

**Resolution Agreement**  
**Northland Community and Technical College**  
**OCR Docket Number 05-11-2053**

In order to resolve OCR case number 05-11-2053 and to ensure its compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, as well as Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35, Northland Community and Technical College (College) agrees to take the following actions:

**Definition**

As used in this Agreement, the term "harassment" includes but is not limited to the use of derogatory language, intimidation, and threats, unwanted physical contact and/or physical violence, and the use of derogatory language and images in graffiti, pictures or drawings, notes, e-mails, and/or phone messages, based on sex or disability.

**A. Action Steps**

1. **Anti-Discrimination Statement:** By April 30, 2012, the President of the College will issue a statement to all College students and employees that will be posted in prominent locations at each College campus, and published on the College's website, stating that the College does not tolerate acts of harassment, including acts of harassment based on sex or disability, including definitions and examples of what types of actions may constitute disability discrimination (including disability harassment). The statement will encourage any student who believes he or she has been subjected to harassment or a hostile environment based on sex or disability to report the harassment or hostile environment to the College and note the College's commitment to conducting a prompt investigation. The statement will include the appropriate contact information for the designated employees to whom students may report allegations of harassment and/or discrimination, including the name or title, office address, email address and telephone number of the individual with whom to file a complaint. The statement will warn that students found to have engaged in acts of harassment or other acts that create a hostile environment based on sex or disability will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion. The statement will encourage all individuals, including faculty, to report any incidents of suspected harassment or discrimination. The statement will encourage students and employees to

work together to prevent acts of harassment of any kind. The statement will include a statement that Title IX, Title II and Section 504 prohibit retaliation against any individual who files a complaint under said laws or participates in a complaint investigation.

**REPORTING REQUIREMENT:** By May 14, 2012, the College will provide OCR with documentation demonstrating implementation of item 1. In particular, the College will provide OCR with a copy of the statement issued by the President of the College, documentation of the posting of the statement and the location on the College's website where the statement may be found.

**B. Harassment-Related Policies and Procedures**

2. By April 30, 2012, the College will review and revise, as necessary, its Nondiscrimination in Employment and Education Opportunity Policy and Procedure (Policy) to ensure it adequately addresses and provides the College sufficient options for responding promptly and appropriately to incidents of harassment on the basis of sex and disability. At a minimum, the College will demonstrate to OCR that the Policy and associated procedures include:
  - a. notice that the Policy applies to complaints alleging sex discrimination (including sexual harassment) and disability discrimination (including disability harassment) by employees, students, or third parties;
  - b. a statement explaining that sexual assault is a form of sexual harassment;
  - c. a description of the process the College will follow in response to reports it receives of alleged sexual harassment or disability harassment that are not complaints;
  - d. an explanation of how to file a complaint pursuant to the Policy;
  - e. an explanation of the College's informal complaint procedure and that such procedure is optional;
  - f. definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment);
  - g. a requirement that College administrators and supervisors who know of, or receive information about, discrimination/harassment report the information or complaint to the designated officer under the Policy;
  - h. provision for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;

- i. a statement explaining that the College will use a preponderance of the evidence standard in determining whether complaint allegations have been substantiated;
- j. timeframes for the major stages of the investigation;
- k. an assurance that the College will keep the complaint and investigation confidential to the extent possible;
- l. written notification to the parties of the outcome of the complaint;
- m. notice of the opportunity for the parties to appeal the findings;
- n. an assurance that the appeal will be conducted in an timely and impartial manner by an impartial decision-maker;
- o. an assurance that the College will take steps to prevent recurrence of any discrimination, with examples of the range of possible disciplinary sanctions and the types of remedies available to address the discriminatory effects on victims and others;
- p. a requirement that College officials responding to a complaint advise the complainant that, notwithstanding the complainant's request for confidentiality, the College must take action to protect the victim and other students; and,
- q. a statement prohibiting retaliation against any individual who files a complaint under the policy or participates in a complaint investigation.

**REPORTING REQUIREMENT:** By May 14, 2012, the College will submit the Policy to OCR for its review and comment.

3. The College's procedures for investigating alleged violations of the Policy require written investigative reports regarding any complaint of sex discrimination or disability discrimination, but this requirement does not currently specify the contents of such reports. By April 30, 2012, all relevant procedures will be amended to require that the written reports contain, at a minimum, the following information:
  - a. The name of the alleged victim and, if different, the name of the person reporting the allegation;
  - b. A statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
  - c. The date that the complaint or other report was made;
  - d. The date the respondent was interviewed;

- e. The names of all persons alleged to have committed the alleged act of discrimination;
- f. The names of all known witnesses to the alleged incident(s);
- g. The dates that any relevant documentary evidence was obtained;
- h. Any written statements of the complainant (or victim, if different from the complainant);
- i. The outcome of the investigation and, if any, disciplinary process;
- j. The response of College personnel and, if applicable, College-level officials, including any interim and permanent steps taken with respect to the complainant and the respondent; and
- k. A narrative of all action taken to prevent recurrence of any discriminatory incident(s), including any written documentation.

**REPORTING REQUIREMENT:** By May 14, 2012, the College will submit the revised procedures to OCR for its review and comment.

- 4. Within 30 calendar days of written notification from OCR of its approval of the revised Policy and procedures, the College will adopt and implement the Policy and procedures and will provide all students and employees with electronic or written notice regarding the revised Policy and procedures together with information on how to obtain a copy of the Policy and procedures. The College, at a minimum, will make this notification through the College's website, electronic mail messages to employees and students, as well as by any other additional means of notification the College deems effective to ensure that the information is widely disseminated.

**REPORTING REQUIREMENT:** Within 45 calendar days of written notification from OCR of its approval of the revised Policy and procedures, the College will provide OCR with documentation that it has fully implemented the revised Policy and procedures, including copies of the written notices issued to students and employees regarding the revised Policy and procedures and a description of how the notices were distributed; a link to its webpage where the revised Policy and procedures are located; a link to its webpage where the revised student handbook is located; and copies of its revised student handbook and employee notifications. Inserts may be used pending the republication of student handbooks and employee notifications.

**REPORTING REQUIREMENT:** By June 20, 2012 and June 20, 2013, the College will submit to OCR copies of all complaints filed under the Policy, by or on behalf of students, alleging sex discrimination and/or disability discrimination, during the 2011-2012 and 2012-2013 school years, respectively. The College will provide OCR with documentation related to the investigation of each complaint, such as witness interviews,

evidence submitted by the parties, investigative reports and summaries, any final disposition letters, disciplinary records, and documentation regarding any appeals. If no such complaints were filed during the year in question, the College will so notify OCR in writing.

C. Title IX and Section 504/Title II Coordinators

5. By April 30, 2012, the College will develop a training program for the employee(s) designated to coordinate the College's efforts to comply with Title IX, Section 504 and Title II. The training will cover the investigation of Title IX, Section 504 and Title II complaints filed by students, staff, and faculty and the responsibility of the Title IX and Section 504 and Title II Coordinator(s).
6. Within 30 calendar days of OCR's approval of the training program referenced in (C) (5), the College will provide training to its Title IX, Section 504 and Title II Coordinator(s) and any College officials and administrators who will be directly involved in processing, investigating and/or resolving complaints of sex or disability discrimination or who will otherwise coordinate the College's compliance with Title IX, Section 504 and Title II. The training will cover the applicable discrimination and investigation policies and procedures and will provide attendees with instruction on recognizing and appropriately addressing allegations and complaints pursuant to Title IX, Section 504 and Title II. The training also will cover sex and disability discrimination and the College's responsibilities under Title IX to address allegations of sex discrimination, including sexual harassment and under Section 504 and Title II to address allegations of disability discrimination, including disability harassment. Additionally, the training will also include instruction on how to conduct, and document, reliable and impartial Title IX, Section 504 and Title II investigations, including the appropriate legal standards to apply in a Title IX, Section 504 or Title II investigation and the Title IX, Section 504 and Title II prohibitions against retaliation.

**REPORTING REQUIREMENT:** By May 14, 2012, the College will submit to OCR for its review and approval the Title IX, Section 504 and Title II training program it developed in accordance with item (C)(5).

**REPORTING REQUIREMENT:** Within 45 calendar days of OCR's approval of the training program referenced in (C)(5), the College will submit a report to OCR with supporting documentation demonstrating that the training referenced in items (C)(5) and (C)(6) of this agreement has been provided for the 2011-12 school year. The College will also provide a copy of the materials used in the training.

D. Notice of Nondiscrimination

7. By April 30, 2012, the College will draft and submit to OCR for review a revised notice of nondiscrimination, which will notify

employees, and other relevant persons that the College does not discriminate on the basis of sex or disability in the education programs or activities that it operates, and that it is required by Title IX, Title II and Section 504 not to discriminate in such a manner. Additionally, the notice will state that the requirement not to discriminate in the College's education programs and activities extends to employment with and admission to the College. The notice shall include the name(s) or title(s), office address(es), and telephone number(s) of the individual(s) with whom to file a complaint under the Policy, as well as the name(s) or title(s), office address(es), and telephone number(s) for the College's Title IX, Section 504 and Title II Coordinator(s).

8. Within 15 calendar days of written notification from OCR approving the College's notice of nondiscrimination, the College will ensure that each of its electronic and printed publications of general distribution that provide information to employees and students about College services and policies contain the notice of nondiscrimination. Inserts may be used pending reprinting of these publications.

**REPORTING REQUIREMENT:** Within 45 calendar days of OCR's approval of the College's notice of nondiscrimination, the College will provide OCR with documentation that it has implemented items (D)(7) and (D)(8) above including copies of any printed publications, and web links to any electronic publications containing the notice.

**E. Training For College Personnel**

9. By April 30, 2012, the College will develop and deliver a training program on the College's policies and procedures regarding the provision of academic adjustments, including auxiliary aids, to disabled students to all faculty and administrators in the Aviation Maintenance Technology Program at the College's airport site, including the instructor who taught the Complainant's Basic Avionics course in fall 2010, and the College's Dean of Student Development. The training will specifically remind participants that information about students with disabilities who are approved to receive academic adjustments, including auxiliary aids, including their names, their disabilities or the academic adjustments or auxiliary aids for which they have been approved cannot be revealed to others unless disclosure of such information is specifically requested and authorized by the disabled student or is necessary to provide the academic adjustments or auxiliary aids. The course syllabus may note that classes may be recorded with approval of the College.
10. By April 30, 2012, the College will develop an ongoing training program to provide staff and faculty with adequate training each

year on Title IX, Title II and Section 504, which could consist of one more in-depth training session plus a refresher. The goal of the training will be to provide College staff and faculty with information about any changes to the law, the Policy, and College practices in this area.

**REPORTING REQUIREMENT:** By May 14, 2012, the College will submit a report with supporting documentation demonstrating that the training described in E(9) has been provided. The report will include a copy of all materials used by the College to develop and deliver the training, all materials disseminated by the College during the training, a list of all College personnel who attended the training and the name(s) and qualifications of the person(s) who delivered the training.

**REPORTING REQUIREMENT:** By May 14, 2012, the College will provide OCR with a report providing a detailed description of the training program referenced in E(10) above, including the proposed frequency of training session(s) to be held, identifying the individual(s) or position title(s) who will conduct the trainings, and the proposed audience for each session.

**REPORTING REQUIREMENT:** By June 20, 2012 and June 20, 2013, for the 2011-12 and 2012-13 school years, the College will provide OCR documentation indicating the dates of the training and orientation provided; copies of the materials used in trainings and orientations; topics covered during the programs and the amount of time spent on each topic; and a list of the trainers. The College shall also provide a list of all College personnel by name and title, as well as a list of any school personnel, who did not attend training in a given year.

**F. Student-Focused Remedies**

11. By April 30, 2012 the College will invite the Complainant to a meeting, in-person or via teleconference, with College officials to discuss the College's responses to the complaints of alleged sexual harassment and disability harassment made by the Complainant during the Fall 2010 semester and to explain the steps being taken by the College to ensure that the harassment does not recur. If any concerns about new incidents of sexual harassment or disability harassment are identified during the meeting, the College will take appropriate steps to address the concerns and respond to the incidents. During the meeting, the College will also remind the Complainant of her right to file a formal complaint of sexual harassment or disability harassment at any time she believes she has been subjected to harassment, and will advise the Complainant of the procedure she should follow if she wishes to do so.
12. If, based on information provided during the meeting described in F(11) above, the College conducts an investigation and determines that a hostile environment on the basis of sex and/or disability continues to exist for the Complainant, the College will take prompt appropriate responsive action to end the hostile environment, prevent its recurrence, and, where appropriate, take

steps to remedy the effects of the hostile environment on the Complainant, including by offering the Complainant counseling, tutoring or other appropriate services. This action will also include appropriate disciplinary action taken against students or staff.

13. By May 14, 2012, the College will demonstrate that all students enrolled in the Aviation Maintenance Technology Program (Program) for the 2011-12 school year have attended a mandatory education session, which will inform the students of the prohibition against discrimination on the bases of sex and disability. The session should, at a minimum, include examples of prohibited conduct, information on how to report allegation of alleged discrimination and a description of the disciplinary measures that could be taken against a student found to have violated the prohibition against discrimination.
14. By April 30, 2012, the College will contact Redstone College (Redstone) in Broomfield, Colorado, and make arrangements to send a payment of \$3,467.15 to Redstone, by May 14, 2012, equal to the amount of educational expenses billed to the Complainant while she was in attendance at the College during the fall 2010 semester, to be applied toward any outstanding balances owed to Redstone by the Complainant or to any future educational expenses incurred by the Complainant at Redstone.

**REPORTING REQUIREMENT:** By May 14, 2012 the College will provide OCR with information concerning the meeting referenced in F(11) and any investigation being conducted by the College as a result of the meeting in accordance with F(12). The College will provide OCR with a report describing the results of any investigation(s) conducted pursuant to the meeting, and the responsive action taken by the College.

**REPORTING REQUIREMENT:** By May 14, 2012, the College will provide a report to OCR detailing the date(s) of the orientation sessions held for Program students referenced in F(13) above, documentation showing attendance by the students at the session(s), including a list of all students enrolled in the Program during the 2011-12 school year, and copies of all training materials used or provided at the session.

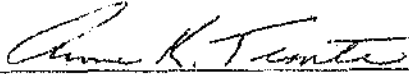
**REPORTING REQUIREMENT:** By May 14, 2012, the College will provide a report to OCR with supporting documentation demonstrating that the College has implemented item F(14) above.

The College 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 Title IX implementing regulation at 34 C.F.R. § 106.31(a) and 34 C.F.R. § 106.8(b), the Title II implementing regulation at 28 C.F.R. § 35.130(a), and the Section 504 implementing regulation at 34 C.F.R. § 104.4(a) and 34 C.F.R. § 104.7(b), which were at issue in this case.



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 Title IX implementing regulation at 34 C.F.R. § 106.31(a) and 34 C.F.R. § 106.8(b), the Title II implementing regulation at 28 C.F.R. § 35.130(a), and the Section 504 implementing regulation at 34 C.F.R. § 104.4(a) and 34 C.F.R. § 104.7(b), which were at issue in this case.

Approved and agreed to on behalf of Northland Community and Technical College.



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Dr. Anne K. Temte  
President  
Northland Community and Technical College



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Date