

Early Complaint Resolution Agreement
Hanover College
OCR Docket # 05-13-2112

Hanover College ("College") and (b)(6); (b)(7)(C) ("Complainant") mutually agree to enter into this Resolution Agreement ("Agreement"), as part of the U.S. Department of Education, Office for Civil Rights (OCR) Early Complaint Resolution (ECR) process, to mutually resolve the issues the Complainant raised in complaint # 05-13-2112 filed with OCR on behalf of the Complainant. The Parties also agree to the following:

College agrees to take the following actions:

1. College will permit Complainant to (b)(6); (b)(7)(C) if Complainant completes and turns in to College the required application and related paperwork, attached as Exhibit A to this Agreement, and abides by all (b)(6); (b)(7)(C) policies and rules, attached as Exhibit B to the Agreement.
2. If Complainant applies for (b)(6); (b)(7)(C) College will permit Complainant to submit her application for (b)(6); (b)(7)(C) directly to the College President. The President will review the application for (b)(6); (b)(7)(C) objectively and without reference to events underlying this Complaint and will notify the Complainant of the College's decision.
3. If Complainant (b)(6); (b)(7)(C) College will ban Student B from visiting the (b)(6); (b)(7)(C) hall/building/facility in which Complainant (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)
4. Should Complainant's attorney provide a written request to College for access to the investigative file maintained by the College regarding Complainant's (b)(6); (b)(7)(C) internal grievance, including all transcripts or recordings of any proceedings related to the internal grievance, College will respond to attorney's request within a reasonable period of time, but not more than 30 calendar days after it receives the request. College will respond to the request in accordance with its usual policy and practice for responding to requests for access to investigative files relating to student disciplinary proceedings, and in accordance with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (FERPA) and its implementing regulations at 34 C.F.R. Part 99. If the College grants attorney's request for access, the College will permit the attorney to review the file for a length of time agreed by the parties and to take written notes that attorney may deem necessary to take in her review of the file.
5. Professor (b)(6); (b)(7)(C) will review the investigative file for Complainant's (b)(6); (b)(7)(C) internal grievance that alleges sexual assault, will meet with Complainant at a time and setting mutually agreed upon, will point out shortcomings, if any, she may identify with College's investigation and review of findings relating to the grievance, and, if applicable, will make recommendations to the College President to address the shortcomings. Professor (b)(6); (b)(7)(C) will issue a written report of her findings, including any

recommendations, to the College President by October 15, 2013. The College will give serious consideration to all recommendations made by Professor (b)(6); (b)(7)(C)

6. Complainant may submit to Professor (b)(6); (b)(7)(C) by September 15, 2013, a formal written complaint regarding alleged ongoing harassment and retaliation that started in the (b)(6); (b)(7)(C) and is continuing to the present.
7. Consideration of the formal complaint referenced in Item 6 will proceed in accordance with the standards set forth in the College's Student Harassment Policy (available at: http://birt.hanover.edu/hc_harassment_policy.php), current as of August 20, 2012, with the following two exceptions: 1) The individuals selected for the Community Board of Standards (Board) will not include the Dean (b)(6); (b)(7)(C) individuals who served on the Board for the Complainant's previous internal grievance, or any of the Complainant's current College instructors, and 2) After the outcome of the Board's hearing, Complainant will have the right to appeal to the Chief Judicial Officer. If the Board determines that harassment or retaliation occurred or is occurring, the Board will take appropriate action consistent with its disciplinary policies and procedures as well as its Student Harassment Policy. The Board will determine which sanctions should be levied against any student(s) responsible for or involved in the harassment or retaliation of Complainant, which may include probation, fines, parental notification, suspension, and or expulsion. The Board will also determine which remedial measures should be made available to Complainant, (b)(6); (b)(7)(C) grade accommodations (such as providing P/F grades with regard to certain classes), and other considerations.
8. By October 1, 2013 College will provide training to all College Campus Safety staff, all Office of Student Life staff, and all faculty/staff/administrators involved in the investigation and hearing of sexual harassment grievances filed by students. The training will address how to react appropriately to individual reports of sexual harassment grievances and how to conduct and document adequate, reliable, and impartial sex harassment investigations, including the appropriate legal standards to apply in such investigations. The training will inform staff that students who report an incident related to a charge of sexual harassment are not required to sign a confidentiality agreement or any other document that would preclude the student from reporting the incident to law enforcement authorities.
9. By October 5, 2013 College will provide Complainant documentation indicating the date of the training referenced in Item 8 above, a list of the trainers, topics covered during the training, and copies of the materials used in the training.
10. College agrees to enforce the 'no contact' order in place between Complainant and another College student as long as the order is in effect.

The Complainant agrees to take the following actions:

11. In exchange for the College's agreement to take the actions enumerated in Items 1 – 10 of this Agreement, the Complainant will consider the allegations in OCR complaint #05-13-2112 to be resolved.
12. Complainant agrees to abide by all College policies including the 'no contact' order currently in place between she and another College student, as well as any protective orders that may be in place.

Complainant reserves the right to file a formal complaint with OCR. Complainant further reserves all other rights and remedies that she may avail herself of as permitted by law.

By entering into this Agreement, neither Complainant nor College makes any admission or statement suggesting that any party or individual has committed any wrongdoing, engaged in any improper conduct, or violated any law. Neither Complainant nor College makes any admission of liability or damages or any representation as to any fact or disclosure other than those contained in this Agreement.

The Parties agree that the Agreement resolves the complaint. The parties understand that adoption of this agreement does not establish compliance or noncompliance with any provisions of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681, or its implementing regulations. The parties understand that OCR will close the complaint and if the Agreement is breached, the Complainant has a right to file another complaint with OCR. If the Complainant files a new complaint, OCR will address the original complaint allegations and not the alleged breach of the Agreement. To be considered timely, the Complainant must file the new complaint either within 180 days of the date of the original discrimination or within 60 days of the date the Complainant obtains information that a breach of the Agreement occurred, whichever is later.

Approved and agreed to for and on behalf of the College:

Sana Dohaine
Hanover College President or her designee

8/23/13
Date

Approved and agreed to by Complainant:

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)