

RESOLUTION AGREEMENT

La Sierra University
OCR Case No. 09-16-2314

La Sierra University (University), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the issues of noncompliance and compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 and its implementing regulations.

I. POLICIES AND PROCEDURES

- a. The University will amend its September 14, 2016 “Sexual Misconduct Policy” to include, at a minimum that:
 - i. the Title IX Coordinator will assess interim measures for both parties to a matter, and that the Title IX Coordinator, and/or her or his specific designee, will be responsible for coordinating the provision of interim measures through multiple University departments or offices. In determining and implementing such measures, the Title IX Coordinator will review all available information and seek to equitably apply such measures which impact both parties; and
 - ii. with respect to the informal resolution process, the University will: 1) provide a description of the informal process and describe criteria that the Title IX coordinator will use for determining whether an informal resolution instead of a formal resolution will be utilized; 2) provide that the parties can request a formal investigation at any time during the informal process; 3) state that the informal resolution process is voluntary; and 4) provide a reasonably prompt timeframe for its completion.
- b. The University will ensure that where allegations involve both Title IX allegations and allegations that may be actionable under other student conduct code sections, all parties will receive adequate notice of the charges at the initiation of the investigation so that they may equitably prepare a response.
- c. **Reporting Requirements**
 - i. By July 31, 2018, the University will provide OCR with a draft of the revised policy and procedure for review and approval.
 - ii. Within 90 days of receipt of OCR’s approval, the University will provide documentation to OCR showing that it has adopted the revised policy and procedure and distributed it to staff, faculty, and students, including by providing links to the updated website, a copy of the electronic mail message, and a copy of and/or link to any updated printed publications containing the revised policy and procedure, such as the student handbook.

- iii. Once the University adopts the revised policy and procedure, the University will not substantially modify it prior to fully implementing 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 University proposes to adopt the modification.

II. STAFF TRAINING AND PROFESSIONAL DEVELOPMENT

- a. The University will continue to provide annual training overseen by the Title IX Coordinator to Title IX investigators, human resources personnel, campus safety, residence hall staff, as well as all University employees. The training will provide an understanding of the University's responsibilities under Title IX to address allegations of sexual harassment, sexual violence, and retaliation. The training will include, at a minimum:
 - i. the University's revised policies and procedures for Title IX reports required by Section I.;
 - ii. how to inform students and complainants of their right to file Title IX reports;
 - iii. provision of equitable interim remedies;
 - iv. identifying which employees are considered responsible employees, defined to include any employee who has authority to take action to redress sexual harassment, who has the duty to report to appropriate officials regarding sexual harassment or other types of misconduct by students or employees, or an individual who a student could reasonably believe has such authority or responsibility, and the obligation when they receive notice about possible sexual harassment/sexual violence to promptly report to the Title IX Coordinator; and
 - v. information about the prohibition on retaliation, how to prevent retaliation, and how to investigate complaints of retaliation.
- b. Beginning with the 2018-19 academic year, the University will continue to ensure that all new employees complete the training in person or through an OCR approved online training, pursuant to Section II., within six months of their employment start date.
- c. **Reporting Requirements:**
 - i. By September 28, 2018, the University will provide OCR with a draft of the proposed staff training materials and the name and title of the trainer described in Section II. for review and approval.

- ii. The University will implement the staff training as outlined in Section II. 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 University employees within 15 days of completion.

III. INDIVIDUAL REMEDIES

- a. The University will invite the Complainant and Respondent in this matter to each participate in separate meetings in which the Title IX coordinator will seek their input on ways to improve the experience of both parties in the University's Title IX grievance process. This conversation will also allow the Title IX coordinator to share recent revisions to the University's Title IX policy and procedure.
- b. As part of its outreach under III.a, due to concerns that the parties were not treated equitably under Title IX with respect to the timeframe for accepting supporting materials on appeal, the University will ascertain if the Respondent would like the University to reconsider his appeal, dated March XX, 2017, along with subsequent supporting documentation dated April XX, 2017, using the appropriate legal standard under Title IX. OCR did not identify Title IX issues with respect to the current appeal process as written. If the Respondent agrees, the University will analyze his appeal using a Title IX compliant process and determine if any further action is appropriate.
- c. **Reporting Requirements:**
 - i. Thirty days after OCR approves the University's revised Title IX policy and procedures, the University will provide documentation to OCR showing that an invitation was sent to the parties, including copies of communication sent to both parties, any response by the parties, and notes from any resulting meeting.
 - ii. Thirty days after the University either completes its consideration of the Respondent's appeal OR the Respondent declined OR did not respond within 30 (thirty) days of the University's invitation to reconsider his appeal, whichever occurs later, the University will provide OCR with a narrative description of any actions taken by the University with respect to the Respondent's appeal.

IV. REVIEW OF REPORTS

For the 2017-18 academic year, the University will submit for OCR's review and approval a listing or log of all reports and complaints of sexual harassment and sexual violence that were resolved or are pending as of June 30, 2018. The listing or log shall include: 1) a case number coded to protect individual privacy and the current status of each report of sexual harassment, including sexual violence; 2) whether the University

was able to meet the timeframes specified in the University's Title IX complaint procedures for investigation and appeals (and if the University was not able to meet its timeframes, include an explanation as to the cause); 3) all interim measures that were considered for the students, indicating the basis for the determination (e.g., discussion with student), the interim measures provided and an explanation as to any interim measures which were not provided despite a student's request; and 4) the final remedies that were provided to complainants, and any steps taken by the University to prevent recurrence of sexual harassment and to remedy its discriminatory effects, as appropriate, if a violation was found. The University will also provide OCR with the investigation report for every investigation completed during the time period.

Reporting Requirements:

By August 31, 2018, the University will provide for OCR's review and approval the listing or log, the investigation reports, and the results of its internal review as described in Section IV. of this Agreement, including its assessment of whether the resolution was prompt and equitable. The University will provide any proposals for addressing concerns identified as a result of the annual review to OCR for review and approval. To the extent OCR identifies any cases for further review after reviewing the summary, OCR will provide notice to the University, and the University will promptly provide the case files to OCR for review.

V. MONITORING

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the University understands that during the monitoring of this Agreement, OCR may visit the University, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement. Upon the satisfaction of the commitments made under the Agreement, OCR shall close the case.

The University 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 University written notice of the alleged breach and sixty (60) days to cure the alleged breach.

_____/s/_____
Randal Wisbey, President

June 8, 2018
Date