

**Resolution Agreement
Jackson College
OCR Docket # 15-15-2001**

Jackson College (the College) submits the following resolution agreement (Agreement) to the U.S. Department of Education's Office for Civil Rights (OCR), to ensure that in compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106 (Title IX), and to resolve the above-referenced complaint. Accordingly, while not admitting liability for any alleged violation(s) of applicable laws or implementing regulations, the College agrees to take the following action steps:

A. INDIVIDUAL REMEDY

1. By May 15, 2015, the College's Title IX Coordinator will review xxxxxxxx xxxxxx's (the Student's) xxxxxx xx, xxxx, and xxxxxx xx, xxxx, xxxxx in which he alleged that he was denied a classroom opportunity on the basis of his sex. In addition, the College's Title IX Coordinator will contact the Student and request additional information to assess whether or not the xxxxxx constitute complaints of sex discrimination under Title IX and the College's policy prohibiting sex discrimination and whether any further investigation is required under the policy. A copy of the initial contact letter to be sent by xxxxxx has been provided to OCR simultaneously with this Agreement.
2. If an investigation or further investigation is warranted, the Title IX Coordinator will immediately conduct such an investigation in compliance with the Title IX implementing regulation, at 34 C.F.R. § 106.8(b), that provides for the prompt and equitable resolution of complaints alleging sex discrimination.
3. The College will notify the Student, in writing, of the outcome of its preliminary review and any subsequent investigation of his complaints. The College's written notification to the Student will include a statement explaining the allegation made by the Student and setting forth the reasons for its decision whether or not to proceed with an investigation of sex discrimination. If the College's decision not to proceed to an investigation is based on its need for further information from the Student, the letter will clearly state the information needed by the College in order to proceed, and will identify a deadline for the Student to submit the necessary information and an expected timeline for the College's completion of any further investigation. If the College conducts a full investigation of the Student's complaints, the letter will also include: a statement of the allegation of sex discrimination that was investigated; a description of the evidence considered; the legal standard the College applied in analyzing the evidence obtained; an explanation of the College's findings following its investigation; and, if

applicable, any remedies provided to the Student or other actions taken by the College.

REPORTING REQUIREMENT: By **May 29, 2015**, the College will submit to OCR for review and approval, its proposed written notification to the Student that includes the provisions set forth in Action Step A, above. Within 15 calendar days of OCR's approval of the College's written notification to the Student, the College will provide documentation to OCR demonstrating that it provided the OCR-approved notification to the Student. If the first letter issued to the Student pursuant to Action Step A, above, is not fully dispositive, then by June 30, 2015, the College will submit to OCR, for review and approval, its proposed written notification to the Student of the outcome of any subsequent investigation which will include, at a minimum, the relevant information set forth in Action Step A(3), above. Within 15 calendar days of OCR's approval of the College's written notification to the Student, the College will provide documentation to OCR demonstrating that it provided the OCR-approved notification to the Student.

B. TITLE IX GRIEVANCE PROCEDURES

1. By May 29, 2015, the College will revise and submit to OCR for review and approval its policies and procedures regarding all forms of sex discrimination covered by Title IX, including sex-based harassment. The revised policies and procedures will include, at a minimum, the following provisions:
 - a. A requirement that College personnel who witness any conduct that may be sex discrimination or who receive any complaint or report that sex discrimination may have occurred or may be occurring, must promptly report the incident to their immediate superior or the College's Title IX Coordinator. If not reported directly to the Title IX Coordinator, the superior will ensure that the Title IX Coordinator receives prompt notice of the complaint.
 - b. An explanation of how to report discrimination based on sex and/or how to file a complaint. This explanation will include specific information as to the correct name or title and contact information (including office and email address and telephone number) for the College employee(s) responsible for receiving and/or investigating reports of sex-based discrimination, including harassment (i.e., the Title IX Coordinator).
 - c. A statement that the College's policies and procedures, including any complaint procedures, apply to behavior by employees, students, and third parties.
 - d. Clarification that the College's Title IX Coordinator is the same individual as the College's Civil Rights Coordinator, and consistent use of terms and contact information to identify this person throughout

the documents, including any policies prohibiting sex discrimination, the College's non-discrimination statement, and any complaint processes that the College will continue to publish and use to address complaints of sex discrimination.

- e. If the College continues to include an informal process in the procedures, notice that the informal process is voluntary, a statement that complainants are never required to confront the individual alleged to have discriminated against before they can file a formal complaint, and a requirement that the complainant will be informed of his/her right to end the pre-complaint process at any time and access the formal grievance process.
- f. A description of the College's complaint procedures, including, at a minimum:
 - i. a description of the various steps the College will take to conduct adequate, reliable and impartial investigations of reported incidents,
 - ii. designated and prompt timeframes for each major stage of the College's investigation of a complaint.
 - iii. the opportunity for all parties to present evidence and identify witnesses,
 - iv. a requirement that an investigatory report be filled out by the College's Title IX Coordinator or his/her designee during the course of the investigation,
 - v. a statement that the College will use a preponderance of the evidence standard to determine whether a violation of its policy prohibiting sex discrimination has occurred, and
 - vi. a requirement that the College provide written notice to both parties of the outcome of the complaint investigation, including any appeal.
- g. A statement that when discriminatory conduct is found to have occurred, the College's Title IX Coordinator will identify the steps the College will take to prevent further discrimination and remedy the discriminatory effects on the complainant and others, as appropriate. The College's Title IX Coordinator will oversee and document the implementation of any steps identified as necessary to remedy and prevent the discrimination.

- h. A prohibition of retaliation against persons who report alleged discrimination (including harassment) based on sex or participate in related proceedings.
- i. Current contact information for the OCR regional office in Cleveland, Ohio, to replace the information for OCR headquarters listed in the policy, and an explanation that individuals may choose to file a complaint with OCR at any time and that OCR does not serve as an appeal body for the College's decisions.

REPORTING REQUIREMENT: By **May 29, 2015**, the College will submit to OCR the policies and procedures revised as described in Action Step B(1) for review and approval.

- 2. Within 60 calendar days of the College's receipt of the OCR-approved revised policies and procedures, the College will adopt and implement the OCR-approved revised policies and procedures, publish them on its website, and include them in its student handbooks. To the extent that cost prohibits an immediate reprinting of hard copy handbooks, the College may add inserts to any existing handbooks and distribute those inserts to students until such time as the hard copy handbooks are re-published. The College will further review and, as appropriate, revise all of its existing policies and procedures that address discrimination on the basis of sex to ensure that they are consistent, or, to the extent necessary, withdrawn, so as to eliminate confusion for students and staff. The College will further notify staff, students, and faculty of where copies of the policies and procedures may be obtained.

REPORTING REQUIREMENT: Within 60 calendar days of the College's receipt and confirmation of the OCR-approved revised policies and procedures, the College will provide documentation to OCR verifying its implementation of Action Step B(2) of the Agreement, including copies of the published policies, a link to the policies and procedures on the College's website, and any notices issued.

- 3. Within 60 calendar days of the College's receipt of OCR-approved revised policies and procedures, the College will provide training to all administrators and staff including faculty, instructors and department heads, regarding discrimination on the basis of sex. The training will address, specifically, the College's obligations pursuant to Title IX, including its responsibility to respond to complaints alleging sex discrimination as well as the responsibility of staff to notify the Title IX Coordinator of all reports, complaints and incidents of possible discrimination and the procedures for doing so. The training will also specifically address Title IX's prohibition against retaliation. The training will further review the content of the College's policies and procedures revised per Action Step B(1), above. This training will be conducted by a person knowledgeable about these subjects.

REPORTING REQUIREMENTS: Within 60 calendar days of receipt of the OCR-approved revised policies and procedures, the College will provide documentation to OCR to verify its implementation of Action Step B(3), above. Specifically, the College will provide verification of the attendees at the trainings, a list of any College, administrators, and staff who **did not participate**, a description of the qualifications of the presenters, outlines of the topics covered in the trainings, and any materials distributed during the training.

GENERAL REQUIREMENTS

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 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. §§106.8(b), which was at issue in this case.

The College understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the College understands that during the monitoring of this Agreement, if necessary, 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 of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. § 106.8(b).

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
President or designee

05/01/15_____
Date