX Coordinator will accept, investigate and resolve the report, clear and consistent designation of the College employee and/or office that is responsible and the specific type of report (e.g., against employees) handled by that employee or office;
  - xix. clear and consistent assurance that, regardless of which College employee or entity investigates and resolves the report, that the Title IX Coordinator will maintain oversight of the report investigation and resolution, will be provided written notice of the report and the investigation determination, and where sexual harassment/sexual violence is found to have occurred, will oversee the steps the College will take in response;
  - xx. a description of applicable interim remedies, remedies and sanctions; and a statement that the Title IX Coordinator, and/or her or his specific designee, will be responsible for coordinating the provision of interim measures through multiple College departments or offices, and in determining and implementing such measures, the Title IX Coordinator will review all available information and seek to minimize the burden on the complainant.

**c. Reporting Requirements**

- i. By January 30, 2018, the College will provide OCR with a draft of the revised policy(ies) and procedure(s) and related documents for review and approval.
- ii. Within 90 days of receipt of OCR's approval, the College will provide documentation to OCR showing that it has adopted the revised policy and procedure and to the extent necessary, secondary documents as required by Section III, provide notification of the same on its website and through an electronic mail message to all employees and students, and provide documentation to OCR regarding the same, including links to the updated website, a copy of the electronic mail message, a copy of and/or link to any updated printed publications containing the revised policy(ies) and procedure(s), such as the College Catalog, Title IX web page, Student Handbook, Safe Place web page, campus police web page, and any additional documentation that the College has regarding its distribution.

- iii. Once the College adopts the revised policy and procedure related to sexual harassment and sexual violence, the College will not substantially modify them during the period of the Agreement without the review and approval of OCR. All requests to modify such policy and procedure must be made in writing at least 90 days before the College proposes to adopt the modification.

#### **IV. STAFF TRAINING AND PROFESSIONAL DEVELOPMENT**

- a. The College will provide comprehensive training overseen by the Title IX Coordinator to Title IX investigators, Human Resources personnel, Student Campus Climate Committee (Student Climate Committee), and campus police, as well as all College employees.
- b. Specifically, the Title IX Coordinator, after consulting with Safe Place, will ensure the development and provision of annual comprehensive Title IX training to all College employees. The training will provide an understanding of the College's responsibilities under Title IX to address allegations of sexual harassment, sexual violence, and retaliation. The training will include, at a minimum:
  - i. the College's revised policies and procedures for Title IX reports required by Section III.;
  - ii. how to inform students and complainants of their right to file Title IX reports and criminal complaints simultaneously;
  - iii. an explanation of the duty for responsible employees to share information with the Title IX Coordinator;
  - iv. information about the prohibition on retaliation, how to prevent retaliation, and how to investigate complaints of retaliation;
  - v. information about the system required by Section VI.; and
  - vi. a post-training questionnaire to assess knowledge regarding how to provide a report and respond to sexual harassment and sexual violence.
- c. Beginning with the 2017-2018 academic year, the College will ensure that all new employees complete the training in person or through an OCR approved online training, pursuant to Section IV.a.-b., within six months of their employment start date.
- d. The Title IX Coordinator will ensure the development and provision of Title IX training for all College employees who are directly involved in receiving, investigating, and/or resolving reports of sex discrimination, including sexual harassment and sexual violence, or who will otherwise assist in the coordination of the College's compliance with Title IX. This annual training will be conducted in person and will include, at a minimum:
  - i. the College's revised policies and grievance procedures for Title IX reports;

- ii. the College's responsibilities under Title IX to address allegations of sexual harassment and sexual violence, whether or not the actions are potentially criminal in nature;
- iii. the neurobiology of trauma and possible impact on an individual's participation in the grievance process;
- iv. recognizing and responding to allegations and reports pursuant to Title IX, including conducting interviews of victims of sexual violence and communicating in an impartial and objective manner;
- v. recognizing and appropriately responding to allegations of retaliation, intimidation, and coercion pursuant to Title IX;
- vi. how to conduct and document equitable, adequate, prompt, reliable and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation;
- vii. protection of information regarding sexual harassment and sexual violence allegations so that only College employees with a need to know receive such information;
- viii. the link between alcohol and drug use and sexual harassment and sexual violence, including how to address the challenges of investigating incidents involving alcohol or drug use; and
- ix. a written assessment requiring participants to demonstrate that they have learned the material in the Title IX training.

**e. Reporting Requirements:**

- i. By January 30, 2018, the College will identify and report any additional training needed for specific groups of employees, including but not limited to the Title IX Coordinator and Investigators, Safe Place Coordinator, Human Resource personnel, and campus police.
- ii. By February 28, 2018, and by the same date annually thereafter until such time as OCR closes the monitoring of this Agreement, the College will provide OCR with a draft of the proposed staff training materials and the name and title of the trainer described in Section IV. for review and approval.
- iii. The College will implement the staff training as outlined in Section IV. within 60 days of OCR review and approval and provide documentation that the training has been provided, including a copy of the training materials, dates(s), the name and contact information of the individual(s) who conducted the training, and the sign-in sheet identifying the name and position of each individual who received the training, along with a list of College employees within 15 days of completion.

**V. TRAINING OF ANY APPEAL BODY**



- a. The College will ensure that any individuals participating in any body created by the College to hear appeals, including those involved with any level of appeal, shall receive training annually and at least 30 days prior to reviewing any appeal on sexual harassment and sexual violence.
- b. The Title IX Coordinator will develop the training materials specific to the appeal body and ensure that this training will be provided in person and shall include but not be limited to:
  - i. the College's revised policies and grievance procedures for sexual harassment and sexual violence and the standard of review to be used by the appeal body;
  - ii. the College's responsibilities under Title IX to address allegations of sexual harassment and sexual violence in a prompt and equitable manner;
  - iii. the College's definitions of sexual harassment, which must encompass quid pro quo, persistent or pervasive harassment, as well as severe incidents (i.e., sexual violence);
  - iv. the College's definitions or explanation of factors that may impact the ability to consent, including incapacitation;
  - v. how to review evidence, including the weighing of evidence in an impartial and reliable manner; and
  - vi. training on the neurobiology of trauma.

**c. Reporting Requirements:**

- i. By November 15, 2017, the College will provide OCR for review and approval the proposed training materials and any agendas to be used in the trainings conducted pursuant to Section V. The College will also provide information, for review and approval, describing the expertise and experience with regard to sexual harassment and sexual violence of the person or persons conducting the training pursuant to Section V.
- ii. By May 1, 2018, and by the same date annually thereafter until such time as OCR closes the monitoring of this Agreement, the College will provide documentation to OCR showing that the individuals who are required to receive training in order to serve on any appeal body have received the training as required.

**VI. REVIEWING AND EXAMINING REPORTS**

- a. The College will develop and implement a confidential electronic database or other system for reviewing and examining reports (including reports that do not result in the filing of a complaint), investigations, interim measures, and resolutions of student, employee, and third party conduct that may constitute sexual harassment or sexual violence to ensure that such reports are adequately, reliably, promptly and impartially investigated and resolved. The system will require, at a minimum, that:

- i. all offices, including the campus police department, with the exception of health care professionals and any other individuals who are statutorily prohibited from reporting, will notify the Title IX Coordinator within 24 hours of receiving notice of sex discrimination, including sexual harassment and violence, regardless of whether a formal complaint was filed, for the purpose of ensuring that individuals subject to discrimination are consistently and promptly receiving necessary services and information;
- ii. the Title IX Coordinator or her or his designee enter into an electronic, confidential database or other system the following fields of information: the date and nature of the complaint or other report (bystander or responsible employee report); the name of the complainant or that the report was anonymous; the location and date of the alleged conduct; the name of the person(s) who received, made or forwarded a report; the name(s) of the respondent; the name(s) of the person(s) assigned to investigate the report; any interim measures taken, and any disciplinary charges issued; the date and a summary of the investigative findings; the date and a summary of the outcome of any appeal; and a summary of the final remedial and disciplinary actions taken, if any; and
- iii. the Title IX Coordinator shall ensure the maintenance of records of all reports, investigations, findings, the basis for those findings, and appeals, including, but not limited to: the complaint or report; the names of the complainant, the respondent, and witnesses; any statements or other evidence submitted or collected; interview notes; correspondence relating to the investigation; actions taken on behalf of the complainant and/or respondent, including interim measures; actions taken against the respondent; records of past discipline resulting from earlier findings of sexual harassment and/or sexual violence and records of any discipline or proposed discipline with respect to the present conduct; records of findings and outcomes communicated to the parties; and records of any appeals.

**b. Reporting Requirements:**

- i. By December 15, 2017, the College will provide a draft of the system for reviewing and examining sexual harassment and sexual violence reports described in Section VI. to OCR for review and approval. The College will adopt the system in Section VI. within 60 days of OCR approval.
- ii. Until such time as OCR closes the monitoring of this Agreement, within 30 days of the end of each semester, the College will provide OCR with a copy of all reports, including all fields of information, entered into the electronic database described in Section VI. above for the preceding semester.

## **VII. STUDENT TRAINING**

- a. The Title IX Coordinator, after consulting with Safe Place, will ensure implementation of annual mandatory training as described herein in VII.b. - g. for all students with the exception of those defined in VII.h. below.
- b. The training whether in person and/or online will include, at a minimum, information about:
  - i. the College's revised sexual harassment/sexual violence policies and procedures;
  - ii. the College's prohibition against sexual harassment, sexual violence, and retaliation and how to recognize such forms of sex discrimination when it occurs;
  - iii. how and to whom any incidents of sexual harassment, sexual violence, and retaliation should be reported; and
  - iv. Title IX, the rights this law confers on students, the resources available to students who have experienced sexual harassment, sexual violence and retaliation, and the role and authority of OCR to enforce Title IX.
- c. These sessions should be interactive, presented in lay terms familiar to students, and illustrated with examples relevant to student life at the College, and should provide in-person opportunities throughout the academic year for students to engage in small group discussion about the information presented. The Title IX Coordinator shall obtain input from the Student Committee, outlined below, and Safe Place regarding the content and manner of delivering the training to maximize the training's effectiveness for students. These sessions will emphasize:
  - i. definitions or explanation of factors that may impact the ability to consent, including incapacitation;
  - ii. the role of alcohol and other drug use in incidents of sexual harassment and sexual violence, including how such use may relate to consent and incapacitation;
  - iii. clear examples of what types of actions may constitute sex discrimination in the College's programs or activities, including but not limited to different types of sexual harassment and sexual violence;
  - iv. the role of bystanders;
- d. An in-person session will be provided as part of the annual student orientation for new students (including visiting and international students). The College will require all new students who arrive after the in-person orientation has concluded to complete an online training and will provide information about in-person

sessions being offered during the course of the school year. The College will develop a system to ensure that all students have participated in the mandatory training.

- e. For students with disabilities enrolled in the College's Special Education (SPE) dual enrollment program, the College will modify the training as appropriate to meet the needs of those students as required by Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and their implementing regulations.
- f. For students dually enrolled with their high school and the College, the College will modify the training as age appropriate to meet the needs of those students.
- g. For students enrolled as English as a Second Language (ESL) learners, the College will develop a process to identify the predominant languages spoken and provide appropriate translation of training materials and/or modify the training to provide equal access to content of the training to ESL students.
- h. For students enrolling solely to attend College trainings of two weeks or less or a contract education class through an employer, the College will develop a mechanism for delivering information upon enrollment about the College's notice of nondiscrimination, prohibitions of sexual harassment, sexual violence, and retaliation, and the College's grievance procedures, such as a disclosure statement for signature provided with enrollment materials or pre-enrollment online material.
- i. **Reporting Requirements:**
  - i. By February 28, 2018, the College will provide OCR, for review and approval, the proposed training materials and any agendas to be used in the trainings conducted pursuant to Section VII. The College will also provide OCR, for review and approval, information describing the expertise and experience with regard to Title IX of the person or persons conducting the training.
  - ii. By February 28, 2018, the College will provide OCR, for review and approval, the proposed alternative mechanism and any materials to be used to provide the pre-enrollment information as described in Section VII.h.
  - iii. By June 1, 2018, and by the same date annually thereafter until such time as OCR closes the monitoring of this Agreement, the College will provide documentation to OCR showing that the individuals who are required to receive the training required by Section VII. have done so.

### **VIII. EDUCATIONAL CLIMATE**

- a. The Title IX Coordinator will consult with Safe Place and use the results from the College's Campus Climate Survey administered in the 2015-2016 school year to develop and administer one or more annual climate assessments for all students to:
  - i. assess students' perceptions and knowledge regarding sexual harassment, sexual violence, and retaliation;
  - ii. gather information regarding students' experience of sexual harassment and sexual violence while attending the College, if any;
  - iii. determine whether students know when and how to report such conduct;
  - iv. gauge students' familiarity with where/how to report and their willingness to report;
  - v. identify potential barriers to reporting;
  - vi. assess students' familiarity with the College's outreach, education, and prevention efforts to identify which strategies are effective and which may need to be replaced;
  - vii. solicit student input on how the College can encourage reporting of sexual harassment, sexual violence, and retaliation and prevent the same; and
  - viii. assess bystander experience.
- b. Among the tools used to assess climate, the College may choose to conduct anonymous surveys or student focus groups, and/or develop other means of gathering student input regarding the topics in Section VIII. that will be the subject of the annual climate assessments. The College will include at least one forum or option that allows students to participate anonymously.
- c. The College will use the data from each year's assessment to inform its identification of appropriate future climate assessments and the training required under this Agreement. Based on a review of each climate assessment's results, the Title IX Coordinator will develop a plan of appropriate and responsive actions to present to the President/Superintendent.
- d. By December 15, 2017, the Title IX Coordinator will create and facilitate the meetings of a Student Campus Climate Committee (Student Committee) comprised of diverse and representative student members from the College community. The Student Committee will study existing data and the requirements of Title IX and will identify and recommend strategies for the prevention of incidents of sexual harassment and sexual violence and retaliation, including outreach and educational activities to ensure that students understand their rights, how to prompt bystander intervention, and how to report possible violations of Title IX. The Student Committee's recommendations will be presented to the President/Superintendent in an annual report and shared with the Board of Trustees, who will take appropriate responsive action.
- e. **Reporting Requirements:**

- i. By December 15, 2017, the College will provide OCR with the data collected from the 2015-2016 Campus Climate Survey.
- ii. By February 1, 2018, the College will provide for OCR's review and approval a detailed plan for collecting the information in Section VIII., including a copy of any climate assessment or other instrument it proposes to administer or utilize.
- iii. By May 15, 2018, and by the same date annually thereafter until such time as OCR closes the monitoring of this Agreement, the College will provide OCR with a report documenting that the annual climate assessment and the other means for collecting student input have been completed. The report will include the cumulative results of the assessments, the Title IX Coordinator's analysis of the results, and the College's proposed actions based on that analysis and the assessment information.
- iv. By March 1, 2018, and by the same date annually thereafter until such time as OCR closes the monitoring of this Agreement, the College will send OCR a list of the current membership of the Student Committee, a report detailing the strategies identified and recommended by the Student Committee, and documentation that it has published the Student Committee's report.
- v. By May 1, 2018, and by the same date annually thereafter until such time as OCR closes the monitoring of this Agreement, the College will inform OCR concerning which Student Committee recommendation(s) were adopted and which recommendation(s) were not adopted, as well as the basis for such decisions.

## **IX. INDIVIDUAL REMEDIES**

- a. The College President will invite the Complainant to a meeting in which the President will explain the ways in which the grievance process has been revised to meet the Title IX requirements for complainants and respondents and provide the Complainant with an opportunity to share concerns regarding her experiences with the College's handling of her 2012 complaint.
- b. To the extent reimbursement has not been provided, the College will reimburse the Complainant for the tuition, fees, books, and instructional materials purchased for classes at the College during the fall 2012 semester. The College will also reimburse the Complainant for any undergraduate tuition paid through the 2012-2013 and 2013-2014 school year, including related costs for fees, books, and instructional materials.
- c. The College will provide reimbursement to the Complainant for any costs associated with her medical, psychological and emotional support needs related to the September 29, 2012 incident for two years from the date of the incident.
- d. **Reporting Requirements:**
  - i. By August 15, 2017, the College will provide OCR with a draft of the meeting invitation described in Section IX.a. for review and approval. The College

will mail the statement to the Student's last known address and email address within ten (10) days of OCR approval.

- ii. By August 15, 2017, the College will provide the Complainant with written notification of the College's obligations under Section IX.b.-c. above, including an explanation of how the College will provide reimbursement for any expenses as described in Section IX.b.-c. above. The College will provide a copy of the notification to OCR within 15 days of issuing it to the Complainant.
- iii. By January 15, 2018, the College will verify to OCR that any reimbursement required by Section IX. has been provided to the Complainant.

**X. REVIEW OF REPORTS**

- a. The College will review reports received by the Vice President and/or Director of Human Resources from the 2013-2014 to the 2015-2016 academic years and determine whether there are any investigative steps that should have been completed to ensure an equitable and reliable process for the parties; where a finding of sex discrimination is made, whether there are any appropriate remedies that may still be available, such as counseling or academic adjustments; whether there are investigative steps or remedies necessary to identify and address any extant concerns about sexual harassment, sexual violence or retaliation; and whether a notice of the outcome was provided.

These reviews will at a minimum address the deficiencies identified by OCR during the course of this review, including the deficiencies identified with respect to inequitable treatment of respondents, although the College is not expected to reinvestigate or rehear matters that had been finally resolved under College policy. After this review, any complainant and/or respondent identified as not having received a prompt and equitable process will receive a written notice of the outcome of this review. The notice of the outcome will include an offer from the College of remedies and/or explanation of other actions the College proposes to address the deficiencies and an invitation for the individual to contact the College to discuss the proposal, including remedies the individual believes should be offered.

- b. Commencing with academic year 2016-2017, the College will annually submit for OCR's review and approval copies of all reports that allege sexual harassment and sexual violence and documentation related to the investigation of each report, such as witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, documentation regarding interim measures offered and/or provided, any final disposition letters, hearing records, disciplinary records, documentation regarding any appeals, and documentation regarding additional steps taken to stop harassment found to have occurred, prevent its recurrence, and remedy its effects on complainants and others, as appropriate.
- c. **Reporting Requirements:**

- i. By February 23, 2018, the College will provide for OCR's review and approval the results of its review as described in Section X. of this Agreement, including, but not limited to, any proposed notices of the outcome to be issued and any actions taken by the College and remedies put in place by the College as a result of its review. If OCR determines that the College must take any different or further action(s) and/or provide any different or further remedies, OCR will provide the College with notice of the corrective action and an opportunity to discuss the scope of the action. The College will initiate the corrective action(s) within forty-five (45) calendar days of receipt of OCR's determination.
- ii. Reports and related documentation for academic year 2016-2017 shall be submitted to OCR by December 15, 2017 and annually on the same date thereafter until such time as OCR closes the monitoring of this Agreement. If OCR determines that the College must take any corrective action(s), OCR will provide the College with notice of the corrective action and an opportunity to discuss the scope of the action. The College will take the corrective action within forty-five (45) calendar days of receipt of OCR's determination.

**XI. MONITORING**

The College understands that OCR will keep the monitoring of this case open for a minimum of three years and will not close the monitoring of this Agreement until OCR determines that the College has fulfilled its terms and is in compliance with the regulation implementing Title IX, at 34 C.F.R. Part 106, which was at issue in this case.

The College further 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 the regulation implementing Title IX, at 34 C.F.R. Part 106, which was at issue in this case. By signing this Agreement, the College agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement.

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) days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_

Dr. Samia Yaqub, President

\_\_\_\_\_07/12/2017\_\_\_\_\_

Date