

Resolution Agreement

Pursuant to the U.S. Department of Education, Office for Civil Rights (OCR) Case Processing Manual at Section 302, OCR has the authority to accept this resolution agreement before the conclusion of the investigation of Issue 2 in the above-referenced complaint. In order to resolve Issue 2 raised in this complaint filed with OCR under the Title VI regulations and without admitting to any violation of law, Whittier College (College) agrees to implement the following resolution provisions.

A. DEVELOPMENT OF A STUDENT DISCRIMINATION COMPLAINT POLICY AND PROCEDURES

1. **Designation of Compliance Coordinators:** The College will designate and provide notice to all students and employees of the names, titles, office addresses, and telephone numbers of the College's Title IX Coordinator, 504 Coordinator, and AgeDA Coordinator whom the College has appointed to coordinate its efforts to comply with and carry out its responsibilities under Title IX, Section 504, and the AgeDA, respectively. The College also will provide notice to all applicants of the AgeDA Coordinator's name, title, office address and telephone number.

By August 1, 2011, the College will provide OCR with a report listing the individuals designated as Coordinators and a description of when and how notice of the Coordinators will be posted and/or published.

2. **Policy of Nondiscrimination [Policy]:** The College will adopt a Policy for students enrolled in the College prohibiting discrimination against students on the bases of race, color, national origin, sex, disability, and age. Such statement must explain that the College prohibits discrimination and harassment in the school environment, including all academic, extra-curricular and school-sponsored activities. The College will provide effective notice of the Policy that will include the name, title, office address, and telephone number of the College's Title IX Coordinator, 504 Coordinator, and AgeDA Coordinator and information on how to file a complaint on any of these bases.

By August 1, 2011, the College will provide OCR with a draft of its Policy. Within 30 calendar days of written notification from OCR that the revised Policy is approved, the College will adopt and implement the Policy and will provide all faculty, staff and students with written notice regarding the Policy, together with information on how to obtain a copy of the Policy. The College will, at a minimum, make this notification through the College's website, electronic mail messages to faculty, staff and students, and any regularly issued newsletters (in print or on-line), as well as by any other additional means of notification the College deems effective to ensure that the Policy is widely disseminated.

3. **Discrimination Complaint Procedures [Procedures]:** The College will develop Procedures for all College students, and other program beneficiaries with the College to respond to complaints alleging discrimination on the bases of race, color, national origin, sex, disability and age. The College also will make the Procedures available to applicants for admission who assert that he or she was denied admission based on age. The Procedures will include at a minimum:

- (a) A statement identifying it as the Procedures that students may use to make a discrimination complaint on the basis of race, color, national origin, sex, disability, or age. The statement will encourage students to immediately report incidents of discrimination and harassment, and will include a reasonable time frame for students to make a complaint. It will also emphasize that staff must promptly report to the designated staff member, all incidents of discrimination or harassment of which they become aware, by whatever means they become aware. The statement will specify that the College will investigate formal and informal complaints of discrimination or harassment.
- (b) An explanation of how to report discrimination or harassment and/or file a complaint (formally or informally). It will include specific information as to the 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 discrimination or harassment.
- (c) Definitions and examples of what types of actions may constitute discrimination and harassment.
- (d) A requirement that the College's designated staff member document all reports of incidents of discrimination or harassment. It is further required that the College establish and submit to OCR a protocol for recordkeeping of each of the reports submitted.
- (e) The opportunity for the complainant to provide evidence and identify witnesses.
- (f) Prohibition of retaliation against any person who reports alleged discrimination or harassment or participates in related proceedings.
- (g) Identification of the means the College will use to investigate incidents of discrimination or harassment, including but not limited to the following:
 - (i) the various steps the College will take to conduct adequate, reliable, and impartial investigations of reported incidents;

- (h) The actions the College will take to stop, remedy, and prevent recurrence of the discrimination or harassment, with examples of the range of possible disciplinary sanctions, and to remedy the discriminatory effects on the victim(s) and others, with examples of the types of remedies available to victims.
- (i) The College's standards for determining whether a hostile environment exists.
- (j) Reasonable time frames for completing the investigation.
- (k) A statement that the College utilizes a preponderance of the evidence standard to evaluate discrimination and harassment complaints.
- (l) At the completion of the investigation, the College will provide written notification to the complainant of the investigation determination. The determination will include a summary of the facts, legal basis and information concerning the actions to be taken to remedy any harm if discrimination is found.
- (m) An assurance that the College will keep the complaint and investigation confidential to the extent possible.
- (n) An assurance that the College will offer counseling services to any person found to have been subjected to discrimination or harassment, and, where appropriate, to the person who committed the discrimination or harassment.
- (o) An assurance that the College will offer academic support services to any person found to have been subjected to discrimination or harassment.

By August 1, 2011, the College will provide OCR with a draft of its Procedures, and protocol for recordkeeping of each of the discrimination and harassment reports submitted.

Within 30 calendar days of written notification from OCR that the revised Procedures are approved, the College will adopt and implement the Procedures and will provide all faculty, staff and students with written notice regarding the Procedures, together with information on how to obtain a copy of the Procedures. The College will, at a minimum, make this notification through the College's website, electronic mail messages to faculty, staff and students, and any regularly issued newsletters (in print or on-line), as well as by any other additional means of notification the College deems effective to ensure that the Procedures are widely disseminated.

4. Training

- (a) The College will provide annual training to its Title IX Coordinator, 504 Coordinator, AgeDA Coordinator and other relevant staff on the nondiscrimination policy and discrimination complaint procedure. The training will include instruction on how to recognize sex, disability, age, race, national origin, and color discrimination, respectively; how to resolve sex, disability, age, race, national origin, and color discrimination complaint investigations, respectively; and examples of model practices well-calculated to ensure that discrimination will not reoccur if it is found.
- (b) The College will provide annually, as part of their orientation to new students, information about the Policy and Procedures available to them as students.

Within 60 days of OCR approval of the Policy and Procedures, the College will provide training to the Coordinators and notice to staff and provide OCR with a report describing and documenting the training. The report will also describe what actions the College took to provide information to new students during the fall 2011 orientation.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI of the Civil Rights Act of 1964, 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 the regulation implementing Title VI of the Civil Rights Act of 1964, which was at issue in this case.

_____/s/_____
Sharon Herzberger, Ph.D.
President
Whittier College

June 3, 2011
Date