

**Resolution Agreement
Hampton Township School District
OCR Docket Number 03161152**

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, Hampton Township School District (the District) commits to implement the provisions set forth in this Resolution Agreement (Agreement). This Agreement does not constitute an admission by the District that its policies and procedures are not in compliance with Title IX or its implementing regulations.

ACTION STEPS and REPORTING REQUIREMENTS

I. Title IX Grievance Procedures

1. By December 31, 2016, 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 District 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 District'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 December 31, 2016, 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 four months 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 four months 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.

II. Notice of Nondiscrimination

- 3. By December 31, 2016, 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 December 31, 2016, the District will submit to OCR a copy of the District's revised notice of nondiscrimination for OCR's review and approval.

4. Within four months 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 four months 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 #4 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.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of the 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 fulfilled the terms of the Agreement and is in compliance with the regulations implementing Title IX at 34 C.F.R. §§ 106.8 and 106.9, that were at issue in this case.

The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with the regulations implementing Title IX at 34 C.F.R. §§ 106.8 and 106.9, that were at issue in this complaint.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings, including to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

11/11/16

Superintendent/Designee
Hampton Township School District

Date