

## **RESOLUTION AGREEMENT**

### **Mingo County School OCR Case No. 03-20-5001**

The Office for Civil Rights (OCR) of the U.S. Department of Education and Mingo County Schools (the District) enter into this Resolution Agreement (Agreement) to resolve OCR compliance review 03-20-5001. 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, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance.

In order to address the findings and concerns identified in OCR compliance review 03-20-5001, the District agrees to the following items:

### **ACTION ITEMS**

#### **I. Notice of Nondiscrimination**

The District will review, and will document its review of, its current notice(s) of nondiscrimination (Notice) disseminated to the District's applicants for admissions and employment, and students, and employees, to ensure that the contents include all of the information required by the Title IX regulation, and will make revisions, if necessary, to comply with the Title IX regulation.

#### **Reporting Requirements:**

1. By September 1, 2023, the District will provide a copy of its final/revised Notice to OCR for its review and approval.
2. Within 45 days of OCR's review and approval, the District will provide OCR with documentation of the District's dissemination of the approved Notice, including copies of any publications and web links to any electronic publications containing the Notice, and confirmation that the District has reviewed all current District publications containing an older notice of nondiscrimination and replaced any such notice of nondiscrimination with the approved Notice.

#### **II. Title IX Coordinator**

The District will designate and authorize one or more employees, who shall be referred to as the "Title IX Coordinator(s)," to coordinate its efforts to comply with its responsibilities under Title IX. The District will ensure the Coordinator(s)'s name or title, office address, electronic mail address, and telephone number is publicized to applicants for employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District.

**Reporting Requirements:**

1. By September 1, 2023, the District will provide OCR with the name and contact information of its Title IX Coordinator(s) and documentation sufficient to show how this information is publicized, as required in Action Item II.
2. By September 1, 2023, the District will provide OCR with documentation of Title IX training that the Title IX Coordinator(s) received during the 2021-2022 and 2022-2023 school years.
3. If, during the pendency of OCR's monitoring of this agreement, the Title IX Coordinator(s) position(s) becomes vacant or a new employee is hired or designated to fill the position, the District will notify OCR of the event and the identity of the new Coordinator(s) within 30 days.

**III. Title IX Policies and Grievance Procedures**

**a. Revisions to Policies**

The District will submit to OCR for its review and approval revised versions of all policies that describe the District's response to sexual harassment, including but not limited to Policies 1662, 2260, 2266, 3362, 4362, 5517, and 5600. The District shall revise these policies to ensure they are both compliant with the requirements of Title IX and consistent with each other. If the District determines information about sexual harassment complaints will be addressed in more than one policy, each policy on that topic must also direct the reader to each other applicable policy, and explain the applicability of each policy.

**Reporting Requirement:** By September 1, 2023, the District will provide for OCR's review and approval a draft of the revised policies and procedures.

**b. Distribution of Revised Policies**

Once OCR approves the policies submitted in compliance with Action Item III(a), the District will notify all students and employees of the existence of the revised policies and procedures and ensure that these revised policies and procedures are widely distributed.

**Reporting Requirement:** Within 60 days of written notification from OCR that the revised policies and procedures conform with Title IX and this Agreement, the District will certify to OCR that the District has formally adopted the revised policies and procedures, updated all printed publications and online publications with the revised policies and procedures (inserts may be used pending reprinting of these publications) and any related documents, and electronically disseminated the revised policies and procedures to students and employees. The District will provide OCR the following documentation:

1. evidence of the electronic dissemination of the revised policies and procedures to students and employees (e.g., an email showing said distribution);

2. a list of the titles of the publications in which the information appears (e.g., website, student handbook, Title IX brochure); and
3. a copy of any such publications or a link to a website containing the revised publication.

#### **IV. Equity of Case Processing**

##### **a. Review of Prior Case Files**

The District will review all complaints of student-on-student and staff-on-student sexual misconduct during the 2017-2018, 2018-2019, 2019-2020, 2021-2022 and 2022-2023 school years to ensure each complaint was resolved in compliance with Title IX. If the District determines that any of the complaints were not resolved in compliance with Title IX, it shall decide upon and enact appropriate remedies to correct said lack of compliance.

**Reporting Requirement:** By November 1, 2023, the District will complete the review described in Action Item IV(a). For each complaint, the District shall include:

1. the name of the complainant and respondent, including whether the respondent was a student or staff member;
2. the name of the school;
3. the investigator and decision-maker for the complaint;
4. whether the District conducted interviews of both the respondent and complainant;
5. whether the District provided any interim measures and whether, upon review, the District determined it should have provided interim measures;
6. whether the investigation, including all communications, was equitable to all parties; and
7. any steps taken to remedy any compliance concerns identified during the District's review.

##### **b. Review of Case Files under Revised Policies**

For a period of two years following the implementation of the revised grievance procedures as reviewed and approved by OCR in accordance with Action Item III, the District will submit documentation sufficient to show that its current process is compliant with all applicable regulations. The documentation shall include, at a minimum:

- i. A detailed spreadsheet tracking all sexual harassment complaints through the stages of the Title IX grievance process so that OCR and the District can identify systemic issues and any delays in the process. This spreadsheet shall include:
  1. the date the complaint/report is received by the District;
  2. the date an investigation was initiated;
  3. whether the respondent and/or complainant were interviewed and, if not, an explanation as to why;

4. whether an appeal was filed and, if so, the date it was filed; and
5. the date the process was completed;
- ii. the report of the outcome to the parties;
- iii. the report(s) from any appeals; and
- iv. the complaints about the grievance process and the District's response, if any.

**Reporting Requirement:**

1. Within one year and 45 days after the implementation of the revised grievance procedures in accordance with Action Item III, the District will provide OCR with one year of its documentation as described in Action Item IV(b) (First Year of Case Files).
2. Within one year and 45 days after its submission of the First Year of Case Files, the District will provide OCR with the second year of its documentation as described in Action Item IV(b) (Second Year of Case Files).
3. After review of the First Year of Case Files or the Second Year of Case Files, if OCR determines that the District must take any different or further action(s) and/or provide any different or further remedies, OCR will provide the District with timely notice of the proposed corrective action and an opportunity to discuss the scope of the action. The District will initiate the corrective action(s) within 30 calendar days of receipt of OCR's determination and provide OCR with documentation of the corrective action taken within 60 calendar days of receipt of OCR's determination.

**c. Equity in Treatment of Respondents and Complainants**

The District will conduct a self-assessment of all case files resolved within one year of the implementation of the revised grievance procedures as reviewed and approved by OCR in accordance with Action Item III to determine whether it is treating respondents and complainants differently on the basis of sex. If the District's self-assessment reveals any concerns in the equity of its treatment of respondents and complainants, the District will devise and implement a plan to address those inequities.

**Reporting Requirement:** Within 90 days of the completion of the one-year period referenced in Action Item IV(c), the District will submit a copy of the self-assessment completed in satisfaction of Action Item IV(c) and any corrective action taken in response to that self-assessment.

**V. Title IX Training**

**a. Training on the Title IX Process**

Once OCR approves the policy revisions described in Action Item III, the District will provide training as required by the Title IX regulation, and training on the District's grievance procedures, to its Title IX Coordinator(s), investigators, decision-makers, school-level administrators, and any person who facilitates an informal resolution process.

**Reporting Requirement:** Within 45 days of the OCR’s approval of the policies described in Action Item III, the District will certify to OCR that the trainings described in Action Item V(a) have occurred. The District will provide OCR the following documentation: the date(s) of the trainings, the name(s) and title(s) of the trainer(s), a copy of any materials used or distributed during the trainings, and a sign-in sheet or other evidence of attendance with the names and titles of the individuals who attended the trainings.

**b. Training for Teachers**

Once OCR approves the policy revisions described in Action Item III, the District will conduct training for all teachers on their obligation to recognize and respond to allegations that may implicate Title IX. The training must include:

- i. Recognizing what complaints might constitute a complaint of sexual harassment, including sexual assault;
- ii. The location of the District’s Title IX policies and how to direct any students to said policies;
- iii. The teachers’ responsibilities upon receipt of a Title IX complaint; and
- iv. The contact information for any individual a teacher should contact upon receipt of a Title IX complaint.

**Reporting Requirement:** Within 100 days of the OCR’s approval of the policies described in Action Item III, the District will certify to OCR that the trainings described in Action Item V(b) have occurred. The District will provide OCR the following documentation: the date(s) of the trainings, the name(s) and title(s) of the trainer(s), a copy of any materials used or distributed during the trainings, and a sign-in sheet or other evidence of attendance with the names and schools of the individuals who attended the trainings.

**VI. Tracking of Reports of Sexual Harassment**

The District will develop or revise its procedure for documenting the date and substance of each report or formal complaint of sexual harassment received by the District, and actions taken by the District in response to the report or formal complaint, including: internal correspondence; internal dialogue involving Title IX Coordinators or staff involved in the investigative or disciplinary process; correspondence or dialogue with parties, witnesses, and/or other entities; interim or supportive measures offered or provided to parties; interim restrictions (if any) and justification for same; informal resolutions; investigations conducted, including evidence gathered; findings or determinations of responsibility at each stage, including on appeal if applicable; post-investigation remedies; written notice of outcome provided to the parties; and disciplinary sanctions imposed.

The District will also ensure that the Title IX Coordinator(s) has access to these records as necessary to coordinate the District’s efforts to comply with and carry out its responsibilities under Title IX, including the resolution of reports and formal complaints of sexual harassment filed against students, employees, and/or third parties.

**Reporting Requirement:**

1. By November 1, 2023 the District will provide to OCR for review and approval the detailed description of its system for tracking and reviewing the records as described in Action Item VI.
2. Within 30 days of OCR's approval of the record keeping system, the District will implement the system and provide verification to OCR that the system has been implemented.

**VII. District Climate Survey**

The District will conduct a climate check with students and parents to assess the steps and measures taken pursuant to this Resolution Agreement and otherwise by the District to achieve its goal of a campus free of sexual harassment. The climate check may be accomplished through the use of a written or electronic survey, and additional measures, including: (i) focus groups, (ii) open forum information session, (iii) and/or publicized walk-in hours for community input. Students and parents receiving the survey must be notified of a contact person, such as a counselor, should they wish to discuss this issue in person. The survey should also contain questions about the respondent's knowledge of sexual harassment, any experiences with sexual harassment while they or their family members attended District schools, and the respondent's awareness of the District's Title IX policies and procedures.

**Reporting Requirement:**

1. By November 1, 2023 the District will provide documentation to OCR demonstrating implementation of Action Step VII above, including a description of how the climate check(s) were completed, and summary frequency tables of the responses formatted in a manner that does not disclose the responses of individual respondents.
2. By January 15, 2024, the District will provide OCR with a description of the proposed actions that the District plans to take in response to the information gathered during the climate checks, for OCR review and approval.
3. By March 1, 2024, if the District proposed any corrective actions in Reporting Requirement 2 for Action Item VII, the District will provide documentation sufficient to show its implementation of those actions, including a description of the corrective actions and how they were implemented.

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By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the Agreement, if necessary, 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. The District understands that OCR will not

close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the agreement and the statute and regulations at issue in the case

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: \_\_\_\_\_ Date: 5/25/2023  
Name and Title