

**Resolution Agreement  
Greenup County Schools  
OCR Docket Number 03-14-1163**

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, Greenup County Schools (the District) commits to implement the provisions set forth in this Resolution Agreement (Agreement).

**DEFINITIONS**

Sexual harassment means unwelcome conduct of a sexual nature, which can include sex assault, sex violence, sex misconduct, unwelcome sexual advances, requests for sex favors, or other verbal, nonverbal, or physical conduct of a sexual nature. It can include conduct such as touching of a sexual nature; making sexual comments, jokes or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity; or circulating, showing, or creating electronic mail messages (e-mails) or websites of a sexual nature.

**ACTION STEPS and REPORTING REQUIREMENTS**

**Title IX Grievance Procedures**

1. By July 1, 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 assault 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 harassment (including sexual violence) carried out by employees, other students, or third parties;
- c. provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
- d. designated and reasonably prompt time frames for the major stages of the complaint process;
- e. written notice to the complainant and alleged perpetrator of the outcome of the complaint;

- f. 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;
- g. a statement of the school’s jurisdiction over Title IX complaints;
- h. adequate definitions of sexual harassment (which includes sexual violence) and an explanation as to when such conduct creates a hostile environment;
- 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 July 1, 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 45 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 60 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.

### **Notice of Nondiscrimination**

3. By June 30, 2015, the District will submit to OCR for its review and approval a draft notice of nondiscrimination pursuant to 34 C.F.R. § 106.9, which will notify students, parents/guardians, 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. The notice will 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, email 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.

**Reporting Requirement:** By June 30, 2015, the District will submit to OCR a copy of the District's revised notice of nondiscrimination for OCR's review and approval.

4. Within 45 calendar days of written notification from OCR that the revised notice of nondiscrimination developed in accordance with Action Step #3 is consistent with Title IX requirements, the District will adopt and implement the notice of nondiscrimination and will provide all students, parents/guardians and employees with written notice regarding the new notice of nondiscrimination. 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 60 calendar days of written approval from OCR that the revised notice of nondiscrimination referenced in Action Step #3 is consistent with Title IX, the District will provide OCR with documentation that it has implemented Action Step #3 above, including copies of the written notices issued to students and employees regarding the new notice of nondiscrimination and a description of how the notice was distributed; copies of its revised student and employee handbooks; and a link to its webpage where the revised notice of nondiscrimination is located.

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

5. By June 1, 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 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 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.

6. By September 1, 2015, the District will provide Title IX training to all District 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 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.

**Reporting Requirement:** By October 1, 2015, the District will provide documentation to OCR that the training sessions required by Action Steps #5 and #6 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 6 who were unable to attend the training session(s), including the names and titles of the individuals who received the information.

### **Student Training**

7. By August 1, 2015, the District will develop a plan to be implemented at the xxxxxxxx xxxx xxxxx for educating students and parents about issues related to sexual harassment, including what constitutes sexual harassment and the impact it has on individual students and the educational environment, the prohibition of sexual harassment in the educational setting, examples of prohibited conduct, the importance of reporting harassment, how and to whom to report incidents of harassment, the District's 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 December 30, 2015, the District will provide OCR with documentation that it has implemented Action Step #7, including a copy of the plan developed by the District and how it has been implemented at the xxxxxxxx xxxx xxxxxx.

### **Student-Focused Remedies**

8. By June 1, 2015, the District will create a Committee consisting of: (i) the District's Title IX Coordinator; (ii) an additional District level administrator with knowledge, responsibilities and authority relevant to the duties of the Committee; (iv) representative administrators, faculty members and parents/guardians from the xxxxxxxx xxxx xxxxxxxx; (v) representatives from any community-based organizations which provides services to the xxxxxxxx xxxx xxxxxx related to sexual harassment/violence prevention; and (vi) such other individuals as the District determines appropriate, such as guidance counselors, school nurses or athletic coaches from the xxxxxxxx xxx xxxxxx.
9. By August 1, 2015, the Committee will develop a plan to be implemented at the xxxxxxxx xxxx xxxxxx for educating students, parents and employees about issues related to sexual harassment, including what constitutes sexual harassment and the impact it has on individual students and the educational environment, the prohibition of sexual harassment in the educational setting, the importance of reporting sexual harassment, how and to whom to report incidents of sexual harassment, the District's 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 Committee will consider a variety of age-appropriate approaches to student education, including, for example, small group student instruction, integration of relevant curriculum in the classrooms and expansion on 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 December 31, 2015, the District will provide OCR with documentation that it has implemented Action Steps #8 and #9 above, including a list of names and titles of the members of the Committee, the dates of and copies of any minutes of Committee meetings, and a copy of the plan developed by the Committee.

10. By December 31, 2015, and at the end of every subsequent academic year, the xxxxx  
xxxx xxxxx, with the support and assistance of student group leaders, will conduct a  
climate check or series of climate checks with students to assess the effectiveness of steps  
taken pursuant to this agreement or otherwise by the District, to ensure the xxxxx xxxx  
xxxxx is free of sexual harassment and sexual assault. 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.

**Reporting Requirements:** By January 31, 2016, and January 31, 2016, the District will provide OCR with documentation demonstrating implementation of a climate check pursuant to Action Step #10 above, including summaries of the information obtained and proposed actions based on that information.

11. By September 1, 2015, the District will include in all new student orientations at xxxxxx  
xxxx xxxxx, informational age-appropriate topic(s) to ensure that students are aware of  
the District’s prohibition against sex discrimination (including sexual harassment and  
sexual assault); can recognize such sex discrimination and sexual harassment when they  
occur; and understand how and with whom to report any incidents of sex discrimination  
(including sexual harassment and sexual assault). The District shall inform students that  
they may speak with a District counselor or other District personnel if they are concerned  
about issues of sexual harassment and/or sexual assault. In addition, student orientations  
will include the District’s grievance procedures for Title IX complaints and, as well as a  
general overview of what Title IX is, the rights it confers on students, the resources  
available to students who believe they have been victims of sexual harassment/sexual  
assault, and the existence of OCR and its authority to enforce Title IX.

**Reporting Requirements:** By September 30, 2015 and 2016, the District will provide OCR with documentation demonstrating that it has implemented Action Step #11, including copies of the new student orientation schedule, the names and titles of employees who presented on the required topics, an agenda, and copies of any materials that were used or distributed regarding the required topics.

### **Remedial Services**

12. X paragraph redacted X

X paragraph redacted X.

### **Anti-Harassment Statement**

13. By August 1, 2015, the District will issue a statement to all students, parents 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.

**Reporting Requirement:** By September 1, 2015, the District will submit to OCR documentation substantiating that it printed the anti-harassment statement in each school's and/or District's newsletter, posted it in prominent locations at the District schools and published it on the District's website.

### **Record Keeping**

14. By August 1, 2015, the District will develop a centralized record-keeping process for documenting and tracking complaints of sexual harassment, including sexual assault. The process will require the District to maintain information that includes the name of the individual who reported the allegation, the identification of the alleged victim and alleged perpetrator, notes from witness interviews, documentation of investigative steps completed, and the determination, including disciplinary actions, if any of all parties involved. The District will also indicate the individual(s) responsible for maintaining and reviewing this information and the location where the records will be maintained.

**Reporting Requirement:** By September 1, 2015, the District will provide OCR with a description of its record-keeping process developed under Action Step #14.

15. By July 1, 2015 and again at the end of the 2015-2016 school year, the District will prepare a report summarizing all incidents alleging sexual harassment, including sexual assault, investigated at the xxxxxx xxxx xxxxx during the preceding academic year, including for each incident the following information: a description of how the incident came to the xxxxx 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 xxxxxx 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 xxxxx concluded that sexual harassment occurred or did not occur; and a description of the steps taken by the School to remedy any harassment that occurred, and prevent its recurrence.

**Reporting Requirements:** By August 1, 2015, and August 1, 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 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  
Greenup County Schools

\_\_\_\_3-11-15\_\_\_\_\_  
Date