

**Resolution Agreement  
Imperial Valley College  
OCR Case Number 09-16-2274**

In order to resolve the issues investigated and concerns identified in the above-referenced complaint filed with 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 regulations, Imperial Valley College (“the College”) agrees to the terms of this Agreement. The College agrees to fully implement the terms below:

A. Notice of Nondiscrimination

1. The College will revise its notices of nondiscrimination to include all of the following information: 1) a statement that the College is required by Title IX not to discriminate on the basis of sex; 2) a statement that questions regarding Title IX may be referred to the College Title IX Coordinator or to OCR; 3) the College’s Title IX Coordinator(s) name or title with current contact information, including the Coordinator’s office location, address, and phone number, 4) any other individuals with responsibilities related to Title IX compliance at the College, including their name or title and current contact information, including the office location, address, and phone number.
2. The College will distribute the revised notices of nondiscrimination in accordance with the requirements of 34 C.F.R. § 106.9(b) including posting it prominently on the College’s website as well as in non-digital media, including but not limited to any bulletins, announcements, publications, catalogs, application forms, or recruitment materials distributed to the school community, including all applications for admission and employment, and to all unions or professional organizations holding collective bargaining or professional agreements with the College. The College will email the entire campus community when the updated policy receives final approval from OCR.
3. Reporting Requirement: By **November 15, 2017**, the College will provide OCR with a draft of its revised notice(s) of nondiscrimination. Within 30 days of OCR’s approval, the College will post the final version of the revised notice(s) of nondiscrimination in the locations identified in section A(2) and notify OCR that it has been posted.

B. Title IX Coordinator

1. The College will ensure that the required information regarding its Title IX Coordinator(s) is posted and made available on its website and in its policies and procedures consistent with 34 C.F.R. § 106.8(a). This includes publicizing on its website the name or title of its Title IX officer(s) and current contact information including phone number, office location and address. If the College designates Deputy Title IX Coordinators or other individuals to carry out the responsibilities of the Title IX Coordinator on campus, the contact information for these individuals and their functions with regard to Title IX compliance, including identifying which individual is responsible for coordinating compliance and Title IX-related investigations, will be published on the College's website as well.
2. The College will ensure that its Title IX Coordinator and other individuals with Title IX-related complaint investigation duties receive appropriate training and possess comprehensive knowledge in all areas over which they have responsibility in order to effectively carry out those responsibilities, including training in the College's policies and procedures related to sex discrimination/sexual harassment and all complaints raising Title IX issues.
3. The College will ensure that the information identified in section B(1) is included in all Administrative Procedures, Board Policies, and other formal and informal policies and procedures used to respond to complaints of sexual discrimination and sexual harassment.
4. Reporting Requirements:
  - a. By December 15, 2017, the College will provide OCR with a draft of the information listed in section B(1) to be posted on its website. Within 30 days of OCR's approval, the College will post this information to its website.
  - b. By November 15, 2017, the College will provide OCR with information about the training of its Title IX officers pursuant to section I.B(2), including the names and titles of the staff trained, their roles in responding to complaints of sexual harassment and discrimination, and the content of training including the provider, and the date the training was completed or will be completed.
  - c. By November 15, 2017, the College will provide OCR with confirmation that its Title IX officers have completed appropriate training.
  - d. By November 15, 2017, the College will identify to OCR the specific Administrative Procedures, Board Policies, and other formal and informal policies and procedures where the Title IX officers' information has been updated pursuant to section I.B(3).

### C. Policies and Grievance Procedures

1. The College will revise AP 3435 (“Discrimination and Harassment Investigations”) and all other policies and procedures used to respond to complaints of sexual harassment and sex discrimination to be consistent with Title IX and its implementing regulations including but not limited to the following: 1) revising the informal complaint process to provide for an adequate, reliable and impartial investigation, as well as to include a reasonably promptly timeline for resolution; and 2) revising both the formal and informal complaint processes to provide the respondent with equitable notice of the outcome, to include a means for extending investigation timelines, and to provide an assurance that the College will take steps to correct the discriminatory effect of the harassment on others, if appropriate. The College will provide notice of the revised policies and procedures to students, staff, and employees in accordance with Title IX and its implementing regulations, including notice of where complaints may be filed that is easily understood, easily located, and widely distributed.
2. The College will remove from publication all policies and procedures related to sexual harassment and discrimination that are not currently in use.
3. Reporting Requirements: By November 15, 2017, the College will provide OCR with a draft of its revised AP 3435 and all other policies and procedures used to respond to complaints of sexual harassment and sex discrimination. Within 30 days of OCR’s approval, the College will publicize the revised policies and procedures on its website as well as in other relevant non-digital materials such as Student and Faculty handbooks. The College will also provide notice to students, staff and faculty by email of the revised policies and procedures and the link to such documents.

### D. Individual Remedy

1. By September 15, 2017 and in accordance with its revised AP 3435, the College will provide the Complainant with prompt and equitable response to the complaint of sexual harassment that was made against him by a student, and the complaint that he subsequently made against the same student, including but not limited to conducting an equitable, adequate, reliable, and impartial investigation and providing the Complainant with notice of the outcome of the investigation.
2. Reporting Requirements: By September 29, 2017, the College will provide OCR with a draft of its investigative report, including a determination, responding to the complaints in section D.1. Upon the completion of OCR’s review and approval, the College will notify both parties of the outcome of its investigation in writing (notice of outcome). The notice of outcome will include a determination made under Title

IX standards, the factual findings supporting the determination, any sanctions imposed, and a right to appeal, if provided by College policies and procedures. As appropriate, the College will also inform the complaining party of any remedies and other steps that will be taken to prevent recurrence of harassment and to correct its discriminatory effects.

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 College staff, 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 IX and the implementing regulation, which were at issue in this case.

The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has fulfilled the terms of this Agreement and is in compliance with Title IX and the implementing regulations, which were at issue in 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.

\_\_\_\_\_/s/\_\_\_\_\_  
Name/Title

\_\_\_\_\_06/26/2017\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Name/Title

\_\_\_\_\_06/22/2017\_\_\_\_\_  
Date