

**Resolution Agreement  
Hardin County Schools  
OCR Docket Number 03121196**

In order to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, Hardin County Schools (the District) enters into this voluntary Resolution Agreement (Agreement) and commits to implement the provisions set forth in this Agreement. This Agreement does not constitute an admission of liability by the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

**ACTION STEPS**

**Title IX Grievance Procedures**

1. By November 30, 2013, the District will submit to OCR for its review and approval draft Title IX grievance procedures to address complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence), as required by Title IX's implementing regulation at 34 C.F.R. § 106.8 (b).
2. The District will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sex discrimination and will include, at a minimum, the following:
  - a. notice to students and employees of the procedure, including how and where to file a complaint;
  - b. the name or title, office, address and telephone number of the individual with whom to file a complaint;
  - c. application of the procedure to complaints alleging sex discrimination carried out by other students, employees or third parties;
  - d. adequate, reliable and impartial investigation, including the opportunity for both parties to present witnesses and other evidence;
  - e. designated and reasonably prompt timeframes for the major stages of the complaint;
  - f. written notice to the parties of the findings resulting from the complaint; and,
  - g. an assurance that the District will take steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the victim(s) and others, if appropriate;

- h. A provision indicating that the District will comply with law enforcement requests for cooperation and such cooperation may require the District to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence and that the District will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the District's investigation may be longer in certain instances;
- i. the District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the district community and the avoidance of retaliation;
- j. the District will ensure that the victims are aware of their Title IX rights and available resources, such as counseling, the local rape crisis center; and their right to file a complaint with a local law enforcement agency;
- k. an assurance that the District will take steps to prevent the recurrence of any discrimination/harassment, with the range of possible disciplinary sanctions, and to correct its discriminatory effects on the complainant/victim(s) and others, if appropriate, with examples of the types of remedies available to the complainant/victim(s);
- l. an assurance that the District will keep the complaint and investigation confidential to the extent possible; and,
- m. a statement that prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation and that does not include language that a complainant may be subject to disciplinary action if the allegations are not substantiated.

Recognizing that Title IX does not require a separate sexual harassment complaint procedure, the District assures OCR that if it chooses to maintain a separate sexual harassment complaint procedure, it will comply with the requirements outlined above.

- 3. Within 45 calendar days of written notification from OCR that the revised Title IX grievance procedures developed in accordance with items #1 and 2 above are consistent with Title IX requirements, the District will adopt and implement the procedures and will provide all students, parents/guardians and employees with written notice regarding the new grievance procedures for resolving Title IX complaints together with information on how to obtain a copy of the grievance procedures. The District, at a minimum, will make this notification through the District's website, electronic mail messages to employees and students, and any regularly issued newsletters, (in print or online), as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

**Title IX Coordinator**

4. Within 30 calendar days from the date of this agreement, the District will ensure that it has designated one or more employees to coordinate the District's efforts to comply with Title IX and will publish this individual's name or title, office address, and telephone number consistent with the requirements of Title IX at 34 C.F.R. § 106.8(a). If the District opts to designate more than one such coordinator, its publications will make clear the scope of each coordinator's responsibilities (e.g., who will handle complaints by students, employees, and faculty), and will designate one coordinator, who will be titled "Title IX Coordinator" and who will have ultimate oversight responsibility over the other coordinators, whose titles will clearly indicate that they are in a deputy or supporting role to the Title IX Coordinator. Inserts may be used pending reprinting of the publications.
5. Within 45 calendar days from the date of this agreement, the District will develop a job description and corresponding training requirements for its Title IX Coordinator and, as appropriate, any deputy coordinators. The job description and corresponding training will cover the investigation of Title IX complaints filed by students, staff, and faculty and the responsibility of the Title IX Coordinator to regularly develop and participate in activities designed to raise awareness within the District regarding sex discrimination (including sexual harassment, sexual assault, and sexual violence), the existence of OCR and its responsibility to enforce Title IX, and the District's policies and procedures regarding such matters. If the District opts to designate additional coordinators to assist the Title IX Coordinator, it will make clear the scope of each coordinator's duties and will ensure that the Title IX Coordinator has ultimate oversight responsibility over the other coordinators, which will be clearly stated in that coordinator's job description.

#### **Non-Discrimination Notice**

6. Within 30 calendar days from the date of this agreement, the District will submit to OCR for review its revised notice of nondiscrimination pursuant to 34 C.F.R. § 106.9, which will notify students, faculty, staff, personnel, employees, and other relevant persons that it does not discriminate on the basis of sex in the education programs or activities that it operates and that it is required by Title IX not to discriminate in such a manner. Additionally, the notice will state that the requirement not to discriminate in the District's education programs and activities extends to employment with and admission to the District. The notice will also state that inquiries concerning the application of Title IX should be referred to the Title IX Coordinator, and it shall include the name or title, office address, and telephone number for the District's Title IX Coordinator. The District will publish this notice consistent with the requirements of Title IX at 34 C.F.R. § 106.9.

#### **Training for Title IX Coordinator and District Personnel**

7. Within 30 calendar days following OCR's approval of the revised Title IX procedures referenced in Action Steps 1 and 2, the District will schedule Title IX training for its Title IX Coordinator, any deputy coordinators, and any District personnel who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual harassment, sexual assault, or sexual violence) or who will otherwise

coordinate the District’s compliance with Title IX. The training will cover the District’s new grievance procedures for Title IX complaints and will provide attendees with instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title IX, as well as sex discrimination, including sexual harassment/assault and violence, and the District’s responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature and to ensure that victims of sexual offenses that are criminal in nature are aware of the District’s Title IX obligations and its Title IX grievance procedures. Additionally, the training will include instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation (which differ from a criminal investigation). The District may request OCR Philadelphia staff to assist in providing the training.

8. Within 60 days following OCR’s approval of the revised Title IX procedures referenced in Action Steps 1 and 2, the District will schedule Title IX training to all District staff that interacts with students on a regular basis. The training will provide attendees with essential guidance and instruction on preventing, recognizing and appropriately responding to allegations and complaints of sex discrimination, including the differences between sex discrimination, sexual harassment sexual assault, and sexual violence and an understanding of the District’s responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature. In addition, the training will cover the District’s new grievance procedure for Title IX complaints. This training will be provided separately to staff who work with particular grade levels (i.e., elementary, middle and high school) and will specifically target staff responsibilities by employment designation (e.g., site supervisors, school counselors, teachers, etc.). The District may request OCR Philadelphia staff to assist in providing the training.

### **Investigation**

9. X---paragraph redacted---X
10. X---paragraph redacted---X

### **Student-Focused Remedies**

11. By December 31, 2013, the District will create and charge a focus group consisting of representative student leaders from district middle and high schools and school officials to identify strategies for ensuring that students understand their rights under Title IX, how to report possible violations of Title IX, feel comfortable that the District official to whom they make such reports will take them seriously and are aware of the District’s obligation to promptly and equitably respond to Title IX complaints. The focus group will provide input to the Title IX Coordinator regarding the strategies identified.

12. By December 31, 2013, and at the end of every subsequent academic year, the District, with the support and assistance of student group leaders on district, will conduct a climate check or series of climate checks with district middle and high school students to assess the effectiveness of steps taken pursuant to this agreement or otherwise by the District, to ensure a district free of sexual harassment, in particular sexual assaults and sexual violence. This climate check may be accomplished through a written or electronic survey, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss this issue in person. If this method is selected, the written survey must be provided to OCR for review and approval prior to its use. Information gathered during these climate checks will be used to inform future proactive steps taken by the District. OCR may provide assistance with the first climate survey.

### **Anti-Harassment Statement**

13. By November 30, 2013, the District will issue a statement to all students, faculty and staff that will be printed in each school's and/or District's newsletter, posted in prominent locations at the District, and published on the District's website, stating that the District does not tolerate sexual harassment. The statement will encourage any student who believes he or she has been subjected to sexual harassment to report the harassment to the District, and will note the District's commitment to conducting a prompt investigation. The statement will include the appropriate contact information for the designated staff member to whom students and parents may report allegations of harassment. The statement will warn that students found to have engaged in sexual harassment will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion. The statement will further make clear that District staff and faculty found to have engaged in sexual harassment will be promptly disciplined, and that such discipline may include, if circumstances warrant, termination of employment. The statement will encourage students and District staff and faculty to work together to prevent sexual harassment.

### **Record Keeping**

14. By December 31, 2013, the District will develop a system for maintaining records of all complaints of sexual harassment at the School, regardless of whether the incident is found to have merit, and the response the District took in making a determination in each matter.
15. By June 30, 2014 and at the end of the 2014-2015 and 2015-16 school years, the District will prepare a report summarizing all incidents alleging sexual harassment investigated at the School during the preceding school year, including for each incident the following information: a description of how the incident came to the District's attention (i.e., whether reported by a student or parent, or witnessed by a staff member); a description of the incident; a detailed written narrative describing how the District investigated the incident, including the names of all witnesses interviewed and a list of any documents or other evidence reviewed; a statement as to whether the District concluded that sexual

harassment occurred or did not occur; and a description of the steps taken by the District to remedy any harassment that occurred, and prevent its recurrence.

### **Reporting Requirements**

#### **Title IX Grievance Procedures**

1. By November 30, 2013, the District will submit to OCR for its review and comment its Title IX grievance procedures referenced in action steps # 1 and #2 above.
2. Within 60 calendar days after OCR's approval of the Title IX procedures referenced in action steps #1 and #2 above, the District will provide OCR with documentation that it has implemented item #6 above, including copies of the written notices issued to students and employees regarding the new Title IX procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to its webpage where the revised Title IX procedures are located.

#### **Title IX Coordinator**

3. By January 31, 2014, the District will provide OCR with name/title of the person designated as the Title IX Coordinator, including the address and contact information, job description and training program developed pursuant to action steps # 4 and #5 above.

#### **Training for Title IX Coordinator and District Personnel**

4. By June 30, 2014, the District will provide verification to OCR that the training materials used during these training sessions were disseminated to any individuals covered by action steps # 7 and #8 who were unable to attend the training session(s), including the names and titles of the individuals who received the information.

#### **Notice of Non-discrimination**

5. Within 30 calendar days of written notification from OCR that the District's notice of nondiscrimination complies with Title IX, the District will ensure that, to the extent required by Title IX at 34 C.F.R. § 106.9, each of its electronic and printed publications of general distribution that provide information to students, faculty, staff and personnel about District services and policies contain the notice of nondiscrimination. Inserts may be used pending reprinting of these publications.

#### **Investigation**

6. By January 31, 2014, the District will provide OCR with documentation demonstrating the District's compliance with action step #9.

### **Student-Focused Remedies**

7. By January 31, 2014, the District will provide OCR with documentation that it has implemented action step #11 above, including a list of names and titles of the members of the district focus group, the dates of and copies of any minutes of district focus group meetings, and a copy of the district focus group's recommended actions.
8. By January 31, 2014, 2013, January 31, 2015, and January 31, 2016, the District will provide OCR with documentation demonstrating implementation of a district climate check pursuant to action step #12 above, including summaries of the information obtained and proposed actions based on that information.

### **Anti-Harassment Statement**

9. By January 31, 2014, the District will submit to OCR documents establishing the District's compliance with action step #13.

### **Record Keeping**

10. By January 31, 2014, the District will provide a written description of the record keeping system described in # 14 above, and will make the records available for inspection by OCR on an annual basis until the monitoring of this agreement is closed. OCR will coordinate the annual inspection visits with the District.
11. By June 30, 201, 2015, and 2016 the District will provide OCR with documentation demonstrating that it has implemented action step #15, including copies of the initial report, any records, and the investigative files, including those of the District's Title IX Coordinator, showing the response and remedies obtained, if any.

The District agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until it determines that the District has fulfilled the terms of this Agreement and is in compliance with the provisions of Title IX which are applicable to this complaint.

The District 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 this Agreement. 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 complied with the terms of this Agreement and the provisions of Title IX which are applicable to this complaint.

If the District anticipates that it will be unable to meet any of the deadlines set forth in this Agreement, OCR may provide a reasonable extension of time for the District to do so. The District understands and acknowledges 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 Institute written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

11-19-13

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Superintendent/Designee  
Hardin County Schools

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Date