

## **RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

The Clark County School District (district) enters into this agreement to resolve the compliance issues identified by the U.S. Department of Education Office for Civil Rights (OCR) in its investigation of OCR Reference No. 10111376, conducted under the authority of title IX of the Education Amendments of 1972 (Title IX) and the regulations that implement Title IX at 34 C.F.R. Part 106.

### **II. GENERAL PROVISIONS**

- A. This agreement resolves only those compliance issues identified by OCR in the investigation of OCR Reference No. 10111376 and does not constitute an admission by the district of any violation of Title IX, or any other law.
- B. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR shall give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.
- C. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the district understands that during the monitoring of this agreement, OCR may visit the district, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the district has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. 106.8, 106.9, and 106.31, which were at issue in this case.
- D. The district understands that OCR will not close the monitoring of this agreement until OCR determines that the district has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX at 34 C.F.R. 106.8, 106.9, and 106.31.

### **III. REMEDIAL PROVISIONS**

#### **A. NOTICE OF NONDISCRIMINATION**

1. The district will revise, for OCR's review and approval, its notice of nondiscrimination to ensure that it complies with the requirements of Title IX. To the extent that the notice of nondiscrimination contains citations or references to district policies and procedures, legal definitions, or examples of prohibited conduct, the district will ensure that information is consistent with Title IX. At a minimum, the district will ensure that its notice of nondiscrimination:
  - a. states that the district does not discriminate on the basis of sex in its programs and activities;
  - b. states that inquiries concerning the application of Title IX may be referred to the Title IX coordinator or to OCR;
  - c. includes the name and/or title, office address, telephone number, and email address of the district's designated Title IX coordinator responsible for overseeing student complaints of sexual or gender-based harassment.
2. Within 30 days of receiving OCR's approval of the notice of nondiscrimination described in Section A.1 of this agreement, the district will adopt the notice of nondiscrimination and notify students, parents, and employees of the notice's revision. The district will also prominently post the revised notice on its website and at various locations throughout its schools and district offices. It will be published in electronic and printed publications of general distribution that provide information to students, parents, and employees about district services and policies.

#### **B. GRIEVANCE PROCEDURES**

1. The district will review and revise, for OCR's review and approval, its procedures prohibiting sexual harassment to ensure that the procedures provide up-to-date, accurate and appropriate guidance to staff and administrators regarding the evaluation and investigation of sexual harassment allegations, and that it is compliant with the requirements of Title IX. Specifically, the district will ensure that its revised grievance procedures:

- a. provide notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed;
  - b. provide notice that the grievance procedures are applicable to complaints alleging harassment carried out by employees, other students, or third parties;
  - c. provide for adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;
  - d. provide designated and reasonably prompt timeframes for the major stages of the complaint process;
  - e. provide notice to parties of the outcome of the complaint;
  - f. contain an assurance that the school will take steps to prevent recurrence of any harassment and correct its discriminatory effects on the complainant and others, if appropriate;
  - g. prohibit retaliation;
  - h. provide for interim measures to protect students in the educational setting (*e.g.*, no contact order, change academic situations as appropriate with minimum burden on the student, counseling, mental health services, academic support, retake a course or withdraw without penalty); and
  - i. provide for the use of the preponderance of the evidence standard (more likely than not to have occurred) in investigating allegations of sexual harassment.
2. Within 30 days of receiving OCR's approval of the revised grievance procedures described in Section III.B.1 of this agreement, the district will adopt the revised grievance procedures, notify students, parents, and employees of the grievance procedure's revision, and post the grievance procedures on a readily accessible portion of the district's website. The notice will state that anyone wishing to make a complaint of sexual or gender-based harassment may do so in accordance with the revised procedures. Additionally, the district will provide a summary of the revised procedures, including a link to where the procedures can be located in their entirety on the district's website, in the following

locations: (1) in the district's Back to School Reporter and Employee Right to Know; (2) in any school-site specific parent/student and employee handbooks if utilized at the individual school; and (3) at various clearly-visible areas throughout district schools..

#### C. TITLE IX COORDINATOR

1. The district will designate at least one individual to coordinate its efforts and responsibilities under Title IX, including the equitable resolution of student complaints of sex and gender-based discrimination and harassment. If more than one Title IX coordinator is designated, the district's notice of nondiscrimination and Title IX grievance procedures will describe each coordinator's responsibilities, and one coordinator will be designated as having ultimate oversight.
2. The district will develop a training program for the Title IX coordinator(s) for OCR's review and approval that covers recognizing and appropriately responding to Title IX complaints filed by students. The training will address how to conduct and document adequate, prompt, and impartial investigations, including conducting interviews of victims and communicating in a fair, non-biased and objective manner. The training will also focus on the responsibility of the Title IX coordinator to regularly develop and participate in activities designed to: (a) oversee the district's response to Title IX reports and complaints and identify and address any patterns or systemic problems revealed by such reports and complaints; (b) raise awareness within the district of sexual and gender-based harassment through the provision of training to employees and students; and (c) ensure that appropriate policies and procedures are in place to work with local law enforcement and coordinate services with local victim advocacy organizations and services providers.
3. Within 30 days of receiving OCR's approval of the Title IX coordinator training described in Section III.C.2 of this agreement, the district will ensure that the training is provided to the designated employee(s).

#### D. EMPLOYEE TRAINING

1. Within 30 days of receiving OCR's approval of the grievance procedures described in Section III.B of this agreement, the district will develop training materials for staff at XXXXXX, including administrators, teachers, counselors, paraprofessionals, office staff, and

campus security monitors. A consultant or staff member with experience or expertise in identifying, investigating, and resolving complaints of sexual harassment, including harassment related to sex and gender stereotypes, will develop the training materials. The district will submit the training materials to OCR for review and approval prior to implementing the training. The training materials will provide, at a minimum, the following:

- a. a review of the district's revised nondiscrimination notice and grievance procedures under Title IX;
- b. instruction on what type of conduct constitutes sexual harassment, specifically addressing examples of harassment based on (a) sexual conduct or comments and (b) sex or gender stereotypes;
- c. practical information about how to identify and report sexual harassment and violence;
- d. specific guidance and discussions of steps to take when staff receive complaints or information that suggests that a student or students may be being subjected to sexual harassment, including sexual conduct or harassment based on nonconformance with sex or gender stereotypes;
- e. specific guidance regarding the district's responsibility to respond to sexual harassment, including:
  - how students and employees are expected to respond to incidents of harassment that they experience, witness, or of which they otherwise have knowledge (including specific reporting procedures that are available);
  - that failure by school officials to respond appropriately to sexual harassment, including sexual conduct or harassment based on sex or gender stereotypes, of which they knew or should have known, may violate district policy and federal law;
  - the requirement that the district take prompt and effective action to investigate and, as appropriate, take steps to end harassment, prevent its recurrence, and remedy its effects when such an incident comes to its attention regardless of whether a grievance has been filed;

- that failure to notify the parties of the outcome of an investigation of a sexual harassment complaint or grievance violates district policy and federal law; and
  - identification of designated staff who are available to answer questions or concerns regarding the policies and regulations or other issues related to sex-based harassment.
2. Within 30 days of receiving OCR's approval of the Title IX employee training, the district will ensure that the training is provided to the designated employees.

#### E. STUDENT TRAINING

1. The district will provide age-appropriate instruction to all students at XXXXXX. Students will receive instruction on harassment, including sexual and gender-based harassment, including: (1) what types of conduct constitutes such harassment; (2) the negative impact that such harassment has on the educational environment; and (3) how students are expected to respond to such harassment that they experience or witness, or of which they otherwise know, including the reporting avenues available. The instruction will be designed to promote sensitivity to and tolerance of the diversity of the student body, and will specifically address harassment issues related to sex, gender, and nonconformity with gender stereotypes. The parties understand that the board retains its authority under state law to adopt curriculum and materials.

#### F. STUDENT-FOCUSED REMEDIES

1. Within 30 days of adopting the revised notice of nondiscrimination and grievance procedures pursuant to Section III.A.2 and B.2 of this agreement, the district will draft a letter for OCR's review and approval to the parents of the student who is the subject of the complaint. The letter will include:
  - a. the district's commitment to respond appropriately to complaints of sex discrimination and gender-based harassment;
  - b. a description of the training the district has conducted or will conduct pursuant to this agreement; and

- c. a copy of the district's revised notice of nondiscrimination and grievance procedures.
2. Within 30 days of receiving OCR's approval of the letter drafted pursuant to section III.F.1 of this agreement, the district will send the letter to the student's parents.

#### **IV. REPORTING PROVISIONS**

- A. By January 6, 2017, the district will provide to OCR its proposed revisions to the notice of nondiscrimination pursuant to Section III.A.1 of this agreement, and the district's grievance procedures pursuant to Section III.B.1 of this agreement. Within 30 days of receiving OCR's request for revision(s) to the notice of nondiscrimination and/or the district's grievance procedures, if any, the district will incorporate OCR's revisions and submit revised copies for OCR's final approval.
- B. Within 30 days of receiving OCR's final approval of the revised notice of nondiscrimination and grievance procedures, the district will provide to OCR a report evidencing compliance with Sections III.A.2 and III.B.2 of this agreement. The report will, at a minimum, include a copy of the notification(s) to students, parents, and employees of the revised notice and procedures; a link to the location of the revised notice and procedures on the district's website; a narrative description of where the summary of the revised notice and procedures were posted throughout the district's schools; and a copy of any electronic and printed publications containing the revisions.
- C. By January 6, 2017, the district will notify OCR of the name, title, and qualifications of the individual(s) designated as its Title IX coordinator(s) pursuant to Section III.C.1 of this agreement. Within 30 days, OCR will notify the district of any areas of concern under Title IX presented by the individual(s) selected as the Title IX coordinator(s) (such as potential conflicts of interest) or with the responsibilities of the Title IX coordinator(s) as described by the district. The district will address any areas of concern presented and notify OCR of its action within 30 days.
- D. By January 20, 2017 the district will provide OCR a copy of its training program for the Title IX coordinator(s) pursuant to Section III.C.2 of the agreement. Within 30 days of receiving OCR's request for revision(s) to the training program, if any, the district will incorporate OCR's revisions and submit a revised copy for OCR's final approval.

- E. Within 30 days of receiving OCR's final approval of the training program described in Section III.C.2 of this agreement, the district will provide to OCR a report evidencing compliance with Sections III.C.3 of this agreement. The report will, at a minimum, contain the dates of the training and sign-in sheets of all attendees at the Title IX coordinator(s) training.
- F. Within 30 days of receiving OCR's approval of the grievance procedures described in Section III.B of this agreement, or no later than February 6, 2017, the district will provide OCR a copy of its training materials for XXXXXXXX staff pursuant to Section III.D.1 of this agreement. Within 30 days of receiving OCR's request for revision(s) to the training program, if any, the district will incorporate OCR's revisions and submit a revised copy for OCR's final approval.
- G. Within 30 days of receiving OCR's final approval of the training program described in Section III.D.1 of this agreement, or no later than March 6, 2017, the district will provide to OCR a report evidencing that the training is provided to the designated XXXXXXXX employees pursuant to Section III.D.2 of this agreement.
- H. By March 22, 2017, the district will provide age-appropriate instruction to all XXXXXXXXXXXXX students pursuant to Section III.E of this agreement.
- I. Within 30 days of adopting the final notice of nondiscrimination and grievance procedures pursuant to Section III.A.2 and B.2 of this agreement, the district will provide OCR a copy of the draft letter pursuant to Section III.F.1 of this agreement. Within 30 days of receiving OCR's request for revisions, if any, the district will provide OCR with a revised letter for OCR's final approval.
- J. Within 10 days of sending the letter to the student's parents pursuant to Section F.2 of the agreement, the district will provide OCR with a copy.

Signed:

\_\_\_\_\_/s/\_\_\_\_\_  
Pat Skorkowsky  
Superintendent  
Clark County School District

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December 14, 2016  
Date