

Resolution Agreement
Queen Anne's County Public Schools
OCR Docket Number 03151060

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, the Queen Anne's County Public Schools (the District) commits to implement the provisions set forth in this Resolution Agreement (Agreement).

ACTION STEPS

Anti-Harassment/Anti-Retaliation Statement

1. By December 31, 2015, the District will issue a statement to all District students, parents and staff that will be printed in the District's newsletter, posted in prominent locations in the District, and published on the District's website, stating that the District does not tolerate sexual harassment. The statement will also state that retaliation against individuals who file complaints about sexual harassment, or participate in the investigation of such complaints, is prohibited. 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 or retaliation will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion. The statement will indicate that support, including counselling and educational resources, will be available to students who are sexually harassed as well as to students found to have engaged in acts of sexual harassment. The statement will further make clear that District staff found to have engaged in sexual harassment or retaliation will be promptly disciplined, and that such discipline may include, if circumstances warrant, termination of employment. The statement will encourage students, parents and District staff to work together to prevent sexual harassment.

Reporting Requirement: By January 31, 2016, the District will submit to OCR for its review and approval documentation substantiating that it printed the Anti-Harassment/Anti-Retaliation Statement in the District's newsletter, posted it in prominent locations at District schools, and published it on the District's website.

Sexual Discrimination/Sexual Harassment Grievance Procedures

2. By December 31, 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 harassment, sexual assault, and sexual violence), as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b).

3. 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. the name or title, office address, e-mail address and telephone number of the individual(s) with whom to file a complaint and those responsible for investigating complaints of discrimination or sexual harassment under the grievance procedures and taking appropriate interim measures during the grievance process;
 - c. application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination or sexual harassment carried out by employees, other students, or third parties;
 - 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. 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 complaint with local law enforcement authorities, as well as with the District;
 - m. notice that the District will comply with requests from law enforcement authorities to suspend the District’s investigation while the law enforcement authorities gather evidence, and that the District will promptly resume its Title IX investigation as soon as it is notified that the law enforcement authorities have completed their evidence gathering;
 - n. notice of available interim measures to assist and/or protect the alleged victim in the educational setting, including providing academic, counselling and/or other support services, changing class schedules, assignments, or tests, and providing increased monitoring, supervision, or security;
 - o. 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;
 - p. notice of potential remedies necessary to address and resolve an incident, including, as appropriate, provision of academic resources and counselling for the individual harassed and for the perpetrator of the harassment, other steps to address any impact on the individual harassed, witnesses and the broader student body, and any other necessary steps to protect the individual subject to the

- harassment and witnesses from retaliation, as well as other steps reasonably calculated to prevent future occurrences of harassment;
- q. notice of potential sanctions against perpetrators;
- r. prohibition of retaliation, and
- s. sources of counseling, advocacy, and support.

Reporting Requirements:

By December 31, 2015 the District will submit to OCR for its review and approval its Title IX grievance procedures referenced in action steps #2 and #3.

Within 45 calendar days of written notification from OCR that the revised grievance procedures are approved, the District will adopt, implement and publish the revised grievance procedures and will provide all students, parents/guardians and District employees with written notice regarding the revised grievance procedures for resolving Title IX complaints together with information on how to obtain a copy of the revised procedures. The District 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.

Within 15 calendar days after the District adopts, implements and publishes the approved revised grievance procedures, the District will provide OCR with copies of the written notices issued to all students, parents/guardians and employees regarding the revised grievance procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; regularly issued newsletters (in print or online) and a link to its webpage where the revised grievance procedures is located.

Notice of Nondiscrimination

4. By December 31, 2015, the District will submit to OCR for its review and approval its 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.
5. Within 45 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 employees and students about District services and policies containing the notice of nondiscrimination. Inserts may be used pending reprinting of these publications.

Reporting Requirements:

Within 60 calendar days after OCR’s approval of its notice of nondiscrimination referenced in Action Step #4, the District will provide OCR with documentation that it has implemented Action Step #5 above, for OCR’s review and approval, including links to and copies of its publications of general distribution that provide information to employees and students about District services and policies containing the notice of nondiscrimination, as well as any inserts that are being used pending reprinting of these publications.

Title IX Coordinator

6. By December 31, 2015, the District will develop a job description for its Title IX Coordinator. The job description will set forth the responsibilities of the Title IX Coordinator to coordinate the District’s compliance with Title IX, including the District’s revised grievance procedures, and to oversee the District’s responses to all complaints involving possible sex discrimination, including sexual harassment, which includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the student community. In addition, the Title IX Coordinator is responsible for developing and participating in activities designed to raise awareness within the District regarding sex discrimination, including sexual harassment. 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.
7. By December 31, 2015 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 and District employees), 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.

Reporting Requirements: By January 31, 2016, the District will provide OCR with the name/title of the person designated as the Title IX Coordinator, including the address and contact information and job description, in accordance with action steps #6 and #7. In addition, the District will provide OCR with documentation substantiating that it published this individual’s name or title, office address, telephone number, and email address.

Training for Title IX Coordinator and District Personnel

8. By December 31, 2015, and annually thereafter, the District will conduct training for its Title IX Coordinator, deputy coordinators (if any), and all District personnel who are directly involved in processing, investigating and/or resolving complaints of sex

discrimination, including sexual harassment, or who otherwise address the District’s compliance with Title IX. The training will cover the District’s revised grievance procedure 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), and conducting interviews of victims of harassment in a fair, non-biased, and objective manner. The District may request OCR Philadelphia staff to assist in providing the training.

9. By December 31, 2015, the District will revise its existing online sexual harassment training or develop a new online Title IX training program for all District employees. The training, which must be conducted annually, will provide essential guidance and instruction on preventing, recognizing and appropriately responding to allegations and complaints of sex discrimination, including sexual harassment and an understanding of the District’s responsibilities under Title IX to address allegations of sexual harassment. In addition, the training will cover the District’s revised grievance procedure for Title IX complaints. The District shall require all District personnel, including volunteers, who interact with students on a regular basis to complete online training on an annual basis. Any District personnel hired, or new volunteer, will be required to complete the online training, even if in an acting capacity. The online training will be updated annually, if necessary, in order to reflect any changes to the law, District policy and/or practice with respect to Title IX compliance. The District will notify District personnel of all such changes within 30 calendar days of such change.

Reporting Requirements:

By January 31, 2016, the District will provide OCR with documentation that it has conducted the training of its Title IX Coordinator, any deputy coordinators, and all District personnel who require training, in accordance with action step #8, including the following information: the date the training was conducted; the name(s) of the individual(s) who conducted the training; copies of any written materials (i.e., slides, handouts) used or distributed during the training; and a list of all District staff who attended the training.

By January 31, 2016, the District will provide OCR for review and approval a copy of its revised online sexual harassment training or newly developed online Title IX training for employees in accordance with action step #9. Within 60 days of OCR's approval of the revised or newly developed online Title IX training, the District provide documentation substantiating that all District staff and employees took the online training program, including a list of all District staff and employees who completed the online training.

Record Keeping

10. By December 31, 2015, the District will develop a centralized record-keeping process for documenting and tracking complaints of sexual harassment. 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, any interim steps taken to assist and/or protect the alleged victim, notes from witness interviews, documentation of investigative steps completed, the determination, including any remedial actions, including disciplinary actions, taken to address and resolve the complaint, including impact on the broader student community, and any actions taken to prevent recurrence of the harassment. 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 Requirements:

By January 31, 2016, the District will provide OCR with a description of its record-keeping process developed under Action Step #10, for OCR’s review and approval.

By July 1, 2016 and again at the end of the 2016-2017 school year, the District will submit to OCR a report summarizing all incidents alleging sexual harassment XX—Redacted—XX.

XX—Paragraphs Redacted--XX

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, 106.9 and 106.31, which were at issue in this complaint.

The District understands that by signing this Agreement, it agrees to shall 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, 106.9 and 106.31, 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 sixty (60) calendar days to cure the alleged breach.

/s/

November 4, 2015

Superintendent/Designee
Queen Anne’s County Public Schools

Date