

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
Midwestern Division
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Dr. David Bryan
Chief Executive Officer
Bryan Career College
1527 Southwest Fairlawn
Topeka, Kansas 66604

11 13 2000

Ref: 07992253

Dear Dr. Bryan:

On August 13, 1999, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received a letter of complaint alleging that the Bryan Career College (College), Topeka, Kansas, discriminated against two female students on the basis of sex. Specifically, the complainants alleged that they were sexually harassed by one of the students at the College.

OCR is responsible for enforcing, among other civil rights statutes, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities receiving Federal financial assistance.

OCR resolved this case on January 26, 2000, contingent upon the implementation of the Commitment (copy enclosed). The Commitment, signed January 26, 2000, detailed the actions the College agreed to take to resolve this case. The Commitment states that following:

Retaliation/Harassment

1. By February 15, 2000, the College will develop a sexual harassment policy, which will be published in the College's Faculty and Student Handbooks. This policy will, at a minimum, include: the College's commitment to eliminate sexual harassment; a definition of sexual harassment; a description of the College's procedures to investigate incidents of sexual harassment; a commitment that the College will take remedial action (in accordance with OCR's Sexual Harassment Guidance at 62 Federal Register 12034

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et seq.) to stop instances of sexual harassment and prevent their recurrence; specific procedures to address formal complaints of sexual harassment; the name and position of the employees responsible for accepting and managing complaints of sexual harassment and how to contact those individuals; a requirement that staff report all instances of sexual harassment; and a prohibition against retaliation against persons who report sexual harassment or participate in related proceedings.

2. By February 4, 2000, the College agrees to provide OCR with an assurance that it will not retaliate against anyone because they have engaged in an activity protected by the Title IX regulations.
3. By March 6, 2000, the College agrees to provide sexual harassment training to its faculty and students and provide OCR with copies of sign-in sheets, training outlines, and information distributed to all faculty and students regarding sexual harassment training. This training will include the College's sexual harassment policy.
4. By March 8, 2000, to demonstrate its compliance with the above commitments, the College will provide OCR with written documentation (under each area) that all items are completed.

With regard to item #1, the College was to develop a sexual harassment policy, which will be published in the College's Faculty and Student Handbook. This policy will, at a minimum, include: the College's commitment to eliminate sexual harassment; a definition of sexual harassment; a description of the College's procedures to investigate incidents of sexual harassment; a commitment that the College will take remedial action to stop instances of sexual harassment and prevent their recurrence; specific procedures to address formal complaints of sexual harassment; the name and position of the employees responsible for accepting and managing complaints of sexual harassment and how to contact those individuals; a requirement that staff report all instances of sexual harassment; and a prohibition against retaliation against persons who report sexual harassment or participate in related proceedings.

In a letter received by OCR on February 15, 2000, the College provided to OCR their revised policy for Drug, Crime and Harassment which states: the College's commitment to eliminate sexual harassment; a definition of sexual harassment; a description of the College's procedures to investigate incidents of sexual harassment; a commitment that the College will take remedial action (in accordance with OCR's Sexual Harassment Guidance at 62 Federal Register 12034 et seq.) to stop instances of sexual harassment and prevent their recurrence; specific procedures to address formal complaints of sexual harassment; the position of the employees responsible for accepting and managing complaints of sexual harassment; and a prohibition against retaliation against persons who report sexual harassment or participate in related proceedings.

The Commitment at item #1 states that the College will provide the name and position of the employees responsible for accepting and managing complaints of sexual harassment and how to contact those individuals in the policy. The February 15, 2000, revised policy for Drug, Crime and Harassment which was submitted to OCR indicates that any individual who believes he or she has been subjected to harassment, or who believes he or she has witnessed harassment should report the incident to the College Director. The policy needs to inform individuals how they may contact the College Director. The policy further states that if the individual does not feel comfortable reporting the incident to the Director, they may contact the Vice President located at the particular location. Again, the policy needs to inform individuals how they may contact the Vice President.

Additionally, the Commitment at item #1 states the policy will include a requirement that staff report all instances of sexual harassment. The policy needs to include this requirement.

In a telephone conversation with the College on April 19, 2000, OCR notified the College of the required changes that still needed to be made to the sexual harassment policy. On May 15, 2000 and July 3, 2000, the College provided to OCR their revised sexual harassment policy and student catalog. The revised policy informs individuals how they may contact the College Director and states that if the individual does not feel comfortable reporting the incident to the Director, they may contact the Vice President and how they may contact the Vice President. Additionally, the revised sexual harassment policy includes a requirement that staff report all instances of sexual harassment. Based on the above, the College has successfully implemented item #1 of the Commitment.

With regard to item #2, the College stated in a letter received by OCR on February 14, 2000, that they assured OCR that the College had not and would not retaliate against anyone because they have engaged in an activity protected by the Title IX regulations. Based on the above, the College has successfully implemented item #2 of the Commitment.

With regard to item #3, the College was to provide sexual harassment training to its faculty and students and provide OCR with copies of sign-in sheets, training outlines, and information distributed to all faculty and students regarding sexual harassment training. The training was to include a copy of the College's sexual harassment policy. In a letter received on March 13, 2000, the College provided OCR with documentation that this has been completed. Based on the above, the College has successfully implemented item #3 of the Commitment.

Based on the above, OCR has determined that the College has successfully implemented the Commitment. Therefore, this complaint is closed effective the date of this letter.

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR

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enforces, or because one has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws OCR enforces. If any individual is harassed or intimidated because of filing the complaint or participating in the investigation, the individual may file a complaint with OCR alleging such harassment or intimidation.

We appreciate the cooperation and commitment expressed by the College in its efforts to resolve this case. If you have any questions about this matter, please contact Karen Newsom, Equal Opportunity Assistant, at (816) 880-4232 (voice) or (816) 891-0582 (telecommunication device for the deaf).

Sincerely,



Michael B. Hamilton
Associate Director

Enclosure

JAN 26 2000

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COMMITMENT

The Bryan Career College (College), Topeka, Kansas, submits the following Commitment to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve Complaint No. 07992253. The complainants allege that the College discriminated against students on the basis of sex. Specifically, the complaints allege that they were allowed to be sexually harassed by another student.

Retaliation/Harassment

1. By Feb. 15, 2000, the College will develop a sexual harassment policy, which will be published in the College's Faculty and Student Handbooks. This policy will, at a minimum, include: the College's commitment to eliminate sexual harassment; a definition of sexual harassment; a description of the College's procedures to investigate incidents of sexual harassment; a commitment that the College will take remedial action (in accordance with OCR's Sexual Harassment Guidance at 62 Federal Register 12034 et seq.) to stop instances of sexual harassment and prevent their recurrence; specific procedures to address formal complaints of sexual harassment; the name and position of the employees responsible for accepting and managing complaints of sexual harassment and how to contact those individuals; a requirement that staff report all instances of sexual harassment; and a prohibition against retaliation against persons who report sexual harassment or participate in related proceedings.
2. By Feb. 4, 2000, the College agrees to provide OCR with an assurance that it will not retaliate against anyone because they have engaged in an activity protected by the Title IX regulations.
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4. By March 8, 2000, to demonstrate its compliance with the above commitments, the College will provide OCR with written documentation (under each area) that all items are completed.

David Bryan
 Virginia Dark, President
 Dr. David Bryan, CEO

Jan 26, 2000
 Date