



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
REGION I
JOHN W. McCORMACK POST OFFICE AND COURTHOUSE, ROOM 222
BOSTON, MASSACHUSETTS 02109

JUL 28 1993

OFFICE OF THE
REGIONAL DIRECTOR

Mr. Richard Kraus
President
Cape Cod Community College
Route 132
West Barnstable, Massachusetts 02668

Re: Complaint No. 01-93-2047

Dear President Kraus:

The Office for Civil Rights (OCR) has completed its investigation of the above-referenced complaint filed against Cape Cod Community College (College). The Complainant alleged that the College created and/or subjected her to sexual harassment and failed to take appropriate action after she brought the matter to the attention of administrators. The Complainant also alleged that the College's formal grievance process is ineffective, and that the College coerced her into forfeiting her claim of sexual harassment by withholding her financial aid until she withdrew her allegation of sexual harassment.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681, et seq., and its implementing regulation found at 34 C.F.R. Part 106 (Title IX). Title IX prohibits discrimination on the basis of sex in programs and activities receiving or benefiting from Federal financial assistance extended by the U.S. Department of Education (Department). The College is a recipient of such assistance and is, therefore, subject to the provisions of Title IX.

Based upon its investigation, OCR concluded that there was insufficient evidence to support the Complainant's allegation of sexual harassment. Therefore, OCR found that the College did not violate Title IX at 34 C.F.R. Section 106.31(a)(b)(1)(2)(4) and (7). With respect to the College's grievance procedures, OCR found that while the procedures complied with the requirements of Title IX on their face, students and the College staff were unaware of the identity of the Title IX Coordinator. Additionally, OCR found that the Title IX Coordinator was unfamiliar with the Title IX provisions applicable to the College. Therefore, OCR determined that the College violated 34 C.F.R. Sections 106.8(a) and (b) and 106.9(a)(1) and (b)(1) by failing to designate a knowledgeable person responsible for implementing the College's Title IX procedures.

With respect to the Complainant's allegation that the College's formal Title IX grievance procedure was ineffective, OCR found insufficient evidence to support a violation of Title IX.

The bases for our conclusions are as follows:

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Legal Standards

The Title IX implementing regulation at 34 C.F.R. Section 106.31(a) provides that no person shall, on the basis of sex, be subjected to discrimination under any academic, or other education program or activity offered by a recipient. Section 106.31(b) prohibits subjecting any person to separate or different rules of behavior, sanctions or other treatment and from otherwise limiting any person in the enjoyment of any right, privilege, advantage, or opportunity.

When individuals who are participating in a program or activity operated by an educational institution are subjected to sexual harassment, they are receiving treatment that is different from others on the basis of sex. A common working definition of sexual harassment in the educational setting is: unwelcome sexual advances, requests for sexual favors, or other sex-based verbal or physical conduct where (1) submission to such conduct is explicitly or implicitly made a term or condition of the individual's education; or (2) such conduct has the purpose or effect of unreasonably interfering with the individual's education by creating an intimidating, hostile or offensive environment.

An educational entity may be found in noncompliance with Title IX and its implementing regulation as a result of such harassment if the harassment is sufficiently severe or pervasive to create a hostile or offensive educational environment. If those responsible for harassment are employees or agents of the entity, acting within the scope of their employment or agency, the entity itself will also be considered responsible for the harassment.

Recipients must also meet certain other specific legal obligations concerning internal grievance procedures and designation of a person responsible for coordinating its obligations under Title IX at 34 C.F.R. Section 106.8. Section 106.8(a) requires that the educational entity designate at least one employee to coordinate its responsibilities under Title IX, including investigation of any complaint of discrimination on the basis of gender, and notify all students of the name, office address, and telephone number of the designated employee(s). Under Section 106.8(b), the entity is required to adopt and publish a grievance procedure providing for the prompt and equitable resolution of student complaints alleging noncompliance with Title IX or its implementing regulation.

Under this section, the institution may also be found in noncompliance with Title IX if it failed to respond adequately to actual or constructive notice of harassment. The institution will be considered to have responded adequately to knowledge of harassment if it has conducted a thorough and objective investigation and has taken immediate action to fully remedy the harm that occurred and to prevent sexual harassment from occurring in the future.

Section 106.9 requires the institution to publish a notice of nondiscrimination on the basis of gender in publications made available to students or applicants for enrollment which includes at least the following information: 1) that the requirement not to discriminate extends to both employment and admission, and 2) that inquiries concerning the application of Title IX to the recipient may be referred to the employee designated under Section 106.9 or to OCR.

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Based on the Complainant's allegations and the legal standards discussed above, OCR investigated the following issues:

1. Whether the College discriminated against the Complainant on the basis of gender when her acting instructor treated her differently than other students in her class, in violation of Title IX at 34 C.F.R. Section 106.31 (a), (b)(1), and (7).
2. Whether the College denied the Complainant an appropriate grievance process to provide prompt and equitable resolution of her allegations of sexual harassment, in violation of 34 C.F.R. Sections 106.8 (a), (b) and 106.9(a), (b) and (c).

In determining whether the Complainant was sexually harassed by her acting instructor (Instructor), OCR reviewed information provided by the College and the Complainant, and interviewed a number of College staff including the Instructor and students from the Complainant's acting class.

Findings and Analysis

Issue 1

OCR found that the Complainant, a second year student at the College, enrolled in an Acting I class during the fall of 1992 in order to fulfill her elective requirement. According to the Complainant, on September 16, 1992, the second day of class, the Instructor handed out monologues that he had personally selected for each student, which were to be performed in subsequent classes. At the time of assigning the monologues, the Instructor stated that he chose the specific assignment for each student based on his perception of their personalities which he formulated during their introductions in the first class.

The Complainant indicated to OCR that the monologue assigned to her was offensive in that it depicted a violent rape of a woman. She also indicated that it described several parts of the human body in a sexually offensive manner and that it contained profanity.

The Complainant told OCR that she observed two male students in her acting class request that they be allowed to change their monologues, and that the Instructor refused to allow them to do so. She claimed that she handed her monologue to the Instructor and that she said to him, "I can't read this to my mother," to which the Instructor replied, "Why? Does it have a bad word in it?" She told OCR that she said to the Instructor that it had a lot of bad words in it, to which he replied, "If your mother had written this, she would be a rich woman today." The Complainant told OCR that the Instructor handed her back the monologue, and then recounted to the class a story about a woman in a prior acting class who refused to read two monologues which were assigned to her, and who was consequently asked to drop the acting class.

The Complainant stated that based on the Instructor's words and actions she believed that she was given a choice between reading/performing the offensive monologue, or

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being forced to drop the class. OCR found that after the class in which she received the monologue, the Complainant never returned to class and never confronted the Instructor.

OCR further found that the Complainant dropped the acting class during the third week of the semester and wrote a letter to the Dean of Academic Affairs complaining about the monologue and seeking reimbursement for the course. The Complainant also told OCR that, due in part to her distress over the monologue, she subsequently dropped another course, which resulted in her losing financial aid from the College because of the credits she lost from the dropped courses.

OCR found that the Dean of Academic Affairs appointed two other Deans to investigate the matter - the Associate Dean of Academic Affairs (Associate Dean), who was the Instructor's immediate supervisor, and the Assistant Dean of Academic Affairs (Assistant Dean), who was the Director of Affirmative Action and the College's Title IX Coordinator. OCR found that the Associate Dean interviewed the Instructor, and the Assistant Dean met with the Complainant to discuss her concerns.

With respect to the issue of sexual harassment, OCR analyzed the facts in the context of two legal theories - the quid pro quo theory and the hostile environment theory. Under the quid pro quo theory, OCR investigated whether the Complainant was subjected to unwelcome verbal or physical conduct, submission to which was either explicitly or implicitly made a term or condition of her education. The Complainant alleges that she was required to read or perform the sexually offensive monologue, and that her failure to do so would result in her being forced to leave the course.

In addition to interviewing the Complainant, OCR interviewed the Instructor, the Associate Dean and seven other students who were in the Complainant's acting class. OCR found that all seven of the students stated emphatically that when they received their monologues the class was told by the Instructor that they had a choice of which monologue to perform. They each stated that they were told explicitly by the Instructor that if they were not satisfied with their monologues they could either edit them, modify them or find new monologues of their own choosing. OCR was unable to identify the two male students whose requests to change their monologues the Complainant asserts were denied. The Complainant could not identify the students, and none of the other students interviewed had any recollection of students being denied the opportunity to change their monologues. OCR found that one of the students interviewed had in fact changed a subsequent monologue that she had been assigned simply by requesting to do so.

OCR was also told by the Instructor that he never made the monologue assignments mandatory, but that all students were given the opportunity to change or alter them. OCR further notes that the Complainant admitted that she never actually asked the Instructor to change her monologue. Because OCR could find no evidence to substantiate the Complainant's allegation that she was coerced into reading the monologue or that her continued enrollment in the class was conditioned on her performing the monologue, OCR concluded that there was insufficient evidence to support a quid pro quo theory of sexual harassment by the College.

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The Complainant also asserted that the Instructor's assignment of a sexually offensive monologue specifically to her constituted sexually harassing behavior which created a sexually hostile and offensive educational environment. The College Deans maintain that the Instructor never intended for the monologue to be sexually offensive. They further assert that the monologue came from a legitimate and recognized text of monologues for women in acting classes, the use of which was protected under the principle of academic freedom.

In order to prove a case of sexual harassment under a hostile environment theory, OCR must find that the Complainant was subjected to sexually harassing behavior which was sufficiently severe or pervasive to create a hostile or offensive educational environment from the perspective of a reasonable woman similarly situated. OCR recognizes that an inverse relationship exists between severity and pervasiveness in that a single act which is sufficiently severe need not be pervasive to create a hostile environment. Inversely, harassing acts which are repeated and/or persistent need not be as severe in order to create a hostile or offensive environment. OCR must also find that the College knew of or should have known of the harassment and that it failed to take appropriate action to address it.

OCR first considered the pervasiveness and severity of the alleged harassing behavior. The Complainant alleged that the single act of the Instructor assigning the sexually offensive monologue to her created the sexually hostile environment, and that once the monologue was handed to her, the harm was done. Because the alleged harassing act was isolated, and therefore not pervasive, OCR looked at its context and severity.

The Instructor informed OCR that he has used this monologue in prior classes without any objections from female students, and that he had no reason to believe that it would be offensive to the Complainant. Additionally, he asserts that he selected the monologue for use by students from two recognized textbooks on acting entitled, One on One: The Best Women's Monologues, and The Best Women's Monologues in the Nineties. OCR observed both of these texts and confirmed that the monologue was in fact printed in both books. Finally, the Instructor asserted that the play from which the monologue came was a highly reputable play which was originally performed at the Yale Repertory Theater and which had run on Broadway in New York.

OCR considered that the context in which the monologue was presented to the Complainant was a beginning acting class. The Instructor informed OCR that he chooses monologues for the students after he judges their shyness and/or confidence at public speaking. For students whom he perceives as shy, he tends to assign monologues involving situations which they have probably never experienced before. For students whom he perceives as confident, he tends to assign monologues involving situations that would challenge their assertive nature. The Instructor, however, did not inform the students that this was the standard which he used to assign monologues to them; he merely informed them that he chose the monologue based on their personalities. The Instructor stated that he perceived the Complainant to be a very confident, mature and "worldly" woman who had indicated that she enrolled in the acting class because she wanted to "take a risk." He stated that he specifically chose a monologue which would be challenging to perform based on her confident nature.

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OCR received copies of all of the other monologues assigned to students in the Complainant's class and found that they varied greatly both in content and nature. There were monologues for male students to read which involved homosexuality, and other monologues for female students which involved violence and abuse. The Instructor explained that one common theme in all of the monologues was conflict, which he viewed as an essential part of acting. He indicated that he viewed the degree or level of conflict, rather than the subject matter in the various monologues, to be the key element in selecting a particular monologue for a particular student. In the Complainant's case, he selected the monologue in question for her because it was particularly confrontational and therefore challenging to perform.

OCR interviewed one female student in the Complainant's class who indicated that the evening following the second class the Complainant telephoned, very upset, and read the monologue to her. She indicated to OCR that she told the Complainant that she did not think the monologue was offensive, and that she thought it was appropriate given that they were in an acting class. She told OCR that she thought that the Complainant was overreacting.

OCR considered all of the evidence concerning the context in which the monologue was given to the Complainant and the severity of the Instructor's act of assigning that specific monologue to her. We considered the statements of other students and the legitimacy of the reasons proffered by the Instructor for assignment the monologue to the Complainant. We also considered the Complainant's perspective that she was subjected to a sexually hostile and offensive environment by virtue of the assigning of this monologue to her. Based on all of the evidence, OCR concluded that there was insufficient evidence to support a finding that a sexually hostile environment existed. While OCR found that the Complainant believed that her assignment was sexually offensive, we determined that the single act of assigning the monologue, itself, was neither sufficiently severe nor pervasive to create a hostile environment. Therefore, OCR concluded that the College did not violate Title IX at 34 C.F.R. Section 106.31(a), (b)(1) and (7).

Issue 2

In regard to this issue, OCR found that the College has procedures for student complaints and grievances (grievance procedures) under Title IX and other matters. The grievance procedures have an informal and formal stage, and anticipates that most complaints will be resolved at the informal stage.

Complainant alleged the College's formal grievance process is generally ineffective because it disfavors students in that they never prevail. OCR found that there had been only one grievance which went through the formal process in the past three years. OCR found that case involved six students who filed a sexual harassment grievance against a professor. The report of the grievance process indicated that the complaint was resolved in favor of the students, and that the professor was issued a formal letter of reprimand for his different treatment of women. Although OCR heard testimony from the Dean of Students about problems with the formal grievance process, he also stated that he is currently participating on a committee which is looking into ways to improve and reform

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the process. Based on this information, OCR determined that there was insufficient evidence to support a violation of Title IX concerning the formal grievance process.

With respect to the informal grievance process which was used by the Complainant in this case, OCR found that verbal communication is used to seek clarification of questions of concern and to resolve complaints before the formal procedure is used. The formal stage of the process requires a student to file a written complaint with the Student Grievance Officer.

In the case of a sexual harassment complaint, the student may initiate his/her complaint at Level one, Step Three of the process, i.e., with the immediate supervisor of the person against whom the complaint exists, within 30 calendar days of the date the alleged incident occurred.

The supervisor is required to investigate the complaint and after conferring with the appropriate Dean, to forward his/her written decision to the Grievant and to the person against whom the grievance is directed. These actions must be completed within 7 calendar days of receipt of the complaint.

If a complaint is not resolved at Level One, the Grievant may present a formal grievance in writing to the Student Grievance Officer within 10 calendar days of receipt of the supervisor's decision. The Student Grievance Officer is then required to arrange a hearing by the Student Grievance Committee (Committee) within 14 calendar days of receipt of the grievance. The Committee is required to render its findings and any recommendations within seven calendar days of the hearing.

The Committee consists of five members: a classified employee, a faculty or professional staff unit member, an administrator, a student, and a fifth member who is from the same identifiable group as the person against whom the grievance has been filed.

Within 30 calendar days after the Committee issues its findings and recommendations, the President or designee is required to evaluate the evidence and to make a decision in writing to all concerned parties. The President or designee may hold a hearing prior to rendering a decision. The decision of the President or designee is final and binding on all parties.

Based on OCR's review of the College's grievance procedures, we determined that they are nondiscriminatory on their face. OCR next sought to determine whether the grievance procedures were implemented in a prompt and equitable manner with respect to the Complainant's grievance.

As noted in Issue I above, OCR found that the Complainant enrolled in an Acting I class in the 1992 fall semester. The Complainant dropped the course after being assigned a monologue that she found to be sexually offensive. The Complainant further alleged that, because of the stress the monologue caused her, she dropped another course which resulted in her losing financial aid from the College.

On September 21, 1992, the Complainant hand-delivered a letter to the Dean of Academics indicating her concern about her assignment and the Instructor's actions. The

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letter also indicated that her primary concern was losing the money she had paid for the course because three weeks had gone by and she was technically obligated to pay 100 percent of the tuition. According to the Complainant, the Academic Dean informed her that he would conduct an investigation of the matter.

Later on in the afternoon of September 21, 1992, the Complainant received a telephone call at home from the Assistant Academic Dean (Assistant Dean). He had been asked by the Academic Dean to investigate the Complainant's concerns. The Assistant Dean asked the Complainant what the College could do for her and she expressed her concern about tuition reimbursement and her White House financial aid. OCR found that, to replace the cost of the class, the Assistant Academic Dean offered the Complainant a voucher, which the Complainant accepted. According to the Complainant, the Assistant Dean indicated to her that all the Deans would be meeting with the Instructor regarding the inappropriateness of the assignment.

OCR found that on October 5, 1992 the Complainant met with the Dean of Students for advice and counselling. The Dean of Students informed her of the College's grievance procedure. The Complainant indicated to the Dean of Students that she believed that the Instructor sexually harassed her when he assigned her a sexually offensive monologue. The Dean of Students, after his meeting with the Complainant, informed the Dean of Academics that the Complainant was now asserting a sexual harassment complaint. OCR found that the College conducted an investigation of the Complainant's sexual harassment complaint and determined that there was no merit to her allegations. The Assistant Dean of Academics met with the Complainant and informed her that the College had conducted an investigation of her complaint and concluded that sexual harassment had not taken place. He further informed her that if she chose, she could go to the next level and file a formal grievance. The Assistant Academic Dean also informed the Complainant that he would help to release her financial aid funds.

The Assistant Academic Dean explained that in an effort to help the Complainant understand that the money the College was releasing was not a payoff for her agreeing not to pursue a sexual harassment claim, he asked the Complainant to write a letter indicating that she understood that she did not have a legal sexual harassment claim. On June 21, 1993, the Assistant Dean stated to OCR that had the Complainant pursued the formal grievance process, she probably would not have received her financial aid unless, and until the grievance process was resolved in the Complainant's favor. Nevertheless, the Assistant Dean emphasized that his commitment to award the Student's White House financial aid was never made contingent upon her signing any statement retracting her sexual harassment charge. OCR notes that the White House financial aid came from College funds and was awarded on a discretionary basis, based on student merit and need. Additionally, although the College catalog states that the White House Aid is available to full-time students, the Assistant Academic Dean explained that it was offered to the Complainant even though she was now only a part-time student, as a means of settling the issue. OCR further notes that both the College and the Complainant agreed that she was informed of her right to pursue the formal grievance process. The Complainant admitted that her advocate (the Dean of Students) was willing to represent her. However, she stated that she did not believe she would prevail under that process, and consequently, she elected not to pursue it.

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OCR was also told by the Complainant that she felt she was being coerced into dropping her sexual harassment claim for money, and that the Assistant Academic Dean knew she was desperately in need of the money. According to the Complainant, he told her that unless she wrote the letter retracting her sexual harassment complaint, she would not receive her money. At this time, the Complainant was not willing to drop the allegation. The Complainant asserts that he then reiterated to her that the administration had concluded she had no sexual harassment case. The Complainant left her meeting with him feeling that the College was coercing her into dropping her case for the money.

OCR found that on November 10, 1992 the College approved the release of the Complainant's money. OCR found that the Complainant hand-delivered the letter requested by the College on November 11, 1992. OCR further found that on November 16, 1992 the Complainant was provided with a check in the amount of \$350.00 from the College. Because the authorization for release of the financial aid was approved by the College prior to the Complainant's letter, OCR concluded that the College did not coerce her into forfeiting her claim of sexual harassment by withholding her financial aid until she withdrew her allegation.

With respect to the College's grievance procedures, OCR found that although the College conducted an investigation of the Complainant's concerns, it failed to provide the Complainant with a written decision of its finding as required under the College's grievance procedures. OCR also found that although the College's written procedures indicate that the Director of Affirmative Action is responsible for handling sexual harassment complaints, it has not taken measures to notify all employees, applicants and students of the identity of the Title IX Coordinator. OCR found that students and the College staff were unaware of the identity of the Title IX Coordinator. Additionally, OCR's investigation revealed that the person who was supposed to be the College's designated Title IX Coordinator was, himself, unaware that he had been so designated. He also admitted during an OCR interview that he had not had any training regarding Title IX. OCR also found that the Title IX Coordinator did not have a working knowledge of what constitutes sexual harassment, and was unfamiliar with the Title IX provisions applicable to the College. Therefore, OCR determined that the College is in violation of 34 C.F.R. Sections 106.8(a) and (b) and 106.9(a)(1) and (b)(1).

Conclusion

Based on the above, OCR determined that the College is in violation of 34 C.F.R. Sections 106.8(a) and (b) and 106.9(a)(1) and (b)(1) with respect to the designation of a Title IX Coordinator, and its notice and dissemination of its notice of nondiscrimination under Title IX.

On July 28, 1993, OCR completed negotiations with the attorney for the College in order to secure corrective action for the above-cited violations. Additionally, although OCR did not find the College's grievance process, itself, to be in violation of Title IX, because of concerns noted in the handling of the Complainant's grievance, the College voluntarily agreed to provide information which will allow OCR to monitor its processing of Title IX grievances over the 1993-1994 academic year. As a result of the negotiations, the College signed a Compliance Agreement (copy enclosed).

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Based on the College's written assurance that the remedial actions set forth will be fully implemented, OCR considers the College to be presently fulfilling its obligations under 34 C.F.R. Sections 104.8(a), 106.8(a) and (b), and 106.9(a)(1) and (b)(1). Therefore, this complaint is closed effective the date of this letter. Continued compliance is contingent upon carrying out the corrective action agreed to by the College and failure to perform the corrective actions may result in a finding of noncompliance.

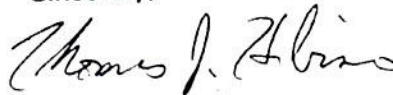
As is our standard practice, OCR will monitor the College's progress in implementing the corrective actions. In order to monitor the implementation of the Compliance Agreement, OCR requires that the College submit a copy of the revised Notice to OCR for review and approval by August 30, 1993. By September 30, 1993, the College will provide OCR evidence of how it disseminates the Notice to applicants, students, staff, and the general public as required by 34 C.F.R Section 106.9(a) and (b). Finally, by September 30, 1994, the College will report on all grievances involving sexual harassment.

This letter addresses only the issues listed above and should not be interpreted as a determination of the College's compliance or noncompliance with Title IX in any other respect.

Under the Freedom of Information Act, 5 U.S.C. Section 552, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

We wish to thank you and your staff for the cooperation extended to OCR's investigator throughout the course of the complaint investigation. If you have any questions, please do not hesitate to contact me at (617) 223-9667 or Mr. Robert L. Pierce, Director, Compliance Division - Area I, at (617) 223-9699.

Sincerely,



Thomas J. Hibino
Regional Director

Enclosure

cc: Carol Colby, Esquire

02/28/93 13:22 617 223 9669

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COMPLIANCE AGREEMENT
CAPE COD COMMUNITY COLLEGE
COMPLAINT NO. 01-82-2047

In order to correct the problems identified by the Office for Civil Rights during its investigation of this complaint, and to bring the Cape Cod Community College (College) into compliance with 34 C.F.R. Sections 106.8 and 106.9, the College agrees to take the following actions and provide documentation that the actions have been taken by the dates specified in this Agreement:

Training and Education

By September 30, 1993, the Title IX Coordinator will complete an educational program (training) about Title IX procedures, including procedures for conducting investigations of complaints filed under Title IX. Upon completion of the Coordinator's training, the College will provide OCR with a report which describes the training and indicates the person(s) conducting the training and the date on which the training was completed.

Monitoring

The College will provide a monitoring report by September 30, 1994 which contain the following information:

1. Accounts of all incidents of sexual harassment reported to or known by the College;
2. The results of its investigations and/or hearings as a consequence of the sexual harassment incidents; and
3. A description of all actions taken by the College in response to the sexual harassment incidents, including copies of any corrective or remedial measures taken.

Notice of Nondiscrimination

The College will revise its Notice of Nondiscrimination (Notice) to include the following to meet the requirements of Title IX:

1. State the name, telephone number, and office address of the employee (Coordinator) designated to coordinate the College's efforts to comply with Title IX of the Education Amendments of 1972.

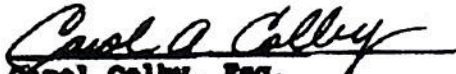
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2. State that inquiries regarding the application of the nondiscrimination policy may be referred to the College's Coordinator or the Assistant Secretary for Civil Rights, U.S. Department of Education, Washington, D.C. 20202 (or the Regional Director, U.S. Department of Education, Office for Civil Rights, J.W. McCormack Post Office & Courthouse, Room 222, Boston - Massachusetts, 02109).

The College will submit a copy of the revised Notice to OCR for review and approval by August 30, 1993. By September 30, 1993, the College will provide OCR evidence of how it disseminates the Notice to applicants, students, staff, and the general public as required by 34 C.F.R. Section 106.9(a) and (b).

Enforcement

If the College fails to comply with the terms of the Agreement, OCR may initiate formal enforcement action, including either commencing administrative proceedings to terminate Federal financial assistance to the College, or referring the matter to the U.S. Department of Justice.


Carol Colby, Esq.
Attorney Representing
Cape Cod Community College


Date