

**Resolution Agreement
Mastery Charter School
OCR Docket Number 03-16-1857**

OCR and Mastery Charter School (Mastery) enter into this agreement to resolve the allegation in the above-referenced complaint. The District assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions to comply 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, which prohibits discrimination on the basis of sex by recipients of Federal financial assistance. To resolve the issues of this investigation, Mastery agrees to take the following actions:

DEFINITIONS

Sexual harassment means unwelcome conduct of a sex 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 February 1, 2018, Mastery 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).

Mastery 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; and
- 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.

Recognizing that Title IX does not require a separate sexual harassment complaint procedure, Mastery 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 February 1, 2018, Mastery will submit to OCR a copy of Mastery’s revised Title IX grievance procedures for OCR’s review and approval.

2. By September 1, 2018, following written notification from OCR that the revised Title IX grievance procedures developed in accordance with Action Step 1 are consistent with Title IX requirements, Mastery 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. Mastery, at a minimum, will make this notification through Mastery’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 Mastery deems effective to ensure that the information is widely disseminated.

Reporting Requirement: By October 1, 2018, following written approval from OCR that the revised Title IX procedures referenced in Action Step #1 are consistent with Title IX, Mastery 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 February 1, 2018, Mastery 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 and office address and telephone number for Mastery’s Title IX Coordinator. Mastery will publish this notice consistent with the requirements of Title IX at 34 C.F.R. § 106.9.

Reporting Requirement: By February 1, 2018, Mastery will submit to OCR a copy of Mastery’s revised notice of nondiscrimination for OCR’s review and approval.

4. By September 1, 2018, following written notification from OCR that the revised notice of nondiscrimination developed in accordance with Action Step #3 is consistent with Title IX requirements, Mastery 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. Mastery, at a minimum, will make this notification through Mastery’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 Mastery deems effective to ensure that the information is widely disseminated.

Reporting Requirement: By October 1, 2018, following written approval from OCR that the revised notice of nondiscrimination referenced in Action Step #3 is consistent with Title IX, Mastery 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 Mastery Personnel

5. Within 90 days of approval of draft Title IX grievance procedures by OCR, Mastery will develop and provide Title IX training to its Title IX Coordinator and any other Mastery 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 Mastery’s compliance with Title IX. This training will be in person and will address:
 - a. Mastery’s new policies and grievance procedures for Title IX complaints;
 - b. sex discrimination and Mastery’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; and
 - 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 .

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

6. By September 1, 2018, Mastery will provide Title IX training to all Mastery 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 Mastery’s responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature. 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.). Mastery may request OCR Philadelphia staff to assist in providing the training. In addition, Mastery will provide supplemental training regarding its new Title IX grievance procedures once those procedures have been approved by OCR.

Reporting Requirement: By October 1, 2018, Mastery 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. Mastery 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.

XXXXXX

7. XX – paragraphs redacted – XX

Record Keeping

8. Within 90 days of approval of draft Title IX grievance procedures by OCR, Mastery will develop a centralized record-keeping process for documenting and tracking complaints of sexual harassment, including sexual assault. The process will require Mastery 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. Mastery will also indicate the individual(s) responsible for maintaining and reviewing this information and the location where the records will be maintained.

Reporting Requirement: Within 120 days of approval of draft Title IX grievance procedures by OCR, Mastery will provide OCR with a description of its record-keeping process developed under Action Step #9.

9. By August 1, 2018 and again at the end of the 2018-2019 school year, Mastery will prepare a report summarizing all incidents alleging sexual harassment, including sexual assault, investigated at the Pastorius Elementary School during the preceding academic year, including for each incident the following information: a description of how the incident came to the School’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 School 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 School 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, 2018, and August 1, 2019, Mastery will provide OCR with documentation demonstrating that it has implemented Action Step #9, including copies of the initial report, any records, and the investigative files, including those of Mastery’s Title IX Coordinator, showing the response and remedies obtained, if any.

Mastery 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, Mastery understands that during the monitoring of this Agreement, OCR may visit Mastery, interview staff, and students and request such additional reports or data as are necessary for OCR to determine whether Mastery 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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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

This Agreement will become effective immediately upon the signature of the Mastery’s representative below.

/s/

12/22/2017

Superintendent or Designee

Date

/s/

12/26/2017

U.S. Department of Education,
OCR Philadelphia Director

Date