

SETTLEMENT AGREEMENT

I. INTRODUCTION

Alaska Career College (college) enters into this agreement with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve OCR Reference No. 10152169, conducted under the authority of title IX of the Education Amendments of 1972 (Title IX) and the regulations that implement Title IX at 34 CFR Part 106.

II. GENERAL PROVISIONS

- A. This agreement has been entered into voluntarily by the college to resolve OCR Reference No. 10152169 and does not constitute an admission by the college of any violation of Title IX, or any other law.
- B. The college asserts that it has already taken multiple steps to prevent and address sexual discrimination, including sexual harassment and sexual violence. The college asserts it has published and implemented grievance procedures for investigating and resolving reports of sexual harassment and violence against students, employees, and third parties. In addition, the college asserts that it has a designated Title IX Coordinator, provides personal safety and sexual assault prevention programs for students and employees, and provides victims of sexual misconduct with a written explanation of their rights and options, written notification about existing counseling, health, mental health, victim advocacy, legal assistance and other services within the college and in the community; and information about options for, and available assistance in, changing academic situations. The college asserts it has also developed a confidential system for tracking and reviewing reports (including reports that do not result in the filing of a complaint), investigations, interim measures, and resolutions of student and employee conduct that may constitute sexual or gender-based harassment to ensure that such reports are promptly and impartially investigated and resolved.
- C. The college understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 CFR 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.

- D. The college understands that by signing this agreement, it agrees to provide OCR 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 regulation implementing Title IX, at 34 CFR 106.8 and 106.9, which were at issue in this case.
- E. 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 the regulations implementing Title IX at 34 CFR 106.8 and 106.9.

III. ACTION STEPS

A. TITLE IX COORDINATOR

1. By June 1, 2016, the college will ensure that it has designated at least one individual to coordinate its efforts and responsibilities under Title IX, including the equitable resolution of complaints of sex and gender-based discrimination and harassment (Title IX coordinator). If more than one Title IX coordinator is designated, the college's notice of nondiscrimination and Title IX grievance procedures will describe each coordinator's responsibilities, and one coordinator will be designated as having ultimate oversight. When designating its Title IX coordinator, the college should not designate an employee whose other job responsibilities create a conflict of interest.
2. By June 1, 2016, the college will take steps to ensure that all students and employees are notified of the name and/or position title, office address, telephone number, and e-mail address of the individual(s) designated to coordinate its efforts to comply with Title IX, including the equitable resolution of sex and gender-based discrimination and harassment complaints.
3. By June 1, 2016, the college will submit to OCR documentation that its Title IX Coordinator(s) is appropriately trained and does not have other job responsibilities that create a conflict of interest. The training will focus on the responsibility of the Title IX coordinator to

regularly develop and participate in activities designed to: (a) oversee the college's response to Title IX reports and complaints, and identify and address any patterns or systemic problems revealed by such reports and complaints; (b) provide training to employees and students; and (c) ensure that appropriate policies and procedures are in place to work with local law enforcement and provide information about local victim advocacy organizations and service providers.

B. GRIEVANCE PROCEDURES

1. By June 1, 2016, the college will review, revise, and submit for OCR's review and approval, its sex and gender-based discrimination grievance procedures to ensure that they comply with the requirements of Title IX at 34 CFR 106.8, and OCR's Title IX sexual harassment and sexual violence policies. OCR will approve the procedures or notify the college that further revisions are required. If revisions are required, the college will, within 30 days of receiving notice of the need for revisions, re-submit the revised procedures to OCR. OCR and the college will follow the same procedures until OCR approves the revised grievance procedures. The college will ensure that its revised grievance procedures:
 - a. provide notice to students and employees of the grievance procedures, including where complaints may be filed;
 - b. state the procedures apply to complaints filed by students or on their behalf alleging harassment carried out by employees, other students, or third parties;
 - c. provide for adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and relevant evidence;
 - d. designate reasonably prompt timeframes for the major stages of the grievance process;
 - e. require written notice to parties of the outcome of the complaint;

- f. contain an assurance that the school will take steps to prevent recurrence of any harassment and correct its discriminatory effects on the complainant and others, if appropriate;
 - g. state the college's jurisdiction over Title IX complaints;
 - h. contain clear and understandable definitions of sexual harassment (which include sexual violence);
 - i. contain reporting policies and protocols, including provisions for confidential reporting;
 - j. identify the employee(s) responsible for evaluating requests of confidentiality;
 - k. include notice that Title IX prohibits retaliation;
 - l. include notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously;
 - m. provide notice of available interim measures that may be provided to protect the student in the educational setting (e.g., no contact order, change academic situations as appropriate with minimum burden on the student, counseling, health and mental services, academic support, retake a course or withdraw without penalty);
 - n. provide notice that the preponderance of the evidence standard will be used for investigating allegations of sexual harassment or violence;
 - o. include a range of potential remedies and sanctions; and
 - p. include sources of counseling, advocacy, and support.
2. Within 30 days of receiving OCR's approval of the revised grievance procedures described in Section III.B.1 of this agreement, the college will adopt the revised grievance procedures and notify students and employees of the grievance procedure's revision. The notice will state that anyone wishing to make a complaint of sexual or gender-based harassment may do so in accordance with the revised procedures. Additionally, the college will post the revised

procedures in the following ways: (1) an annual mail/e-mail distribution to students and employees; (2) in the college's student handbook and employee handbook; (3) at various clearly-visible areas throughout the college campus; and (4) on a publicly accessible portion of the college's website.

C. NOTICE OF NONDISCRIMINATION

1. By June 1, 2016, the college will review, and revise, and submit, for OCR's review and approval, its notice of nondiscrimination to ensure that it complies with the requirements of Title IX at 34 CFR 106.9, and OCR's Title IX sexual harassment and sexual violence policies. Specifically, the college will ensure that its notice of nondiscrimination:
 - a. encourages any student who believes he or she has been subjected to sexual or gender-based harassment to report the harassment to the college, and states that questions regarding Title IX may be referred to the college's designated Title IX coordinator or to OCR; and
 - b. includes the name and/or position title, office address, telephone number, and e-mail address of the college's designated Title IX coordinator responsible for overseeing student complaints of sexual or gender-based harassment.
2. Within 30 days of receiving OCR's approval of the revised notice of nondiscrimination described in Section III.C.1. of this agreement, the college will adopt the revised notice and notify students and employees of the revision. The college will also prominently post the revised notice on its website and at various locations throughout its campus. The notice will be published in electronic and printed publications of general distribution that provide information to students, employees, and applicants for admission or employment about the college's services and policies.

D. EMPLOYEE TRAINING

1. Training in conducting investigations: Within 30 days of receiving OCR's approval of the grievance procedures described in Section III.B.1 of this agreement, the college will provide training for

college administrators and individuals with responsibility for conducting investigations or supervising investigators. The training will focus on how to conduct and document adequate, prompt, reliable, and impartial investigations, including interviewing victims and communicating in a fair, non-biased, and objective manner; and the appropriate standards to apply in reaching determinations. A consultant or staff member with experience or expertise in identifying, investigating, and resolving complaints of sexual harassment will develop the training materials.

2. General Title IX training for all staff: Within 30 days of receiving OCR's approval of the grievance procedures described in Section III.B.1 of this agreement, and annually thereafter, the college will provide training for all college staff. A consultant or staff member with experience or expertise in identifying, investigating, and resolving complaints of sexual harassment will develop the training materials. The training materials will provide, at a minimum, the following:
 - a. a review of the college's revised notice of nondiscrimination and revised grievance policies under Title IX;
 - b. instruction on what type of conduct constitutes sexual harassment;
 - c. practical information about how to identify and report sexual harassment and violence;
 - d. specific guidance and discussions of steps to take when staff receive complaints or information that suggests that a student or students are being subjected to sexual harassment;
 - e. specific guidance regarding the college's responsibility to respond to sexual harassment, including:
 - how students and employees are expected to respond to incidents of harassment that they experience, witness, or of which they otherwise have knowledge (including specific reporting procedures that are available);

- that failure by college officials to respond appropriately to sexual harassment of which they knew or should have known, may violate college policy and federal law;
- the requirement that the college take prompt and effective action to investigate and, as appropriate, take steps to end harassment, prevent its recurrence, and remedy its effects when such an incident comes to its attention regardless of whether a grievance has been filed;
- that failure to notify the parties of the outcome of an investigation of a sexual harassment complaint or grievance violates college policy and federal law; and
- the identification of designated staff who are available to answer questions or concerns regarding the policies and regulations or other issues related to harassment based on sex.

E. TRACKING COMPLAINTS

1. By September 1, 2016, the college will fully implement a confidential system for tracking and reviewing reports (including reports that do not result in the filing of a complaint), investigations, interim measures, and resolutions of student and employee conduct that may constitute sexual or gender-based harassment to ensure that such reports are promptly and impartially investigated and resolved. The Title IX coordinator will maintain records of all complaints, investigations, interim measures, interview notes, findings (including records of any corrective action taken, including disciplinary action) and the basis for those findings.

IV. REPORTING PROVISIONS

A. TITLE IX COORDINATOR

1. By June 15, 2016, the college will notify OCR of the name, position title, and qualifications of the individual(s) designated as its Title IX coordinator(s) pursuant to Section III.A.1 of this agreement. OCR

will notify the college of any areas of concern presented by the individual(s) selected as the Title IX coordinator(s), such as potential conflicts of interest, or with the responsibilities of the Title IX coordinator(s) as described by the college. The college will cure any areas of concern presented and notify OCR within 30 days of the cure.

2. By June 15, 2016, the college will provide to OCR a report evidencing compliance with Section III.A.2 of this agreement. The report will, at a minimum, include copies of the printed versions of all publications disseminated to students and employees containing the required information about the designated Title IX coordinator(s), and printouts or a link to all online publications containing the required information. Inserts may be used pending reprinting of hardcopy publications.
3. By June 15, 2016, the college will provide to OCR a report evidencing compliance with Section III.A.3 of this agreement. The report will, at a minimum, include the date(s) of the training, the name(s) and position title(s) of the instructor(s), and copies of the sign-in sheet of all attendees.

B. GRIEVANCE PROCEDURES

1. By June 1, 2016, the college will provide to OCR a copy of its proposed grievance procedure revisions for the review and approval process as set forth in Section III.B.1, above.
2. Within 60 days of receiving OCR's final approval of the revised grievance procedures, the college will provide to OCR a report evidencing compliance with Section III.B.2 of this agreement. The report will, at a minimum, include a copy of the notification(s) sent to students and employees of the revised procedures; a link to the location of the revised procedures on the college's website; a narrative description of where the revised procedures were posted throughout the college's schools and college offices; and a copy of any electronic and printed publications containing the revisions.

C. NOTICE OF NONDISCRIMINATION

1. Pursuant to Section III.C.1, above, within 60 days of receiving OCR's final approval of its revised notice of nondiscrimination, the college will provide to OCR a report evidencing compliance with Section III.C.2, above, of this agreement. The report will, at a minimum, include a copy of the notification(s) sent to students and employees of the revised notice of nondiscrimination; a link to page(s) on the college's website where the notice is prominently posted; and a copy of any electronic and printed publications containing the revised notice of nondiscrimination.

D. EMPLOYEE TRAINING

1. By November 15, 2016, and November 15, 2017, the college will provide to OCR a report evidencing compliance with Section III.D.1 of this agreement regarding the training in conducting investigations. The report will, at a minimum, contain the date(s) of the training, name(s) and position title(s) of the instructor(s), and copies of the sign-in sheets of all attendees.
2. By December 15, 2016, and December 15, 2017, the college will provide to OCR a report evidencing compliance with Section III.D.2 of this agreement regarding general Title IX training provided to all staff. The report will, at a minimum, contain the date(s) of the training, the name(s) and position title(s) of the instructor(s), and copies of the sign-in sheets of all attendees.

E. TRACKING COMPLAINTS

1. By September 15, 2016, January 15, 2017, September 15, 2017 and January 15, 2018, the college will provide a report to OCR regarding its handling of complaints during the previous academic term.

Signed:

/s/

Jennifer Deitz
President
Alaska Career College

May 17, 2016

Date