

**Resolution Agreement  
Hunter Business School  
Case No. 02-16-2218**

In order to resolve the compliance concerns identified in Case No. 02-16-2218, Hunter Business School (the College) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106.

The College denies that it has violated any provision of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106. It enters into this Resolution Agreement voluntarily to resolve this matter. The College's entry into this Resolution Agreement does not constitute an admission by the College that the College is not in compliance with Title IX of the Education Amendments of 1972 (Title IX, as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106. This Resolution Agreement is limited to the facts of Case No. 02-16-2218 and is not intended to apply to any other matter or proceeding.

**Action Item 1: Title IX Coordinator & Nondiscrimination Notice**

By December 30, 2016, or within 30 days of OCR's approval of the College's revised draft notice of non-discrimination, whichever is later, the College will take steps to clearly and adequately notify all new and existing students and employees of the name and/or title, office address, telephone number, and electronic mail (e-mail) address of the person(s) designated to coordinate its efforts to comply with Title IX. The College will also revise its existing nondiscrimination notice(s) to state that inquiries concerning the application of Title IX and its implementing regulation may be referred to the College's Title IX Coordinator or to OCR, as required by the regulation implementing Title IX, at 34 C.F.R. § 106.9; and, ensure that the notice of nondiscrimination is published in each announcement, bulletin, catalog, or application form which it makes available to applicants for employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient.

**Reporting Requirement:** By November 15, 2016, the College will provide to OCR, for review and approval, a copy of its revised draft notice of nondiscrimination. Within 30 days of OCR's approval of the revised draft notice of nondiscrimination, the College will provide to OCR a list of the titles of the publications in which the notice of nondiscrimination and contact information for the Title IX Coordinator appear (e.g. Student Handbook, Student Catalog, Employee Handbook, website) and a copy of at least one publication disseminated to the campus community, or printouts or a link to an on-line publication containing the notice and contact information for the Title IX Coordinator. Inserts may be used pending reprinting of these publications.

**Action Item 2: Grievance Procedures**

By January 31, 2017, or within 30 days of its receipt from OCR of approval of the revised draft grievance procedure, whichever is later, the College will revise its grievance procedures that address complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence) to ensure that these procedures provide for the prompt and equitable resolution of complaints by students and employees who allege all forms of discrimination on the basis of sex. The procedures will include at a minimum:

- (1) notice of the procedures and how to file a complaint that is easily understood, easily located and widely distributed; such notice must include the contact information (name or title, office address, email address and telephone number) for the individual with whom complaints may be filed;
- (2) notice that the procedures apply to complaints alleging all forms of sex discrimination (including sexual harassment, sexual assault, and sexual violence) against employees, students, or third parties;
- (3) definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment, sexual assault and sexual violence);
- (4) a statement that responsible employees are expected to promptly report sexual harassment that they observe or learn about;
- (5) a statement that the College has an obligation to promptly investigate to determine what occurred and then to take appropriate steps to resolve the situation when it knows or reasonably should know about possible discrimination, regardless of who reports the discrimination, and regardless of whether the affected student(s) chooses to cooperate or proceed with a formal complaint;
- (6) provisions for the prompt, adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- (7) provisions ensuring that the parties are afforded similar and timely access to any information used at the hearing;
- (8) a statement that the preponderance of the evidence standard will be used for investigating alleged sex discrimination, sexual harassment, sexual assault and sexual violence complaints and making findings related to the allegations;
- (9) clarification that any informal resolution mechanism set forth in the procedures will only be used if the parties voluntarily agree to do so, that the complainant should not be required to resolve the problem directly with the respondent, and that there will be instances when the informal resolution mechanism may be inappropriate (e.g., mediation is prohibited in cases of sexual assault, and those involving a student complaining of sexual harassment against an employee in a position of authority over the student); and that the complainant must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process;
- (10) designated and reasonably prompt timeframes for the major stages of the grievance process that apply equally to the parties of the complaint, including the investigation, complaint resolution, and appeal processes, if any;
- (11) an assurance that victims will be made aware of their Title IX rights and available resources, such as counseling, the local rape crisis center, and their right to file a complaint with a local law enforcement agency;

- (12) a provision notifying complainants that they may pursue a complaint with the College and the police simultaneously; and notifying them that the College may need to briefly suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence, and that the College will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, or within 10 days, whichever is sooner;
- (13) a provision indicating that the College will proactively implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community and the avoidance of retaliation;
- (14) provisions indicating the availability of interim measures during the College's investigation of possible sexual harassment (such as how to obtain counseling and academic assistance in the event of a sexual assault, and what interim measures can be taken if the alleged perpetrator lives on campus and/or attends classes with the victim), and that such interim measures will not disproportionately impact the complainant;
- (15) an assurance that the complaint and investigation will be kept confidential to the extent possible;
- (16) where the procedures allow the parties to have a lawyer or other representative at a hearing, a statement that both parties will have an equal opportunity to have lawyers/representatives present and that any restrictions on the lawyers/representatives' ability to speak or otherwise participate will be applied equally to both parties;
- (17) written notice to both parties of the outcome;
- (18) notice of the opportunity of both parties to appeal the findings, if the procedures allow appeals;
- (19) an assurance that any appeal will be conducted in an impartial manner by an impartial decision maker;
- (20) an assurance that steps will be taken to end discrimination and harassment, eliminate any hostile environment, to prevent its recurrence, and remedy the discriminatory effects on the victim(s) and others, if appropriate;
- (21) examples of the range of possible disciplinary sanctions, and the types of remedies available to victims and others; and
- (22) a statement that retaliation is prohibited against any individual who files a sex discrimination complaint under Title IX or participates in a complaint investigation in any way.

**Reporting Requirements:**

- a) By November 30, 2016, the College will provide its revised grievance procedures to OCR for review and approval.
- b) Within thirty (30) days of the College's receipt of OCR's approval of the revised draft grievance procedures, the College will provide OCR with documentation to substantiate that it has formally adopted the OCR-approved revised procedures;

updated all printed publications and on-line publications with the revised documents (inserts may be used pending reprinting of these publications); and electronically disseminated the revised grievance procedures to students and employees. This documentation will include evidence of the electronic dissemination of the revised grievance procedures to students and employees, a list of the titles of the publications in which the information appears (e.g. college catalog, website, student handbook) as well as a copy of any such publications or a link to an on-line publication containing the revised grievance procedures; or if not yet finalized, a copy of the insert for printed publications.

### **Action Item 3: Supplemental Investigation**

By December 30, 2016, the College will complete a supplemental investigation of the complainant's complaints of discrimination and harassment based on her sex. The supplemental investigation of the complainant's complaints will involve, at a minimum, the following: conducting a detailed review of all information previously provided by the complainant, and/or on her behalf, to the College; providing the complainant and/or her representative with an opportunity to provide additional information or identify any other relevant witnesses; interviewing the respondents and other witnesses to the alleged conduct, as appropriate; and, making a determination of whether the evidence presented, together with such additional information and witnesses as may be identified or presented, supports by a preponderance of the evidence a finding that discrimination or harassment occurred. The outcome of the investigation will be communicated to the complainant and the respondents in writing.

**Reporting Requirement:** By January 15, 2017, the College will submit to OCR a report documenting the supplemental investigation, including who was interviewed; what information witnesses provided; the outcome of the investigation; any corrective actions deemed necessary; and, a timeline for implementation of the corrective actions, if necessary. The College will also provide to OCR a copy of all documentation obtained during the course of the investigation, and documentation demonstrating that written notice of the outcome was provided to the complainant and the respondents.

### **Action Item 4: Training**

By February 28, 2017, or within 30 days of its receipt from OCR of approval of the revised draft notice of non-discrimination, whichever is later, and annually thereafter, the College will provide training to its Title IX Coordinator(s), any other coordinators, and any College officials and administrators who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence), or who will otherwise coordinate the College's compliance with Title IX. The College's training will specifically cover the College's revised grievance procedures for Title IX complaints, and will include instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations. The training will also provide attendees with instruction on recognizing and appropriately addressing allegations and complaints pursuant to Title IX. The training will include information concerning what constitutes sex discrimination (including

sexual harassment, sexual assault, and sexual violence), and the College’s responsibilities under Title IX to address allegations of sex discrimination (including to take interim measures).

By February 28, 2017, or within 30 days of its receipt from OCR of approval of the revised draft notice of non-discrimination, whichever is later, and annually thereafter, the College will also provide training to all employees likely to witness or receive reports of sexual misconduct, including professors, College law enforcement or security personnel, administrators, counselors, general counsel, athletic coaches, and health personnel. This training should include practical information about how to prevent and identify sexual violence; the behaviors that may lead to and result in sexual violence; the attitudes of bystanders that may allow conduct to continue; the potential for re-victimization by responders and its effect on students; appropriate methods for responding to a student who may have experienced sexual violence, including the use of nonjudgmental language; the impact of trauma on victims; and, as applicable, the person(s) to whom such misconduct must be reported. The training should also explain responsible employees’ reporting obligations, including what should be included in a report and any consequences for the failure to report; and the procedure for responding to students’ requests for confidentiality, as well as provide the contact information for the College’s Title IX coordinator.

**Reporting Requirements:** By March 15, 2017, or within 30 days of the completion of training as set forth in Action Item 4 above, whichever is later, the College will provide documentation to OCR demonstrating that it provided training in accordance with Action Item (4) above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s), the date(s) and time(s) of the training(s), the names and positions/titles of staff in attendance, confirmation of whether all relevant employees have been trained (and if not, how many remain), and copies of any training materials distributed.

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 C.F.R. §§106.8 and 106.9, which were at issue in this case. The College also 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 the regulations implementing Title IX, at 34 C.F.R. §§106.8 and 106.9, which were at issue in this case. The College 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 proceeding, including 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.

10/26/2016  
Date

/s/  
Jay Fund, President  
Hunter Business School