

RESOLUTION AGREEMENT

San Juan Bautista School of Medicine Case Nos. 02-18-2181 and 02-19-2044

To resolve OCR's findings and concerns set forth in the accompanying letter in Case Nos. 02-18-2181 and 02-19-2044, San Juan Bautista School of Medicine (the School) 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; and Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100.

The School has entered into this Resolution Agreement (the Agreement) voluntarily and the Agreement does not constitute an admission by the School of any liability or wrongdoing.

The action items detailed below address OCR's findings that the School failed to investigate the Complainant's reported sexual assault in violation of Title IX; OCR's concerns regarding the School's investigation of the Complainant's complaint against [] alleging race/national origin and sex discrimination; and OCR's concerns regarding the School's provision of interim measures to the Complainant following her report of sexual assault. In addition, the Agreement will address OCR's determination that the School's current Title IX policies and procedures do not conform to the Title IX amendments from August 2020.

Action Item 1: Investigation of Complainant's Report

By June 15, 2022, the School will complete an investigation of the Complainant's report, made on [] 2018 ("the 2018 Report"), to the [] who also serves as the School's [] that a male student (Student A) sexually assaulted her. The School will ensure that it has investigated and adjudicated the Complainant's report of sexual assault pursuant to the School's procedures for investigating complaints of discrimination on the basis of sex. The investigation will include but not be limited to: providing the Complainant with an opportunity to provide additional information and/or identify any other witnesses relevant to her complaint; conducting a detailed review of all information the Complainant previously provided; interviewing the Complainant, Student A, and any witnesses, as appropriate; providing Student A with an opportunity to provide information or identify any other witnesses; and determining whether the evidence presented supports a finding that sexual assault occurred. The School will communicate the determination of the investigation to the Complainant and Student A, including any related remedies for the Complainant, disciplinary sanctions, or other corrective actions. If the Complainant fails to respond or indicates an unwillingness to proceed with further investigation, the School will complete the investigation as it is able and note this information when submitting its response to the Reporting Requirement below.

Reporting Requirement: By June 30, 2022, the School will submit to OCR documentation demonstrating that it fully investigated the Complainant's 2018 Report that

Student A sexually assaulted her, and notified the Complainant and Student A of the outcome of the investigation. The School will submit to OCR, for review and approval, the entire investigative file, including a report documenting the procedures used to conduct its investigation of the Complainant's 2018 Report, as well as any corrective actions deemed necessary and a timeline for implementation of the corrective actions, if necessary.

Action Item 2: Individual Relief for the Complainant

By June 15, 2022, the School will extend to the Complainant a written offer of reimbursement for the cost of tuition the Complainant paid for two courses, Obstetrics/Gynecology and Pediatrics, which she had to retake [redacted]. The School may request that the Complainant provide documentation of the expenses she incurred and will provide the Complainant with a minimum of 30 calendar days to respond to the offer.

Reporting Requirements:

- (a) By June 30, 2022, the School will provide documentation to OCR demonstrating that it made a written offer to the Complainant to reimburse the tuition she paid for Obstetrics/Gynecology and Pediatrics; and the Complainant's response to the offer, if any.
- (b) By August 15, 2022, the School will provide documentation to OCR demonstrating that the School has reimbursed the Complainant, as appropriate, for tuition specified in Action Item 2 above.

Action Item 3: Title IX Grievance Procedures

By September 15, 2022, the School will adopt and publish revised grievance procedures that conform to the Title IX regulation.

Reporting Requirements:

- (a) By June 15, 2022, the School will provide for OCR's review and approval a draft of the revised grievance procedures for the resolution of discrimination and harassment complaints that fall under Title IX.
- (b) Within sixty (60) calendar days of the School's receipt of OCR's approval of the revised grievance procedures, the School will provide documentation to OCR to demonstrate that it has adopted the OCR-approved procedures and updated its printed publications and online publications to include the revised grievance procedures.

Action Item 4: Training on Title IX and Title VI

By September 30, 2022, the School will provide training to its Title IX coordinator and any other School employees or third parties directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of sexual harassment, including sexual assault. The

training will include instruction on the School's revised Title IX grievance procedures applicable to sexual harassment; the School's obligation to investigate complaints of sexual harassment; and to provide supportive measures to complainants and respondents, where appropriate. In addition, the training will include instruction regarding how to conduct prompt, adequate, reliable, and impartial investigations of sexual harassment for those charged with investigative duties, including that the School document its attempts to interview the parties and witnesses, notify the parties of the investigation's outcome, and ensure that its investigation complies with its established grievance procedures.

By September 30, 2022, the School will provide training to any School employees or third parties directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of race or national origin discrimination. The training will include instruction on: the School's procedures applicable to such complaints; conducting timely and complete investigations, including interviewing the parties and relevant witnesses; and notifying the parties of the outcome.

Reporting Requirements:

- a) By September 15, 2022, the School will provide for OCR's review and approval the name(s) and credentials of the trainer(s), as well as copies of any training materials that will be distributed.
- b) By October 15, 2022, the School 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 confirmation of the training materials that were distributed.
- c) By October 15, 2022, the School will publish on its website all materials used to train Title IX Coordinators, investigators, decision-makers, and any person facilitating an informal resolution process in accordance with the requirements of the 2020 Amendments to the Title IX regulation.
- d) By January 15, 2023, the School will submit documentation to OCR (such as a de-identified tracking report, using unique identifiers in place of student names and/or other personal identifiers) of the School's responses to (1) complaints of discrimination based on race and national origin and (2) complaints of sexual harassment, including sexual assault, filed between January 1, 2022 and December 31, 2022. By July 1, 2023, the School will submit documentation to OCR of the School's responses to (1) complaints of discrimination based on race and national origin and (2) complaints of sexual harassment, including sexual assault, filed between January 1, 2023 and June 30, 2023. The documentation will include, at a minimum: the date the complaint was filed; unique identifiers instead of the names of complainants and respondents (*i.e.*, "Student 1," "Student 2," etc.); the conduct alleged; the name and job title of the individual(s) who received and processed the complaints; supportive measures offered, if any; supportive measures provided, if any; the status of the case file at the time of

submission to OCR, e.g., the investigation is ongoing, the investigation is suspended due to a request from law enforcement, or the School is assessing discipline to be imposed; the outcome of all completed investigations; and the date that the parties were notified of the outcome; and, the outcome of any disciplinary matters related to the investigations or other remedial measures taken.

OCR Monitoring


By signing this Agreement, the School agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the School understands that during the monitoring of the Agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of the resolution agreement. The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has demonstrated compliance with all the terms of this Agreement and is in compliance with Title IX and its implementing regulations at 34 C.F.R. Part 106, and Title VI and its implementing regulation at 34 C.F.R. Part 100, which were at issue in this case.

The School understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the School's representative below.

May 17, 2022

Date

A rectangular box intended for a signature, currently empty.

Yocasta Brugal, MD, President
(or designee)

San Juan Bautista School of Medicine