

**Resolution Agreement
Spring-Ford Area School District
OCR Docket Number 03151179**

The Spring-Ford Area School District (the District) enters into this Resolution Agreement (agreement) and makes the following commitments to OCR. The District submits this Agreement to ensure compliance with the requirements of 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.

ACTION STEPS

Title IX Grievance Procedures

1. Within 60 calendar days of the signing of this Agreement, 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 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; and
- r. 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.

3. Within 60 days following Board approval of written notification from OCR that the revised Title IX grievance procedures developed in accordance with Actions Steps 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, 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 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 Action Step 3, 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

4. Within 30 calendar days from the signing 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. By October 31, 2016, 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.

Reporting Requirement: By November 7, 2016, the District will provide OCR with name/title of the person designated as the Title IX Coordinator(s), including the address and contact information, job description and training program developed pursuant to Action Steps 4 and 5.

Non-Discrimination Notice

6. Within 60 calendar days from the signing of this Agreement, the District will submit to OCR for its review and approval the District's 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, shall include the name or title, office address, email address and telephone number for the District's Title IX Coordinator.
7. Within 60 calendar days of written approval from OCR that the District's notice of nondiscrimination complies with Title IX, the District will publish this notice consistent

with the requirements of Title IX at 34 C.F.R. § 106.9, and will ensure that 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.

Reporting Requirement: Within 90 calendar days after OCR’s approval of the notice of nondiscrimination in Action Step 6, the District will provide OCR with documentation that it has implemented Action Step 7, including copies of the written notices and electronic notices that include the revised notice of nondiscrimination and a description of how the notices were distributed..

Training for Title IX Coordinator and District Personnel

8. Within 60 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.

9. Within 90 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 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 June 15, 2017, the District will provide verification to OCR that the training required in Actions Steps 8 and 9 has been completed. The documentation must identify the following: a) the date, time and location of the training; b) the topics addressed at the training(s) (the District may provide OCR an outline of the training and copy of the materials disseminated at the training); c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and d) the name and title of each District administrator or employee who attended the training (a sign-in sheet with the attendees' names, titles, and work locations is sufficient).

XXXXXX

10. xxx – paragraphs redacted – xxx

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11. xxx – paragraphs redacted – xxx

Record Keeping

12. By the beginning of the 2016-17 school year, but no later than September 30, 2016, 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.

Reporting Requirement: By November 7, 2016, the District will provide a written description of the record keeping system described in Action Step 12, 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.

13. By September 30, 2016,, and at the beginning of the subsequent two school years, the District will prepare a report summarizing all incidents “alleging sexual harassment” that were investigated at the School during the preceding school year (i.e., 2015-16, 2016-17, and 2017-18 school years), 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 Requirement: By November 7, 2016, and by November 7, 2017 and November 7, 2018, the District will provide OCR with documentation demonstrating that it has implemented

Action Step 13, including copies of all reports of sexual harassment, all investigative records including interviews and witness statements and other evidence, and the final outcome for each complaint, showing the District's response and remedies obtained, if any.

Anti-Harassment/Anti-Retaliation Statement

14. Within 30 days of the signing of this agreement, the District will issue a statement to all School students, parents and staff that will be printed in the School's newsletter(s), posted in prominent locations in the School, 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 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 September 30, 2016, the District will submit to OCR documentation substantiating that it published the Anti-Harassment/Anti-Retaliation Statement in each school's and/or School's newsletter, posted it in prominent locations at the School and published it on the District's website, in accordance with Action Step #14.

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 at 34 C.F.R. 106.8, 106.9 and 106.31, 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 at 34 C.F.R. §§ 106.8, 106.9 and 106.31 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 sixty (60) calendar days to cure the alleged breach.

/s/

6-24-16

Superintendent/Designee
Spring-Ford Area School District

Date