

Resolution Agreement
Complaint No. 09-21-2010
Taft College¹

Taft College (the College) agrees to fully implement this resolution agreement (Agreement) to resolve the violations and compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681-1688, and its implementing regulation, 34 C.F.R. Part 106, in the above-referenced OCR case number.

I. Revisions to Title IX Policies and Procedures and Title IX Resources Webpage

- A. The College will ensure that its Title IX Policies and Grievance Procedures comply with the Title IX regulation at 34 C.F.R. Part 106 and are cross-referenced, linked, internally consistent, and do not contain conflicting or contradictory information. The College will review and revise its Board Policies (BP) and Administrative Procedures (AP) pertaining to sex-based harassment (including BP and AP 3410, 3430, and 3433, and AP 3434 and 3435) to ensure that these BP and AP are internally consistent and to add Title IX among the referenced statutes in each BP and AP. The College will revise its Notice of Nondiscrimination in BP 3410 and AP 3410 to clarify that nondiscrimination based on sex includes nondiscrimination based on sex stereotyping. The College will also revise its AP 3430 (*Prohibition of Harassment*) and AP 3435 (*Discrimination, Harassment, Bullying, or Retaliation Complaint Investigation Procedure*) to clarify that harassment based on sex includes harassment based on sex stereotyping and that refusing to use (or repeatedly misusing) a student's preferred names and pronouns may constitute harassment based on sex that could create a hostile academic environment under Title IX. The College's revisions to AP 3430 and AP 3435 will further clarify that complaints of such sex-based harassment may be filed with the College's Title IX coordinator and are subject to its Title IX Grievance Procedures.
- B. The District will ensure that its Student Handbook and [redacted content] Handbook comply with the Title IX regulation at 34 C.F.R. Part 106.
- C. **Reporting:**
1. By the end of the 2023-2024 school year, the College will submit drafts of its revised Title IX Policies and Procedures, Student Handbook, and [redacted content] Handbook to OCR for review and approval.
 2. Within 30 days of receiving OCR's approval, the College will: (a) finalize the revised Title IX Policies and Procedures; (b) adopt the revised Policies and Procedures, and (c) provide notice of them to students and faculty by posting the revised Policies and Procedures on the College's website, publishing them in any written materials, such as student and staff handbooks, and sending an email to all [redacted content] Program staff and students with a weblink to the revised Policies and Procedures.

¹ Taft College is the sole member of the West Kern Community College District.

3. Within 45 days of receiving OCR's approval, the College will provide OCR with documentation that it has revised and distributed the policies and procedures in accordance with Section I.C.2.
4. By December 31, 2023, the College will review and revise its "Title IX Resources" web page² to include: (1) information that Title IX prohibits discrimination, including harassment, on the basis of sex, including sex stereotyping; (2) the identity and contact information for the College's current Title IX Coordinator(s) for Student and Employees and to include the Title IX Coordinator among the "reporting options"; and (3) language that directs individuals to the College's policies and procedures for reporting and responding to complaints of discrimination, including harassment, based on sex, including sex gender stereotyping.
5. By November 30, 2023, the College will provide OCR with a draft of its revised Title IX Resources web page. Within 30 days of OCR's approval of the revised Title IX Resources web page, the College will publish the revised webpage.

II. Guidance Memo and Training

- A. The College will issue a written guidance memorandum and facilitate training for its Title IX Coordinators, Dean of Student Success, Vice President of Student Services, Director of Campus Security, Director of the [redacted content] Department, and all [redacted content] Program faculty about: (1) the College's responsibilities under Title IX, including its prohibition of discrimination, including harassment, based upon sex including sex stereotyping; and (2) the College's policies and procedures for reporting and responding to complaints of discrimination, including harassment, based on sex, including sex stereotyping, gender identity and transgender status, including that sex-based harassment complaints may be filed with the College's Title IX coordinator(s). The guidance memorandum and training will include specific examples of how the refusal to use a person's preferred name and pronouns or repeated misuse of them may constitute harassment based on sex that can create a hostile academic environment under Title IX. The College may request that OCR provide the training.
- B. **Reporting:** By December 31, 2023, the College will submit a draft of the guidance memorandum, training materials, and title/name of the proposed trainers for OCR review and approval.
 1. Within 60 days of OCR's approval, the College will finalize and issue the guidance memorandum and provide the training required in Section II.A of the Agreement. This timeline may be extended an additional 30 days by mutual consent if OCR provides the training.

² See <https://www.taftcollege.edu/campus-life/title-ix-resources/>.

2. Within 15 days of providing the training required in Section II.A of the Agreement, the College will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training (except those provided directly by OCR if OCR conducts the training), sign-in sheets evidencing that all employees who were required to do so attended the training, a list of the required employees who did not attend, and a plan for providing the training to those employees who did not attend.

III. Reporting of Title IX Complaints at the College

- A. The College will provide OCR with an electronic spreadsheet of all written and oral complaints of alleged employee to student harassment based on sex, including harassment based on sex stereotyping, that the College received during the 2022-2023 and 2023-2024 academic years. The spreadsheet will include the following fields and information:
 1. the date(s) of the alleged incident(s),
 2. the date the complaint was received or communicated to the College, the nature of the alleged conduct, including any harassment and retaliation,
 3. the date(s) the College notified the Title IX coordinator of the complaint,
 4. the identity of the complainant (e.g., student name or ID number, employee or contractor name, and include job title in the next field for employee or contractor),
 5. the sex of the complainant if known,
 6. the identity of the target(s) of the harassment if different than the complainant,
 7. the identity of the respondent (include job title in the next field for employee or contractor),
 8. the sex of the respondent if known,
 9. the school(s) the complainant and respondent attend,
 10. the date the College offered any supportive interim measures,
 11. the date the College commenced the investigation,
 12. the date the College completed the investigation,
 13. the date the College provided written notice of the investigation's outcome to the parties,
 14. whether there were any sustained findings pertaining to the harassment and/or any retaliation,
 15. any related disciplinary action,
 16. any associated remedies,
 17. the date of any filed appeal,
 18. the date any appeal was heard before the College's Board,
 19. the outcome of the appeal with respect to whether the findings were overturned or adopted by the Board, a new or re-investigation was started, or some other remedy was agreed to by the appellant, and
 20. the date(s) the College notified the Title IX coordinator of the complaint's resolution.

B. With respect to the complaints identified in Section III.A., the College will provide to OCR within 30 days of its request for the electronic copies of the complete case files.

C. Reporting:

1. By January 31, 2024, the College will provide OCR with the electronic spreadsheet required by Section III.A above pertaining to the 2022-2023 academic year. Within 30 days of the end of the of the 2023-2024 academic year, the College will provide OCR with the electronic spreadsheet required by Section III.A above pertaining to the 2023-2024 academic year.
2. If OCR notifies the College of a compliance issue with respect to how it handled a complaint of sex-based harassment in the 2022-2023 and/or 2023-2024 academic years, the College will take corrective actions to resolve the issue within 30 days and report such actions to OCR.

IV. Individual Remedy

A. Within 30 days of the full execution of the Agreement, the College will offer the Student the following remedies to address the effects of the sex-based harassment during the Student's enrollment.

1. The College will offer to reimburse the Student up to \$5,000 for counseling or therapy services received for up to one year after the date of the signing of this Agreement. The total amount of reimbursement shall not exceed \$5,000 for counseling or therapy services received, conditioned on reasonable proof of the expenditure by the Student.

B. Reporting:

1. Within 30 days of offering the Student this remedy, the College will inform OCR that it has done so and if the Student has accepted the offer. If the Student accepts the offer of reimbursement as described in this section, the College will provide proof that such reimbursement has been provided within 30 days of the final reimbursement.
2. The Student will be permitted to attend and provide comment at any of the College's open session Board meetings, including those meetings where BP and APs are updated to satisfy the requirements of Section I above. Student may also send advanced written comment to Heather Del Rosario, Vice President of Human Resources, via email.

V. MONITORING

By signing this Agreement, the College agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the College understands that during the monitoring of the 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. The College understands that OCR will not close the monitoring of this Agreement until OCR determines that the College has demonstrated compliance with all of the terms of this Agreement and is in compliance with Title IX and its implementing regulation, 34 C.F.R. Part 106, which were at issue in this case.

The College understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the College written notice of the alleged breach and 60 calendar days to cure the alleged breach.

Signed:

_____/s/_____
Brock McMurray, Interim Superintendent/President

October 18, 2023
Date