



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS - REGION VII

APR - 9 2004

Robert C. Littrell, Attorney at Law
900 Poyntz Avenue
Manhattan, Kansas 66502-5457

Ref: 07032037

Dear Mr. Littrell:

On April 14, 2003, the U. S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging Crum's Beauty College (College), Manhattan, Kansas, discriminated on the basis of sex. Specifically, the complainant alleged the College allowed students to be subjected to sexual harassment, that the College had notice of the sexual harassment, and that the College failed to take appropriate actions to stop the sexual harassment and to remedy its effects upon the students, and the College does not have an internal grievance procedure to address complaints of sex discrimination or sexual harassment.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits recipients of Federal financial assistance (FFA) from the Department from discriminating on the basis of sex in education programs or activities. Since the College is a recipient of FFA from the Department, it is responsible for complying with the regulation implementing Title IX.

On April 2, 2004, OCR received the enclosed signed Resolution Agreement (Agreement) from the College, that when fully implemented, will resolve the allegations raised in this complaint. With the College's execution of the Agreement, OCR considers these allegations resolved. OCR considers this complaint resolved as of the date of this letter.

OCR will monitor the College's implementation of the Agreement. OCR's continued determination that these allegations are resolved is contingent upon OCR's receipt of documentation showing completion of the actions contained in the Agreement. The College's failure to implement the Agreement as scheduled may result in OCR immediately resuming the investigation of this complaint.

8930 WARD PARKWAY, SUITE 2037, KANSAS CITY, MISSOURI 64114
www.ed.gov

Our mission is to ensure equal access to education and to promote educational excellence throughout the nation.

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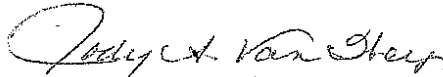
The determinations contained in this letter and the attached Agreement are only intended to address the specific allegations raised in this complaint. They are not intended and should not be construed to address any other issues regarding compliance with the regulation implementing Title IX that are not specifically addressed in this letter or the Agreement.

The regulations OCR enforces protect individuals who file a complaint with OCR or participate in an OCR complaint investigation or compliance review. Recipients may not retaliate or take any adverse actions against individuals based upon their having filed a complaint or provided assistance to OCR. Individuals who believe they have been subjected to retaliation or other adverse action because of their participation in any OCR compliance activity may file a complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

Should you have any questions regarding this matter, please call Jeannetta Bogan, Investigator, at (816) 268-0553 (voice) or 1-800-437-0833 (telecommunication device for the deaf).

Sincerely,



Jody A. Van Wey
Supervisory Equal Opportunity Specialist

Enclosure

RESOLUTION AGREEMENT
CRUM'S BEAUTY COLLEGE
DOCKET NUMBER 07032037

Crum's Beauty College (College), Manhattan, Kansas submits the following Resolution Agreement (Agreement) to the U. S. Department of Education, Office for Civil Rights, to resolve the above referenced complaint. This complaint was filed pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106.

This Agreement also addresses the College's responsibility to develop and implement a policy that prohibits sexual harassment, which includes the College's responsibility to develop and implement an appropriate grievance procedure that is applicable to complaints of discrimination on the sex, including complaints of sexual harassment.

Specifically, the College agrees to take the following actions.

1. By MAY 1, 2004, the College will develop, implement and disseminate to students, employees, and interested persons, its policy prohibiting sexual harassment. The College will develop a sexual harassment policy that:
 - a. Specifically addresses methods to identify and remedy a sexually hostile environment;
 - b. Includes an explanation of sexual harassment with legal definitions and examples of staff-on-student and student-on-student harassment;
 - c. Includes a statement of the disciplinary consequences for violation of the policy;
 - d. Provides that if an employee (administrator, teacher, or non-certified staff) receives a report of sexual harassment, the College will immediately investigate the matter to take disciplinary action where appropriate;
 - e. Is developed in accordance with provisions that are consistent with OCR's March 13, 1997 Notice regarding sexual harassment that was published in the Federal Register. [62 Federal Register 12035] (A copy of this notice is attached); and

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- f. Designates an individual to investigate reports and complaints involving sexual harassment and identifies that individual by position title, office address and telephone number.

Reporting Provision

By MAY 1, 2004, the College will provide to OCR a copy of its sexual harassment policy that complies with the guidelines set forth above in items a through f of this portion of the Agreement.

2. By MAY 1, 2004, the College will include a statement that it does not discriminate on the basis of sex in its educational programs or activities in compliance with Title IX in each announcement, bulletin, catalog, or application form which it makes available for applicants for admission and employment, students, employees; sources of referral of applicants for admission and employment, and all unions and professional organizations holding collective or professional agreements with the College. This Notice must also identify (i.e., names, positions, titles, addresses, and telephone numbers) the person or persons designated to coordinate the College's efforts to comply with the Title IX regulation. [The College should also include a statement that it does not discriminate on the bases of race, color, or national origin, disability, and age.]

Reporting Provision

By JUNE 1, 2004, the College will submit to OCR copies of the recruitment materials and publications in which it includes its notice of nondiscrimination on the basis of sex and the identification of the College's Title IX Coordinator. The College will provide a detailed description of the methods it utilized to disseminate the materials described in item 2 of this Agreement to students, employees and interested persons.

3. By MAY 1, 2004, the College will develop and implement a grievance procedure that is applicable to complaints of discrimination on the basis of sex, including complaints of sexual harassment by students or employees. The College may consult with OCR for technical assistance in revising its grievance procedure. Similarly, as stated in Item 1 of this Agreement, the College will designate an individual to investigate reports and complaints involving discrimination on the basis sex,

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including complaints of sexual harassment. The grievance procedure must also include the following:

- a. A statement that the grievance procedure is applicable to complaints alleging discrimination on the basis of sex, including allegations of sexual harassment by students or employees;
- b. A requirement that all complaints will be promptly (within time frames provided by the College) and thoroughly investigated;
- c. Provisions for maintaining the confidentiality of the person who files a complaint; Notice that retaliation against a person who files a complaint of sex discrimination, including sexual harassment, or persons who participate in related proceedings, is prohibited;
- d. Provisions that are consistent with OCR's March 13, 1997 Notice regarding sexual harassment that is referenced above; and
- f. Notice that complaints of discrimination on the basis of sex, including complaints of sexual harassment, may be filed with the U. S. Department of Education, Office for Civil Rights, 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114-3302, (816) 268-0550.

Reporting Provision

By JUNE 1, 2004, the College will submit to OCR a copy of its grievance procedure applicable to complaints of discrimination on the basis of sex, including complaints of sexual harassment by students or employees.

4. By JUNE 1, 2004, the College will disseminate its sexual harassment policy (item 1) and grievance procedure (item 3) to all students and employees by:
 - a. Publishing the sexual harassment policy and grievance procedure in the student, and employee handbooks; and
 - b. Posting the sexual harassment policy in prominent locations in the College building.

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Reporting Provisions

By June 1, 2004, the College will submit to OCR a copy of each handbook in which it publicizes its sexual harassment policy and grievance procedure to students and employees. [Any handbooks being submitted in response to Item 2 above, do not need to be duplicated for this reporting requirement.]

By JUNE 1, 2004, the College will provide pictures showing the sexual harassment policy posted in prominent locations in the College building.

5. By July 1, 2004, the College will provide initial training, and establish a schedule for ongoing training for students and employees regarding the College's sexual harassment policy and grievance procedure, and the investigation of complaints of discrimination on the basis of sex, including complaints of sexual harassment by students or employees.

Reporting Provision

By July 1, 2004, the College will submit to OCR documentation that evidences completion of Item 5 of this Agreement. Such documentation should include the date(s) of the training session(s), an outline on the content of the training, the name and position title of the trainer(s), and a sign-in sheet identifying the participants of the training session.

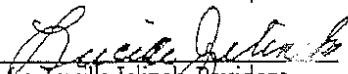
6. By MAY 15, 2004, the College will ensure that Charles Crum, son of the owner of the College, has obtained and completed sensitivity training and counseling that is related to behavior that is prohibited under the College's revised sex discrimination and sexual harassment policy.

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Reporting Provision

By June 1, 2004 the College will submit to OCR documentation that evidences completion of Item 6 of this Agreement. Such documentation should include the date(s) of the training and/or counseling session(s), an outline or explanation of the content of the training and/or counseling session, the name, position title and credentials of the professional providing the training and/or counseling.

Attachment


Mrs. Lucille Jelinek, President
Crum's Beauty College
Manhattan, Kansas

April 2, 2004
Date