

RESOLUTION AGREEMENT
Muhlenberg College
OCR Complaint Number 03-24-2071

Muhlenberg College (the “College”) enters into this Resolution Agreement (Agreement) pursuant to Section 302 of OCR’s Case Processing Manual prior to the conclusion of OCR’s investigation. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the College. The College assures OCR that it will take the following actions to resolve this complaint and to ensure compliance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin, including shared ancestry or ethnic characteristics, by recipients of Federal financial assistance.

Action Item I – Annual Investigator Training

- A. By December 31, 2024, the College will provide evidence that it has provided annual training to all employees and staff responsible for investigating complaints and other reports of discrimination, including harassment, based on shared ancestry or ethnic characteristics (which includes antisemitism) to ensure the investigators know how to identify relevant witnesses to interview and how to conduct interviews about such harassment. The training will also be provided to all staff involved in responding to reports of race, color, and national origin discrimination and harassment. The training will address:
 1. The College’s obligations under Title VI to respond to alleged discrimination, including harassment based on shared ancestry, including Jewish ancestry;
 2. The College’s obligations to assess whether alleged conduct reported creates a hostile environment on the basis of shared ancestry, even when the conduct occurs off campus or on social media postings;
 3. Examples of the type of harassment conduct and behavior that is covered by the College’s Policies and Procedures;
 4. A review of the College’s Policies and Procedures that focus on the investigation of complaints of discrimination, including harassment, based on national origin/shared ancestry, including instructions on how to conduct and document thorough and impartial investigations of alleged discrimination, including harassment, based on shared ancestry;
 5. A description of the steps the College will take in response to the alleged discrimination, including harassment, such as the offer of support for students who are subjected to harassment, the alleged harasser, where appropriate, and remedial measures to ensure that any hostile environment created by the harassment is eliminated;
 6. A description of the steps the College will take in response to the alleged discrimination, including harassment, even where discipline may not be appropriate; and
 7. How to identify possible indications that a complainant or other witness may be experiencing retaliation and how to respond.

Reporting Requirements:

- a) By January 15, 2025, the College will provide documentation to OCR demonstrating that it provided training in accordance with Action Item I above, including the date(s) of the training; the name(s) and credentials of the trainer(s); copies of any training materials distributed; the agenda and/or a short summary of the material covered; and a list of attendees, by name and title.
- b) Within 30 calendar days of completing the training required by Action Item I above, the College will survey all staff that attended the training to assess the effectiveness of the training.
- c) Within 30 calendar days of disseminating the survey, the College will provide OCR with the survey results regarding the effectiveness of the training and a summary of the steps that the College plans to take, if any, to address the survey results.

Action Item II – Climate Assessment

- A. The College will develop and administer a climate assessment for students and staff in the College to evaluate the climate with respect to shared ancestry and the extent to which students and/or staff are subjected to, or witness discrimination, including harassment, based on race, color and/or national origin, including shared ancestry. Any assessment used will contain questions about the staff or student's knowledge of discrimination based on shared ancestry, any experiences with such discrimination while attending the College, and the staff or student's awareness of the College's complaint procedures for reporting such discrimination. The climate assessment may be accomplished through a written or electronic survey, and through focus groups, provided that staff and students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss the survey in person.
- B. By January 31, 2025, the College will submit for OCR's review and approval a description of the tools to be used for conducting a climate assessment. The description will include the College's strategy for implementing the climate assessment and analyzing the results. Information gathered during the climate assessment will be used to inform future proactive steps taken by the College to provide an environment that is safe and supportive to all students and staff in compliance with Title VI.
- C. The College will analyze the results of the climate assessment within 30 days of its completion to identify appropriate steps the College could take to improve the College's climate. The College will provide to OCR a report summarizing the results of the assessment; and for OCR's review and approval a description of further action(s), if any, the College proposes to take in response to the assessment results. Within 60 days of OCR's approval of the College's proposed action(s), the College will provide documentation sufficient to show its implementation of those actions, including a description of the actions and how they were implemented.

Reporting Requirements:

- a) By February 15, 2025, the College will provide to OCR for review and approval a copy of the proposed climate assessment, along with the College's description of how it plans to administer the climate assessment.
- b) Within 30 calendar days of OCR's approval of the climate assessment, the College will administer the climate survey.
- c) Within 60 calendar days of completing the analysis of the climate assessment results, the College will provide a report to OCR (the Report) that includes, at a minimum:
 - 1) Documentation demonstrating that the approved assessment was conducted as planned;
 - 2) The analysis of the assessment responses and any recommended steps the College could take to improve the College's climate;
 - 3) Conclusions about the climate at the College, separately addressing the climate for students of shared Jewish ancestry among other student groups at the College; and
 - 4) The College's recommended reforms, if any, to its policies, practices, employee training, and education programs regarding harassment on the basis of race, color and national origin, including shared Jewish ancestry.
- d) Within 60 days of OCR's approval of the College's proposed action(s), the College will provide documentation sufficient to show its implementation of those actions, including a description of the actions and how they were implemented.

Action Item III – The Professor

- A. By December 31, 2024, the College will provide OCR with documentation sufficient to show that it has completed an investigation(s) into whether actions by the Professor, based upon the totality of the circumstances, created a hostile environment for Jewish students on campus.

Reporting Requirements:

- a) By December 31, 2024, the College will provide to OCR documentation sufficient to show the outcome of Action Item III.A, including a description of the information relied upon in making its determination, a summary of its determination and, if applicable, remedial actions that the College has taken and/or plans to take to redress any hostile environment and confirmation once any such remedies have been provided.

Action Item IV - File Reviews

- A. By January 31, 2025, the College will review its response to each report of discrimination and/or harassment on the basis of shared ancestry for the [redacted content] school year, to ensure that its response to known harassment on the basis of shared ancestry was consistent. If the College's

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review reveals that it did not respond consistently, the College will determine appropriate remedies or supportive services to remedy the inconsistent application of its policies and procedures.

B. By July 15, 2025, and July 15, 2026, the College will provide OCR an electronic sortable spreadsheet or other file of the College's response to all complaints and oral reports alleging discrimination, including harassment, on the basis of shared ancestry, during the preceding academic year. At a minimum, the spreadsheet will include separate fields for:

1. The date(s) of receipt of the written complaint or oral report;
2. The name or identifier of the person who provided notice to the College ("the reporter");
3. The status of the reporter (e.g., professor, student, friend);
4. The name or identifier of the individual who was allegedly discriminated against and/or harassed ("the complainant");
5. The status of the complainant (e.g., student, professor, parent, advocate);
6. The name(s) or identifier of the individual(s) who allegedly engaged in discrimination and/or harassment ("the respondent(s)");
7. The status of the respondent (e.g., student, professor, staff member), including if applicable, the respondent's job title (if an employee);
8. The nature of the alleged harassment (e.g., verbal harassment by students using antisemitic slurs);
9. The date(s) of the alleged harassment;
10. The location(s) of the alleged harassment (e.g., school name, in a particular class, in the library);
11. The names or identifiers of any witnesses;
12. The name(s) or identifiers and job title(s) of the individual(s) who received and processed the complaint or oral report;
13. The date the investigation commenced;
14. Any supportive measures offered to the complainant, respondent, and/or other person;
15. The status of the investigation of the complaint or oral report (e.g., completed, ongoing);
16. The outcome of all completed investigations (e.g., the determination regarding whether or not discrimination, including harassment, on the basis of national origin, including shared ancestry, took place; and if so, whether the harassment created a hostile environment);
17. A description of the disciplinary sanctions imposed, if any, and the date imposed;
18. A description of the remedial measures taken, including the remedies offered and provided to the complainant and/or other individual(s);
19. A description of any steps the College took to eliminate and/or prevent the recurrence of a hostile environment created by the incident;
20. The date(s) the College provided written notice of the outcome of the investigation to the parties;
21. The date of any appeal; and
22. The outcome of any appeal.

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C. Upon request, the College will provide to OCR within 15 calendar days a copy of the complete investigative file(s), including applicable College records, student disciplinary records, employee disciplinary records, and human resources/personnel files. The data will be produced electronically in a mutually agreed format and will be organized and labeled as individual files, with all relevant documents for an incident.

Reporting Requirements:

- a) By January 31, 2025, the College will provide to OCR documentation of its review pursuant to Action Item IV.A, including a description of the information relied upon in making its determination, a summary of its determination and, if applicable, documentation of the remedies that the College plans on taking.
- b) By June 15, 2025 and June 15, 2026, the College will provide to OCR a copy of the electronic sortable spreadsheet and accompanying documentation as required by Action Item IV.B and C. The College will promptly address OCR's feedback, if any, until the College receives notice from OCR that no further reporting is required.

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 the Agreement. Further, the College understands that during the monitoring of the 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 the Agreement. The College understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the College is in compliance with the terms of this Agreement and Title VI and its implementing regulation at 34 C.F.R. Part 100, which were at issue in this complaint.

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The College understands that OCR may initiate administrative enforcement proceedings or refer the complaint to the U.S. Department of Justice for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the College written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement is effective immediately upon the signature of the College's representative below.

9-27-24
Date

/s/
Kathleen E. Harring
President
Muhlenberg College