

**Resolution Agreement  
Santa Ana College  
Case Number 09-16-2130**

In order to resolve the violation identified during the investigation of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), Santa Ana College (College) agrees to take the actions outlined in this Resolution Agreement (Agreement).

I. Grievance Procedure

- A. The College will revise AR 3435, its discrimination grievance procedure, to ensure that it complies with the requirements of 34 C.F.R. § 110.31, including by clarifying that the procedures apply to complaints by students, employees or third parties who have not themselves been subjected to alleged age discrimination, but who are aware of such discrimination.
- B. The College will provide notice of the discrimination grievance procedure to students, including where to file complaints, in a manner that is easily understood, easily located, and widely distributed pursuant to the AgeDA at 34 C.F.R. §§ 110.25(c). Specifically, the College will:
  - 1. provide a link to the discrimination grievance procedure (AR 3435) on the College website that can be easily located by students; and
  - 2. include a summary of the revised AR 3435 procedures in the College catalog, and in other widely circulated publications for students. The description of the “Grievance Procedures for Students” currently included in the College catalog will be revised to clarify that the revised AR 3435 procedures, and not the “Non-Academic Grievance Procedures for Students,” should be used for complaints of discrimination and provide information about where to obtain the revised grievance procedures and how to file a complaint under those procedures.
- C. To the extent that the College continues to use the Non-Academic Grievance Procedure for discrimination complaints, the College will revise the Non-Academic Grievance Procedures to provide a prompt and equitable resolution of complaints of age discrimination. The revisions to the procedure will include but are not limited to:
  - 1. providing reasonable timeframes for investigating and resolving grievances;
  - 2. a reasonable date by which complaints must be made (eliminating the ten day requirement);
  - 3. a statement that the procedure applies to students and third parties in addition to employees;

4. appropriate exceptions to the requirement that a complainant shall meet with the individual accused before a formal complaint can be investigated; and
5. notice to the complainant if the grievance is sustained.

#### Reporting Requirements

- D. Within 40 days of signing this Agreement, the College will provide to OCR for review and approval the proposed changes to AR 3435 and the Non-Academic Grievance Procedure. Within 45 days of receiving final approval from OCR, the College will provide OCR with documentation that the changes have been adopted.
- E. By October 10, 2017, the College will provide OCR with copies of the applicable pages from its revised publications that contain the revised procedures. By October 10, 2017, the College will provide OCR with web links showing that the College's website has been updated to include a link to the procedures.

## II. Training

- A. By December 2017, the College will provide training to all administrators, faculty, and other staff who are involved in the resolution of complaints of age discrimination. Prior to the training, administrators, faculty and other staff will be sent copies of the revised procedure regarding complaints of age discrimination. Areas to be addressed in the training include:
  1. The revisions to the grievance procedures, including the process for filing and resolving age discrimination complaints.
  2. Investigation of allegations of age discrimination, including harassment.

#### Reporting Requirements

- B. Within 30 days of receiving approval of the revised grievance procedures, the College will provide OCR for review and approval the training materials and qualifications of the proposed trainers. Within fifteen days of training completion, the College will provide to OCR verification of the training, and a copy of the sign-in sheets for the training, including the names and titles of those who attended, a statement identifying the trainer and his or her qualifications, and a copy of all material distributed or discussed at the training.

## II. MONITORING

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 this Agreement and is in compliance with the statute(s) and regulations implementing the Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 *et seq.*, (AgeDA) at 34 C.F.R. §§110.10 and 110.25, which were at issue in this case.

The College understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with the AgeDA, at 34 C.F.R. §§110.10 and 110.25.

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.

\_\_\_\_\_/s/\_\_\_\_\_  
Judy Chitlik  
Vice Chancellor Human Resources

\_\_\_\_\_04/10/2017\_\_\_\_\_  
Date