

Resolution Agreement
Citrus College
Case No. 09-16-2079

Citrus College (College), without admitting to any violation of state or federal law, agrees to implement this Resolution Agreement (Agreement), in order to resolve the issues investigated and concerns and violations identified by the U.S. Department of Education Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972 in the above referenced case.

I. Procedures

- A. The College will draft a new administrative procedure (AP) that will be used to address sexual harassment and sexual assault complaints that are filed pursuant to AP 7102.1 - Prohibition of Harassment: Students, AP 7102- Prohibition of Harassment: Employees, and AP - 3540 Sexual and Other Assaults. The new procedure will:
1. Describe the College's obligation to provide for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for both parties to present witnesses and other evidence.
 2. Identify responsible employees and their responsibilities with respect to reporting.
 3. Include designated and reasonably prompt timeframes for major stages of the grievance process, as well as the process for extending timeframes to complete the investigation, and prompt timeframe for completion.
 4. Provide written notice to both parties of the outcome of the complaint.
 5. State that the investigation will determine, based on a preponderance of the evidence, whether the alleged sexual assault or harassment did or did not occur and the remedies needed to address the effects of the assault or harassment on the victim, if any.
 6. Provide an assurance that the College will take steps to prevent recurrence of harassment and to correct its discriminatory effects on the reporting student and on others, if appropriate.
 7. Explicitly prohibit retaliation for those reporting and participating in investigations and identify responsible employees and the nature of their responsibilities with respect to reporting.

8. Provide a range of interim measures as soon as possible after a complaint is filed, such as no contact order; change academic or living situations as appropriate with minimum burden on the reporting student; counseling; health and mental services; escort services; academic support; retake a course or withdraw without penalty.
 9. Ensure that the complainant is aware that he/she can file a criminal complaint and that the investigation by the college under the procedures will proceed contemporaneously, unless the College is told not to proceed by law enforcement for a short time period because the fact-finding process would impede the investigation; in such a case the College will implement appropriate interim steps to provide for the safety of the reporting student and the school community and keep complainants apprised that the investigation is temporarily on hold; the College will promptly resume its Title IX investigation as soon as the initial evidence gathering portion of by law enforcement has been completed.
 10. Update the parties at regular intervals of the status of the investigation.
 11. State that the complainant should not be required to work out an issue directly with the accused and that sexual assault complaints are not to be mediated on a voluntary basis.
 12. Notify parties of the right to end the informal process and begin the formal process and ensure that the informal process is voluntary for all parties.
 13. Provide training for all individuals implementing the grievance procedures.
 14. Not allow conflicts of interest by those handling the procedures.
 15. Address complainant confidentiality, including discussion of factors to weigh related to investigation, even if a complainant chooses not to proceed.
 16. Disallow evidence of past relationships of complainant (except in dating case with relationship to respondent).
- B. The College will revise AP 7102.1 Prohibition of Harassment: Students, AP 7102 Prohibition of Harassment: Employees, and AP 3540 Sexual and Other Assaults to state that the new administrative procedure referred in Item I.A. will be used to investigate sexual harassment and sexual assault complaints filed by or against students or employees.

Reporting Requirement:

By August 1, 2016, the College will provide OCR with a draft of the administrative procedure described in I.A for review and approval. Once OCR approves the procedure,

the College will formally adopt it and the revisions to the College’s sexual harassment and sexual assault procedures described in I.B, at its next board meeting and notify OCR that it has done so in writing.

II. Distribution of Notice of Nondiscrimination and Procedure

- A. Within 30 days of adopting the administrative procedure referred in section I.A, the College will distribute the procedure and its notice of nondiscrimination by including a link on the homepage of the College’s website to the procedure, the notice of nondiscrimination, and the Title IX Coordinator’s contact information.
- B. Within 30 days of adopting the procedure, the College will provide OCR with a Guidance Memorandum summarizing the procedure, the relevant sexual harassment and sexual violence procedures, the notice of nondiscrimination, and the Title IX Coordinator’s contact information for OCR review and approval. Once OCR approves the Guidance Memorandum, the College will post the Guidance Memorandum in areas clearly visible to students and staff members, including the Dean’s Office, Academic Counseling Office, Owl Bookstore, and Art Café.
- C. Within 30 days of receiving OCR’s approval of the Guidance Memorandum, the College will include the notice of nondiscrimination in all of the locations required by 34 C.F.R. § 106.9 and the notice and Guidance Memorandum in an addendum to the College Catalog for the 2016-2017 school year, the Schedule of Classes for the spring of 2017, and the Employee and Staff Manual for the 2016-2017 school year.

Reporting Requirements:

Within 35 days of adopting the administrative procedure, the College will provide OCR with the link on the homepage to the items described in II.A. Within 5 days of posting the Guidance Memorandum, the College will provide OCR with a list of all of the locations where the Guidance Memorandum is posted on campus. The College will also provide OCR with a copy of the addendum to the College Catalog within three days of the start of the fall 2016 semester, a copy of the Schedule of Classes within three days of the start of the 2017 spring semester, and a copy of the Employee and Staff Manual within three days of the start of the 2016 fall semester, all of which will include information about the new administrative procedure and notice of nondiscrimination.

III. Annual Staff Training

Beginning with the 2016-2017 school year, the College will provide an annual sexual harassment and sexual violence training to all faculty, adjunct faculty, and classified staff employees, including any employees who work with students employed by the College (e.g. bookstore, café). The trainings will take place at the beginning of the fall semester during the annual convocation, at the beginning of the spring semester on flex day, and

throughout the school year at each department meeting. Annual training will also take place for classified staff members within each of their respective divisions. In addition, employees new to the College, including adjunct faculty members, will receive training during their orientation. The trainings will also be available online for College employees and emailed directly to all employees with a request to complete the training and an explanation of the importance of such training. The trainings will include but not be limited to the following:

1. The types of conduct that constitute sexual harassment and sexual assault and the negative impact that such conduct has on the educational environment;
2. The College's administrative procedure for addressing sexual harassment and sexual assault complaints (referred to in Item I.A) and related sexual harassment and sexual assault procedures;
3. The College's responsibilities under Title IX to address allegations of sexual harassment and sexual assault in a prompt and equitable manner and the prohibition on retaliation and retaliatory harassment for those reporting or participating in an investigation;
4. How to contact the Title IX Coordinator;
5. How to inform students about their right to file a sexual harassment or sexual assault report with the College and criminal complaints with law enforcement; and
6. How responsible employees must promptly report sexual harassment and sexual violence that they observe or learn about.

Reporting Requirements:

By August 1, 2016, the College will provide OCR, for review and approval, the materials that will be used during the staff trainings, including copies of any slide presentation and materials that will be distributed, a link to the online training, and the name, title, and qualifications of the trainer(s).

By August 1, 2016, the College will provide OCR with a schedule that lists all of the dates of when the trainings described in Item III will take place. Within 10 days after each training has taken place during the 2016-2017 school year, the College will provide OCR with a copy of the sign-in sheets that includes the names and titles of the College staff and faculty members who attended and the dates of each training.

IV. Annual Training for Students

Beginning with the 2016-2017 school year, the College will provide regular mandatory training to all new students during orientation on sexual harassment and sexual assault. For continuing students, the College will e-mail each student the Guidance Memorandum described in Item II.B and a link to an online sexual harassment and sexual assault training. The training will:

1. Make students aware of the College's prohibition against sexual harassment, sexual violence, and retaliation;
2. Educate students on how to recognize such forms of sex discrimination when they occur;
3. Inform students as to how and to whom any incidents of sexual harassment, sexual violence, and retaliation should be reported; and
4. Provide a general overview of 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.

Reporting Requirements:

By August 1, 2016, the College will provide OCR, for review and approval, the training materials that will be used during orientation, including copies of any slide presentation and materials that will be distributed, a link to the online training, and the name, title, and qualifications of the trainer(s).

By October 1, 2016, the College will provide OCR with documentation showing that the mandatory student training has taken place during orientation for the fall 2016 semester. By March 31, 2017, the College will provide OCR with documentation showing that the mandatory student training has taken place during orientation for the spring 2017 semester. The documentation will include the dates of the training, the names of the trainer(s) and a copy of the agenda from each training session.

By October 1, 2016, the College will provide OCR with a draft of the e-mail that will be sent to continuing students, which includes the Guidance Memorandum and a link to the online training.

V. Owl Bookstore and Art Café

- A. The Director of Human Resources and the Title IX Coordinator will provide student employees at the Owl Bookstore and the Art Café with a written survey, which students can submit anonymously if they choose, to assess: 1) whether the work environment is free from prohibited sexual harassment, sexual violence and retaliation; 2) gauge the students' comfort with reporting such prohibited conduct; and 3) identify potential barriers to reporting such prohibited conduct, if any. The survey will be distributed first

on or before July 1, 2016 and each semester thereafter by the Director of Human Resources and the Title IX Coordinator in a location and manner that provides for confidentiality and privacy, assures students that they will not be subjected to retaliation, and helps ensure maximum participation. The College will take appropriate and responsive actions based on the results of the survey.

Reporting Requirements:

By June 15, 2016, the College will provide OCR, for review and approval, a draft of the survey. The College will distribute the surveys on or before July 1, 2016 and within 30 days of the beginning of each semester thereafter. The College will provide OCR with a copy of the surveys returned by the students for the summer of 2016 and the fall of 2016 within 30 days of the issuance of the survey. The College will also provide OCR with its analysis of the survey results and any appropriate and responsive actions it plans to take based on the results of the survey for OCR review and approval.

- B. The College will provide a copy of its March XX, 2015 letter to all of the students, who were employed at the Owl Bookstore and Art Café since October of 2009, and who did not receive a copy this letter when it was initially sent out, to inform them of the results of the College's investigation and the availability of free counseling services that are available to them on campus or through Project Sister Family Services. The letter will also state that a range of other remedies, such as academic support, are available for current impacted students. To the extent the College is notified of any other student or former student who was photographed or videotaped by the respondent, the College will provide the same letter and make the same offer of services to such students within 5 days of notice.

Reporting Requirements:

By July 30, 2016, the College will provide OCR with a list of the names of all of the students who received the letter and documentation showing that the College mailed the letters to the last known address of students and former students who were employed as discussed above since October of 2009.

- C. The College will provide OCR with any complaints filed by students during the 2016-2017 school year that is related to the respondent or any other Owl Bookstore and Art Café employee after the execution of this Agreement and the College's resolution of such complaints to OCR for review and approval.

Reporting Requirements:

Within 50 days of the filing of any complaint described in C above, the College will provide the complaint, investigation file and investigative report to OCR.

V. Monitoring

- A. The College understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the College understands that during the monitoring of this Agreement, 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 the Agreement and is in compliance with the statute(s) and regulation implementing Title IX and its implementing regulations, which were at issue in this case.
- B. The College understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with Title IX and its implementing regulations.
- C. 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 the Agreement, OCR shall give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Dr. Robert L Sammis
Director
Human Resources

June 06, 2016