

**Voluntary Resolution Agreement
Northwest Christian University
OCR Complaint No. 10172115**

Northwest Christian University (university), enters into this agreement to resolve the allegation in a complaint (Reference No. 10172115) filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the Department.

I. Resolution and Reporting Provisions

A. Policies and Procedures

1. By October 13, 2017, the university will review and revise its policies and procedures (revised procedures) that address complaints of sex discrimination, including sexual harassment, to ensure that they provide complainants and respondents with a prompt and equitable grievance process. The revised procedures must provide for, at a minimum: (i) appropriate notice of the procedures, including where complaints may be filed; (ii) notice that the procedures apply to complaints alleging all forms of sex discrimination, including sexual harassment, carried out by employees, students, or third parties; (iii) provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for parties to present witnesses and other evidence; (iv) designated and reasonably prompt time frames for the major stages of the complaint process; (v) notice to parties of the outcome of the complaint; (vi) assurance that the university will take steps to prevent recurrence of any sexual harassment and to correct its discriminatory effects on the complainant and others; (vii) provisions ensuring that students are notified of the availability of interim measures to protect students during the investigation of possible sexual harassment and during any judicial process, including appeals; (viii) a statement that retaliation and retaliatory harassment are prohibited against any individual who files a sex discrimination complaint with the university or participates in a complaint investigation in any way, as well as a clear explanation of how retaliation or retaliatory harassment can be reported to the university; and (ix) a statement that the preponderance of the evidence standard will be used in resolving all complaints of sex discrimination, including sexual harassment.

Reporting Step 1: By October 27, 2017, the university will provide OCR a draft of the revised procedures, which it developed pursuant to section I.A.1 of the agreement, for OCR's review and approval. If OCR determines that the revised procedures require further revision, OCR will notify the university of the reasons for further revision and the university will make the changes and re-submit the draft revised procedures within 30 days of receiving OCR's required changes. OCR and the university will continue this process until OCR approves the revised procedures.

Reporting Step 2: Within 30 days of receiving OCR's approval of the revised procedures submitted pursuant to section I.A.1 of the agreement, the university will provide OCR with documentation to substantiate that it has adopted the OCR-approved procedures.

B. Training and Notice

1. By March 30, 2018, the university will assure that training on the requirements of Title IX has been received by the Title IX coordinator(s) and all other employees involved in processing, investigating, adjudicating, and/or resolving complaints of sex discrimination, including sexual harassment. The training will include, at a minimum, instruction on: how to conduct adequate, reliable, and impartial investigations of sex discrimination to ensure that both the accuser and the respondent are afforded their right to a thorough and equitable investigation pursuant to Title IX; the types of conduct that would constitute sexual harassment; the application of the proper evidentiary standard (preponderance of the evidence); the provision of interim measures and the need for remedial actions for the alleged perpetrator, complainant, and school community; and how to determine the existence of a hostile environment and methods for eliminating and preventing the recurrence of a hostile environment; the importance of fully documenting all steps of an investigation and resolution, including any testimony collected from witnesses; the start and stop dates of any investigation suspension; the offer and acceptance or decline of interim relief; and the issuance of notice to all parties. The training will be conducted by an individual with expert knowledge of the requirements of Title IX.

Reporting Step: By April 13, 2018, the university will provide OCR a report on the trainings it provided pursuant to section I.B.1 of the

agreement. The report will include: the date(s) of the training(s); a copy of the training agenda(s) and any training materials; the name and title of the presenter(s); and the names and titles of the individuals who attended the training(s).

2. Within 60 days of receiving OCR's approval of the university's revised procedures described in section I.A.1 of this agreement, the university will provide training to all students, faculty, and staff regarding the university's revised procedures.

Reporting Step: Within 30 of completion of the training, the university will provide OCR a report on the trainings it provided pursuant to section I.B.2 of the agreement. The report will include: the date(s) of the training(s); a copy of the training agenda(s) and any training materials; the name and title of the presenter(s); and the names and titles of the individuals who attended the training(s).

3. Within 30 days of receiving OCR's approval of the university's revised procedures described in section I.A.1 of this agreement, the university will provide written notice by mail or email of the university's revised procedures to all students, faculty, and staff.

Reporting Step 1: By December 15, 2017, the university will provide OCR with a copy of the university's draft notice pursuant to section I.B.3 of the agreement for OCR's review and approval. If OCR determines that the notice requires further revision, OCR will notify the university of the reasons for further revision and the university will make the changes and re-submit the revised draft notice for OCR's review within 30 days of receiving OCR's required changes. OCR and the university will continue this process until OCR approves the notice.

Reporting Step 2: Within 30 days of receiving OCR's approval of the notice, the university will provide to OCR a copy of the notice and a description of the methods used to distribute the notice to students, faculty, and staff pursuant to section I.B.3 of the agreement.

C. Complainant-Specific Actions

1. By September 15, 2017, the university will identify an impartial individual with no prior knowledge of this complaint, the students, or any surrounding circumstances, to conduct an independent investigation of the Title IX complaint filed against the student in December 2016. The impartial investigator will be an individual with expert knowledge of the requirements of Title IX. The independent investigation should include reviewing any documents related to the allegations included in the December 2016 complaint, as well as acquiring any new evidence that the investigator determines is appropriate. In the event the investigator determines additional information is needed from either the complainant or respondent, the investigator will provide both parties with the opportunity to provide additional information. Consistent with the reporting provisions below, the impartial investigator will provide the university with an investigative report at the conclusion of the investigation, and the university will use the report to determine what actions, if any, the university will take in regards to the student in light of the conclusions of the independent investigation. The university will provide notice of the findings of the independent investigation to the parties, as well as information about the university's modifications of any actions taken by the university in response to the university's December 2016 investigation.

Reporting Step 1: By September 29, 2017, the university will provide OCR with a report detailing the name, title, and qualifications of their selected impartial investigator for OCR's approval pursuant to section I.C.1 of the agreement. If OCR determines that the selected individual is not qualified to conduct an independent, impartial, and thorough Title IX investigation, OCR will notify the university and the university will select an alternative individual to conduct the investigation and present their qualifications to OCR within 30 days of receiving OCR's notice. OCR and the university will continue this process until OCR approves the impartial investigator.

Reporting Step 2: Within 90 days of OCR's approval of the impartial investigator, the university will submit the impartial investigator's investigative report, with a description of the university's proposed actions, if any, it proposes to take with regard to the student based on the investigative report, to OCR for review and approval pursuant to section I.C.1 of the agreement. OCR's review of the investigative report and the university's proposed

actions will be limited to the required procedural elements of a Title IX grievance procedure, detailed in section I.A.1 of the agreement. If OCR determines that the investigative report or the university's proposed actions do not satisfy the procedural requirements of Title IX, OCR will notify the university and the university will make the necessary revisions. The university will resubmit the investigative report and/or proposed actions to OCR within 30 days of receiving OCR's notice. OCR and the university will continue this process until OCR approves of the investigative report and the university's proposed actions.

Reporting Step 3: Within 10 days completing the approved proposed actions, the university will submit a report to OCR confirming the completion of the actions and include a copy of the written notice to the parties pursuant to section I.C.1 of the agreement.

II. General Provisions

- A. This agreement resolves the allegations in OCR Reference No. 10172115.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10172115 based upon the university's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegation in this case.
- C. The university understands that by signing this agreement, it agrees to provide OCR 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 and is in compliance with the regulation implementing Title IX at 34 C.F.R. § 106.8 and 106.31, which were at issue in this case.
- D. The university understands that OCR will not close the monitoring of this agreement until such time that OCR determines that the university has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title IX at 34 C.F.R. § 106.8 and 106.31, which were at issue in this case.

- E. The university understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including to enforce this agreement, OCR shall give the university written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

/s/

August 15, 2017

Dr. Joseph D. Womack
President
Northwest Christian University

Date