

Resolution Agreement  
Cabrillo College  
Case No. 09-16-2278

Cabrillo College (College), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement), in order to resolve the issues investigated and violations identified by the U.S. Department of Education Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106 in the above referenced case.

I. Procedures and Notice of Nondiscrimination

- A. The College will revise AP 3410 that will be used to address sexual harassment and sexual assault complaints: Regulations for Handling Unlawful Discrimination and/or Harassment. The revised procedure will:
1. Describe how the College will provide for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for both parties to present witnesses and other evidence;
  2. Clarify timeframe requirements for filing of formal sexual harassment complaints;
  3. Identify responsible employees and their responsibilities with respect to reporting;
  4. 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;
  5. Provide written notice to both parties of the outcome of the complaint;
  6. 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;
  7. Provide an assurance that the College will take steps to stop any harassment, prevent recurrence of harassment and to correct its discriminatory effects on the reporting student and on others, if appropriate;
  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. Update the parties at regular intervals of the status of the investigation;

10. Provide training for all individuals implementing the grievance procedures;
11. Not allow conflicts of interest, real or perceived, by those handling the procedures;
12. Address complainant confidentiality, including discussion of factors to weigh related to investigation, including ensuring a nondiscriminatory environment, even if a complainant chooses not to proceed;
13. Disallow evidence of past relationships of complainant (except in dating case with relationship to respondent); and
14. Clearly explain how complaints can be filed, ensure application to complaints against and by third parties, and to off campus conduct having an impact on campus.

B. The College will revise its notice of nondiscrimination to comply with 34 C.F.R. § 106.9.

Reporting Requirement:

By **March 15, 2017**, the College will provide OCR with a draft of the administrative procedure and notice of nondiscrimination described in Section I for review and approval. Once OCR approves the administrative procedure and notice of nondiscrimination, the College will formally adopt them, at its next board meeting and provide documentation to 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 and notice of nondiscrimination referred in Section I, the College will distribute the administrative 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 and Academic Counseling Office and distribute it by email to all students, faculty and staff.
- 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 2017-2018 school year.

Reporting Requirements:

Within 35 days of adopting the administrative procedure and notice of nondiscrimination, the College will provide OCR with the link on the homepage to the items described in II.A. Within 5 days of posting and distributing the Guidance Memorandum, the College will provide OCR with a list of all of the locations where the Guidance Memorandum is posted on campus and documentation of distribution.

III. Annual Staff Training

Beginning with the 2017-18 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. The trainings will take place at the beginning of the fall semester or beginning of the spring semester. 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 could 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) 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 **June 1, 2017**, 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 **November 1, 2017**, 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 2017-2018 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 2017-2018 school year, the College will provide regular mandatory<sup>1</sup> training to all new students during orientation on sexual harassment and sexual assault.

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, including the complaint resolution process, and the role and authority of OCR to enforce Title IX.

Reporting Requirements:

By **June 1, 2017**, 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).

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<sup>1</sup> The term "mandatory" means that the College will inform students that their presence at orientation and at the training is mandatory. OCR will not require that the College monitor attendance and/or take punitive measures to ensure participation, such as placing holds on student registration.

By **November 1, 2017**, the College will provide OCR with documentation showing that the mandatory student training has taken place during orientation for the fall 2017 semester. By **April 1, 2018**, the College will provide OCR with documentation showing that the mandatory student training has taken place during orientation for the spring 2018 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.

V. Individual Remedies

- A. The College will initiate a conduct process regarding the professor identified in this complaint specific to sexual harassment. By **February 1, 2017**, the College will provide OCR with all documentation regarding the conduct process, and any administrative actions taken, with respect to the professor who was the respondent in the matter that was the subject of this complaint.
- B. By the same date, the College will inform the complainant in writing about any remedial or disciplinary actions taken against the professor that are directly related to the Complainant's allegations of sexual harassment. The College will offer to meet with the Complainant to discuss follow-up academic resources and support services, such as counseling on or off campus, and to discuss and respond to any ongoing concerns of harassment and provide a plan for provision of such services based on needs stated by the Complainant.

VI. 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.

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Dr. Laurel Jones, President

— 12/21, 2016