

Resolution Agreement

InterCoast Colleges

Case No. 09-17-2430

InterCoast Colleges (the College), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the 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. (Title IX), and its implementing regulation at 34 C.F.R. Part 106 in the above-referenced OCR case number.

I. Grievance Procedure and Notice of Nondiscrimination

A. The College will revise its existing grievance procedure(s) to ensure that they comply with Title IX and its implementing regulation, including by:

1. Providing notice to students and employees of the grievance procedure, including where complaints may be filed and how to file complaints;
2. Applying to complaints alleging discrimination and harassment carried out by students, employees, or third parties;
3. Ensuring that the College assesses the effects of off-campus misconduct when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity. This includes a review of misconduct that did not occur in the context of an education program or activity but may have had such an impact;
4. Providing notice to complainants of reasonable and applicable timeframe in which they must file a complaint;
5. Providing an adequate, reliable, equitable, and impartial investigation of complaints, including the opportunity for both the complainant and respondent to present witnesses and other evidence;
6. Providing designated and reasonably prompt timeframes for the major stages of the complaint process;
7. Providing notice to both parties of the outcome of the complaint and any appeal;
8. Including an assurance that the College will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred, and to correct its discriminatory effects on the complainant and others, if appropriate;
9. Providing that if all of the parties voluntarily agree to participate after full disclosure of the allegations and their options for formal resolution and the College determines it is appropriate, then the College can facilitate an informal voluntary resolution, including mediation;

10. Providing that the informal process must also include the right to end the informal process at any time and proceed with formal process; and
 11. Including a statement that retaliation is prohibited and that any individual who believes he/she was subject to retaliation may file a separate complaint.
- B. The College will revise its notice of nondiscrimination to comply with Title IX and applicable regulations.
- C. The College will consider creating one policy and procedure to address sexual harassment and eliminating duplicative policies and procedures. However, if the College retains multiple policies and procedures, the College will ensure that all policies and procedures are consistent with respect to the defined terms, reporting options and timelines, and investigation procedures. It will include appropriate cross-references to provide adequate notice of the applicable policy and procedure to students, employees, and third parties.
- D. The College will clarify that the Student Grievance Procedures currently found in the School Catalog and the corresponding online grievance form is not for discrimination complaints, including sexual harassment, and will direct students to the procedure(s) for discrimination complaints, including the grievance procedure developed in Section I.A., and revise its School Catalog and online grievance information to explain how to file discrimination complaints.
- E. Reporting Requirement:
1. By January 19, 2018, the College will submit a draft of the revised grievance procedure described in Section I.A. and the notice of nondiscrimination described in Section I.B. to OCR for review and approval.
 2. Within 30 calendar days of receiving OCR's approval of the grievance procedure and notice of nondiscrimination, the College will:
 - a. Adopt the grievance procedure and notice of nondiscrimination;
 - b. Distribute the grievance procedure and notice of nondiscrimination as required by the regulations at 34 C.F.R. § 106.8 and 106.9, including by:
 - i. Posting the grievance procedure and notice of nondiscrimination on the College's website homepage;
 - ii. Publishing the notice of nondiscrimination in the School Catalog and Employee Manual; and
 - iii. Sending an email to all staff and students with a link to the grievance procedure and notice of nondiscrimination, and information about upcoming guidance regarding these materials.

3. Within 45 calendar days of receiving OCR's approval of the grievance procedure and notice of nondiscrimination, the College will provide OCR with documentation of its distribution of the procedures and notice of nondiscrimination, including, but not limited to, links, emails, and copies of written publications, as required by Section I.E.2.
4. Within 45 calendar days of receiving OCR's approval of the grievance procedure, the College will send OCR documentation that it has completed Sections I.C. and I.D. The College will designate knowledgeable persons to review and discuss the College's actions with regard to Sections I.C. and I.D. Following this review, OCR may require the College to make additional changes to ensure full completion of Sections I.C. and I.D.

II. Guidance Memorandum

A. The College will develop and distribute a written guidance memorandum or memoranda to all College employees and students that summarize the grievance procedure developed in Section I.A., the notice of nondiscrimination developed in Section I.B., and the Title IX Coordinator's contact information.

B. Reporting Requirements:

1. Within 30 calendar days of receiving OCR's approval of the grievance procedure and notice of nondiscrimination, College will submit a draft of the guidance memorandum or memoranda described in Section II.A. for OCR review and approval.
2. Within 15 calendar days of OCR approval of the guidance memorandum or memoranda, the College will post the guidance memorandum or memoranda in areas clearly visible to students and staff members, including the Campus Presidents' Offices and distribute it by email to all students and employees.
3. Within 30 calendar days of OCR approval of the guidance memorandum or memoranda, the College will publish the guidance memorandum or memoranda in the School Catalog and Employee Manual.

III. Staff Training

A. Within 60 calendar days of receiving OCR's approval of the materials to be used for training as described in Section III.B.1, the College will provide sexual harassment training to College employees at the XXXXXXXXXX campus who are responsible employees and who are responsible for investigating sexual harassment complaints according to the grievance procedure developed pursuant to Section I.A. The training(s) will include, but is not limited to, the following:

1. The types of conduct that constitute sexual harassment and the negative impact that such conduct has on the educational environment;

2. The College's grievance procedure for addressing sexual harassment complaints (referred to Section I.A.);
3. The College's responsibilities under Title IX to address allegations of sexual harassment in a prompt and equitable manner and the prohibition on retaliation and retaliatory harassment for those reporting or participating in an investigation;
4. Who the Title IX Coordinator is and how to contact the Title IX Coordinator; and,
5. How responsible employees must promptly report sexual harassment that they observe or learn about.

B. Reporting Requirements:

1. Within 30 calendar days of receiving OCR's approval of the grievance procedure and notice of nondiscrimination, the College will provide to OCR for review and approval, the materials that will be used during the training, including copies of any slide presentation and materials that will be distributed, a link to any online training, if utilized, the proposed date(s) for the training, and the name, title, and qualifications of the trainer(s).
2. Within 15 calendar days of providing the training required in Section III.A., the College will provide OCR with the following documentation: the date of the training, the name and title of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets that includes the names and titles of the College employees who attended the training, a list that includes the names and titles of the College employees required to attend the training, and a plan for providing follow-up for those employees who did not attend, as needed.

IV. 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 Title IX and implementing regulations, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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/_____
Geeta Brown, President

_____11/30/2017_____
Date