

**Resolution Agreement  
School District of Pittsburgh  
OCR Docket Number 03-13-1100**

In order to resolve the compliance concern identified in the investigation of 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, the School District of Pittsburgh (the District) commits to implement the provisions set forth in this Resolution Agreement (Agreement).

**ACTION STEPS and REPORTING REQUIREMENTS**

**Title IX Grievance Procedures**

1. By March 27, 2015, the District will submit to OCR for its review and approval draft Title IX grievance procedures to address complaints of sex discrimination (including sexual and/or gender-based harassment and sexual violence), as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b).

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 grievance procedures, including where complaints may be filed;
- b. application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination or sexual and/or gender-based harassment (including sexual violence) carried out by employees, other students, or third parties;
- c. adequate definitions of gender-based harassment and sexual harassment (which includes sexual violence) including the following revisions to the District's current procedures:
  - i. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression intimidation, or hostility based on sex stereotyping. Thus, harassment of a student for failing to conform to stereotypical notions of masculinity and femininity constitutes sex discrimination.
  - ii. Such conduct denies or limits a student's ability to receive educational aid, benefits, services, or treatment.
  - iii. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's ability to participate in or benefit from the school's program (i.e. creating an intimidating, hostile or offensive educational environment).

- d. provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
- e. designated and reasonably prompt time frames for the major stages of the complaint process;
- f. written notice to the complainant and alleged perpetrator of the outcome of the complaint;
- g. assurance that the school will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, if appropriate;
- h. a statement of the school’s jurisdiction over Title IX complaints;
- i. reporting policies and protocols, including provisions for confidential reporting;
- j. identification of the employee or employees responsible for evaluating requests for confidentiality;
- k. notice that Title IX prohibits retaliation;
- l. notice of a student’s right to file a criminal complaint and a Title IX complaint simultaneously;
- m. notice of available interim measures that may be taken to protect the student in the educational setting;
- n. a statement that preponderance of the evidence (i.e., more likely than not that sexual violence occurred) will be the standard used in investigating a complaint;
- o. notice of potential remedies for students;
- p. notice of potential sanctions against perpetrators; and
- q. sources of counseling, advocacy, and support.

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.

**Reporting Requirement:** By March 27, 2015, the District will submit to OCR a copy of the District’s revised Title IX grievance procedures for OCR’s review and approval.

2. Within 60 calendar days of written notification from OCR that the revised Title IX grievance procedures developed in accordance with Action Step 1 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.

**Reporting Requirement:** Within 90 calendar days of written approval from OCR that the revised Title IX procedures referenced in Action Step 1 are consistent with Title IX, the District will provide OCR with documentation that it has implemented Action Step 2 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. Within 30 calendar days from the date of this Agreement, the District will ensure that it has designated one employee to coordinate the District's efforts to comply with Title IX, who will be titled "Title IX Coordinator," 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 chooses to designate one or more persons to assist the Title IX Coordinator, its publications will make clear the scope of each person's responsibilities (e.g., who will handle complaints by students, employees, and faculty) and will designate the District's Title IX Coordinator to have ultimate oversight responsibility with regard to Title IX matters. Additionally, the District will publish a notice of nondiscrimination with the Title IX Coordinator's information consistent with the requirements of Title IX at 34 C.F.R. § 106.9.

**Reporting Requirement:** By February 27, 2015, the District will provide to OCR a copy of the District's notice of non-discrimination as well as copies or links to the District's publications which contain information regarding the Title IX Coordinator and any individuals designated to assist the Title IX Coordinator in accordance with Action Step 3.

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

4. By April 27, 2015, the District will develop and provide Title IX training to its Title IX Coordinator and any other District employees who will be directly involved in processing, investigating, and/or resolving complaints of sex discrimination (including sexual and/or gender-based harassment) or who will otherwise assist in the coordination

of the District's compliance with Title IX. This training will be in person and will address:

- a. the District's new policies and grievance procedures for Title IX complaints;
- b. sex discrimination and the District's responsibilities under Title IX to address allegations of sexual and or gender-based harassment, whether or not the actions are potentially criminal in nature;
- c. recognizing and appropriately responding to allegations and complaints pursuant to Title IX, including conducting interviews of victims and communicating in a fair, non-biased, and objective manner that does not discourage victims from reporting or continuing with their complaints;
- d. how to conduct and document adequate, prompt, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation and how they differ from those in a criminal investigation; investigation;
- e. how to notify complainants of the right to file a criminal complaint and how to file one;
- f. how to coordinate and cooperate with law enforcement during parallel criminal and Title IX proceedings; and
- g. a written assessment requiring participants to demonstrate that they have learned the material in the Title IX training.

The District may request OCR Philadelphia staff to assist in providing the training.

5. Within 60 days of providing training to the Title IX Coordinator and other staff, as identified in Action Step 4, the District will provide Title IX training to all XXXXXX staff who interact 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 sexual and gender-based harassment and sexual violence and an understanding of XXXXXX 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.

**Reporting Requirement:** By May 15, 2015, the District will provide documentation to OCR that the training sessions required by Action Steps 4 and 5 took place, including copies of sign-in sheets, agendas, and identification of any presenters or trainers. The

District will also provide verification that any materials used during these training sessions were disseminated to any individuals covered by Action Step 5 who were unable to attend the training session(s), including the names and titles of the individuals who received the information.

### **Student Training**

6. By June 15, 2015, the District will develop a plan to be implemented at XXXXXX for educating students and parents about issues XXXXXX, the prohibition of sexual and XXXXXX in the educational setting, examples of prohibited conduct, the importance of reporting harassment, how and to whom to report incidents of harassment, XXXXXX obligation to respond appropriately to notice of sexual harassment, and potential consequences and corrective action if harassment is found. The District will implement the plan and monitor its effectiveness. In developing the plan as it relates to students, the District will consider a variety of age-appropriate approaches to student education, including, for example, small group student instruction and integration of relevant curriculum in the classrooms and expansion of relevant programs already being provided. Educational outreach for parents may include, for example, evening classes, mailings sent home and posted in the schools, and collaboration with existing parent groups, such as Parent Teacher Associations.

**Reporting Requirement:** By July 1, 2015, the District will provide OCR with documentation that it has implemented Action Step 6, a copy of the plan developed by XXXXXX and how it will be or has been implemented at Schiller.

### **Climate Survey**

7. By October 1, 2015, the District will conduct a climate check or series of climate checks at XXXXXX to assess the effectiveness of steps taken pursuant to this Agreement, or otherwise by the District, to ensure it is free of sexual harassment. The climate check may be accomplished through a written or electronic survey, provided that students, parents, and staff receiving the survey also are notified of a contact person should they wish to discuss this issue in person; interviews of students, parents, and staff; or other such assessment tools and techniques as deemed appropriate. Any survey used 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.

**Reporting Requirement:** By October 30, 2015, the District will provide OCR with documentation demonstrating that it has implemented Action Step 7, including copies of the survey results, a detailed written description of the information obtained, and proposed actions based on that information.

The District understands that 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 regulations implementing Title IX at 34 C.F.R. §§ 106.8 and 106.9 which were at issue in 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 regulations implementing Title IX at 34 C.F.R. §§ 106.8 and 106.9 which were at issue in this complaint.

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 District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/ \_\_\_\_\_  
Superintendent or designee  
School District of Pittsburgh

2/19/15 \_\_\_\_\_  
Date