

## SETTLEMENT AGREEMENT

### I. INTRODUCTION

Pima Medical Institute-Seattle (PMI) enters into this agreement with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve OCR Reference No. 10162072, 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 PMI to resolve OCR Reference No. 10162072 and does not constitute an admission by PMI of any violation of Title IX, or any other law.
- B. PMI 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 PMI written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.
- C. PMI understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, PMI understands that during the monitoring of this agreement, OCR may visit PMI, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether PMI has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX at 34 CFR 106.71, which was at issue in this case.
- D. PMI understands that OCR will not close the monitoring of this agreement until OCR determines that PMI has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX at 34 CFR 106.71.

### III. ACTION ITEMS

- A. By **October 21, 2016**, PMI will develop a memorandum, policy or similar guidance for OCR review and approval to be given to all administrators and staff at PMI that provides information on unlawful retaliation against those engaging in civil rights related protected activity, and the procedures available

for complaints of retaliation. Within 30 days of receiving OCR approval of the memorandum, policy or similar guidance, PMI will provide written notice to all administrators and staff at PMI on the information set forth in the memorandum, policy or similar guidance. At a minimum, the written memorandum, policy or similar guidance will specifically:

1. Explain that Title IX and its respective implementing regulation prohibit retaliation against individuals who take action to assert the rights of individuals to be free from discrimination on the basis of sex.
  2. Emphasize that retaliation against those engaging in protected activities is unlawful, prohibited by PMI policy, and that employees who engage in such retaliation are subject to sanctions.
  3. Clarify that protected activity is not limited based on the position or status of the individual engaging in the protected activity and that students, staff, and third parties can engage in activity that is protected by federal civil rights laws.
  4. Provide examples of situations illustrating an individual raising protected activity, and examples of actions that may be considered retaliatory in nature, such as those presented in the instant complaint that was the subject of this agreement.
- B. By **October 21, 2016**, PMI will submit for OCR review and approval a draft of a letter to be sent to the complainant which informs the complainant of PMI's commitment to ensuring that all students, faculty and staff are free from retaliation when they engage in civil rights related protected activities. The letter will describe the various actions that PMI has taken and continues to take to ensure that PMI is in compliance with Title IX in this regard.
- C. Within 90 days of the adoption of the revised policies and procedures that PMI developed pursuant to the resolution agreement entered into by PMI to resolve OCR Reference No. 10122089, PMI will provide training to all administrators and staff at PMI on those policies and procedures, including the information contained in the memorandum, policy or similar guidance developed pursuant to section III.A of this agreement.

**IV. REPORTING PROVISIONS**

1. Within 45 days of OCR's approval of the draft memorandum, policy or similar guidance described in section III.A, PMI will provide OCR with a copy of the notice that was provided to all administrators and staff at PMI pursuant to section III.A, and the names and position titles of all staff who received the notice.
2. Within 10 days of OCR's approval of the draft letter to the complainant, PMI will provide OCR a copy of the letter sent to the complainant pursuant to section III.B of the agreement.
3. Within 30 calendar days of having conducted the training pursuant to section III.C of this agreement, PMI will provide OCR with a detailed report demonstrating that it has conducted the training. The report will include the training agenda, training dates, the qualifications of the trainers, a list of the training attendees with their position titles and departments, and copies of any handouts and visual aids used for the training.

Signed:

/s/

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Alan Clay  
Campus Director, PMI Seattle

September 27, 2016

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Date