Pasco County School District, FL  
Resolution Agreement  
OCR Docket Number 04-12-1251

The U.S. Department of Education, Office for Civil Rights (OCR), opened an investigation of the above-referenced complaint filed against the Pasco County School District (District), in which it was alleged that the District discriminated against students at Zephyrhills High School (ZHS) on the basis of sex in noncompliance with Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681 et seq., and its implementing regulation, 34 C.F.R. § 106. Prior to the completion of OCR’s investigation, the District agreed to enter into this Resolution Agreement (Agreement) pursuant to Section 302 of OCR’s Case Processing Manual (CPM). The Agreement reflects voluntary actions to be taken by the District to maintain and ensure continued compliance with Title IX.

The District agrees to take all reasonable steps to ensure that students enrolled in the District are not subjected to a hostile environment on the basis of sex and to respond to allegations of harassment on the basis of sex as required by law. To this end, the District will promptly investigate all incidents and complaints of harassment of the District’s students on the basis of sex that are known or in the exercise of reasonable care should have been known to the District and will take appropriate action to respond to and investigate complaints, which may include disciplinary action against any students and/or staff found to have violated its Anti-Harassment Policies and Procedures or otherwise engaged in harassment in violation of Title IX in a manner consistent with law and board policy.

As used in this Agreement, the term “sex-based harassment” includes both sexual harassment and gender-based harassment. The term “sexual harassment” means unwelcome conduct of a sexual nature. The District will take prompt and effective responsive action reasonably designed to end the hostile environment, if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on the affected student(s).

The District School Board of Pasco County (Board) will retain XXXXXXXX, Ph.D., to serve as an independent third-party consultant (the Equity Consultant) to consult with the District in its efforts to comply with the terms of this agreement as outlined below. In the event that XXXXXXX, Ph.D., is unable to perform such services at no fault of the District, then the district shall utilize the U.S. Department of Justice, Community Relations Service (CRS) or another mutually agreed upon independant third-party consultant (the Equity Consultant) in its efforts to comply with the terms of this agreement as outlined below. Therefore, the District agrees to the following:
1. **District’s Title IX Policy and Nondiscrimination Statement:**

   By August 30, 2013 or within 30 days of the date of this agreement, whichever is later, the Board will begin the process to revise its nondiscrimination statement to also include the prohibition of discrimination on the bases of color and age. The Board will also revise Policies 5517 and 5517.01 to more clearly prohibit harassment and bullying of students on all protected bases, including sex-based harassment, in accordance with OCR’s 2001 Guidance, and OCR’s 2010 and 2011 Dear Colleague Letters. Such policies shall contain a statement, consistent with current law, that nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even though not involving conduct of a sexual nature, may constitute a prohibited form of sex discrimination to which a school will respond, if it rises to a level that denies or limits a student's ability to participate in or benefit from the educational program. The revised policy will be provided to OCR for review and approval. All policy revisions are subject to approval by the Board in accordance with appropriate State rulemaking procedures and requirements. Compliance with this agreement requires that the policy presented to the Board will include the following:

   a. A statement that the District will promptly and equitably address all complaints, written or oral, of sex-based harassment in accordance with its grievance procedures, to be referenced by name and policy number;

   b. Definitions and examples of what types of actions may constitute prohibited harassment and bullying, including examples of sexual or gender-based harassment, sexual assault, and cyber harassment/bullying;

   c. A statement that if it is determined that prohibited harassment and bullying has occurred, the District will take prompt, appropriate action reasonably calculated to stop the harassment and prevent further harassment, such as appropriate disciplinary action against individuals who violate the policy;

   d. A statement that prohibits retaliation against individuals who report alleged harassment or who participate or assist in the investigation or any related proceedings, and that the District will take appropriate action against individuals found to have violated this part of the policy.

**Reporting Requirement:** By September 30, 2013, or within 30 days of the date of this agreement, whichever is later the District will provide OCR a proposed revision of its Title IX policies and nondiscrimination

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1 See OCR’s Sexual Harassment Guidance, January 19, 2001, [http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html](http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html); Dear Colleague Letter, October 26, 2010, [http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html); and Dear Colleague Letter, April 4, 2011, [http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html)
statement for review and responsive comment by OCR to the District regarding regulatory compliance. Upon OCR's review and comment concerning such revised policies, the District will, without unreasonable delay, take the steps necessary to present the revised policies to the Board for the proper and legal consideration and recommendation by the District to the Board for adoption of such revised policies.

2. **Within 30 days after the Board's adoption of the policies described in Item 1,** and if there are no substantive changes to such revisions approved by OCR, the District will provide notice of its revised Title IX policies and nondiscrimination statement to parents, guardians, students and employees by posting them on the District's website and newsletter, if applicable. Additionally, on an annual basis, the District will publish the revised policies developed pursuant to Item 1 above, in the Student Handbook/Student Code of Conduct, District website, and any other publications that contain the District's policies and procedures and provide copies of those publications to OCR.

**Reporting Requirement:**

(a) Within 15 days of providing notice of its revised Title IX policies to parents, guardians, students, and staff, the District will notify the OCR of such notification. In addition, the District will provide a statement demonstrating that publication and implementation of the revised procedures have begun consistent with Item 1.

(b) Within 30 days after the Board's adoption of the policies described in Item 1, and if there are substantive changes to such revisions by OCR, then the District shall provide a copy of such substantive changes to OCR for review and further responsive comment and directive by OCR to the District regarding regulatory compliance. If OCR deems that further revisions are needed, then the review process will repeat the actions required by Items 1 and 2 above.

**Title IX Grievance and Complaint Procedure:**

3. **By August 30, 2013 or within 30 days, whichever is later,** the District will begin the process to review and revise its written policies and procedures for the investigation of complaints and grievances alleging discrimination or sex-based harassment (Complaint Procedures) to ensure that all such complaints, regardless of the specific allegations, are investigated thoroughly and resolved promptly, equitably, and effectively and that all such complaints are appropriately documented in accordance with OCR’s 2001 Guidance. The Complaint Procedures will include a notice that the procedures apply to complaints of sex discrimination (including sex-based harassment and sexual assault) against students by employees, students or their parents or guardians, or third parties, and that the investigation will utilize a preponderance of the evidence standard to conclude
whether the allegation constituted a violation of Title IX. Such revised procedures will be provided to OCR for review and approval. All policy revisions are subject to approval by the Board. Compliance with this agreement requires that the policy presented to the Board will include, at a minimum, the following:

a. Notice to students and employees of the complaint/grievance procedures, including where complaints may be filed;

b. A statement that Title IX prohibits retaliation against any individual who files a complaint or participates in a complaint investigation;

c. The name or title, office address, email address, and telephone number of the individual with whom a complaint can be filed;

d. Definitions and examples of the types of actions that may constitute sex discrimination (including sexual harassment, gender-based harassment, and sexual assault);

e. Provision for the prompt, adequate and impartial investigation of all complaints, including the opportunity for the complainant and subject of the complaint to present witnesses and other evidence; and reasonably prompt timeframes for the major stages of the investigation;

f. An assurance that the District will keep the complaint and investigation confidential to the maximum extent possible;

g. An assurance that the District will take remedial action as necessary to address and resolve any found incident of discrimination and to prevent the recurrence of any discrimination; such remedial action may include, as appropriate, provision of resources, including counseling to the harasser as a means to prevent recurrence of future harassment, disciplinary sanctions, strategies to protect the individual subjected to the harassment and witnesses from retaliation, counseling for the victim of the harassment, other steps to address any impact on the victim of the harassment, witnesses and the broader student body, and any other necessary steps reasonably calculated to prevent future occurrences of harassment;

h. Maintain all documentation of the complaint investigation and any corrective action by school site and throughout the District, consistent with applicable State retention requirements;

i. An assurance that the District will take interim preventive measures to protect victims and the school community during the investigation;

2 This provision is not intended to preclude the District from referring complaints involving possible criminal conduct to law enforcement agencies.
j. An assurance that the District will maintain on-going contact with the victim throughout the investigation;

k. Written notification to the parties of the outcome of the investigation to the extent authorized by law;

l. Notice of the opportunity for the parties to appeal the findings and include timeframes for the appeal process;

m. An assurance that the investigation and appeal will be conducted in an impartial manner by an impartial decision-maker;

n. Referral of the matter to law enforcement, when appropriate.

**Reporting Requirement:** By September 30, 2013 or within 30 days, whichever is later, the District will provide OCR a proposed revision of its Title IX Complaint Procedures for review and input. Upon OCR’s review and approval of such revised policies, the District will, without unreasonable delay, take the steps necessary to present the revised procedures to the Board for the proper and legal consideration and recommendation by the District to the Board for adoption of such revised procedures.

4. **Within 30 days after the Board's adoption of the written policies and procedures described in Item 3,** and if there are no substantive changes to such revisions approved by OCR, the District will provide notice of its revised Title IX grievance and complaint investigation policies and procedures to parents, guardians, students and employees by posting them on the District’s website and newsletter, if applicable. Additionally, on an annual basis, the District will publish the revised procedures developed pursuant to Item 3 above, in the Student Handbook, the Student Code of Conduct, District website, and any other publications that contain the District’s policies and procedures and provide copies of those publications to OCR.

**Reporting Requirement:**

(a) Within 15 days of providing notice of its revised Title IX investigation policies and procedures to parents, guardians, students, and staff, the District will notify the OCR of such notification. In addition, the District will provide a statement demonstrating that publication and implementation of the revised procedures have begun consistent with Item 3.

(b) Within 30 days after the Board's adoption of the written policies and procedures described in Item 3, and if there are substantive changes to such revisions approved by OCR, the District shall provide a copy of such substantive changes to OCR for review and further responsive
comment and directive by OCR to the District regarding regulatory compliance. If OCR deems that further revisions are needed, then the review process will repeat the actions required by Items 3 and 4 above.

5. **By August 30, 2013 or within 30 days, whichever is later,** The Superintendent will issue a statement to all District students, parents, and staff that will be printed in the School’s and/or District’s newsletter, posted in prominent locations at the District’s high school, and published on the District’s website, stating that the District does not tolerate sex-based harassment. The statement will encourage any student who believes he or she has been subjected to sexual harassment, sexual assault, gender-based harassment, or other sex-based harassment to report the harassment to the District (and to law enforcement, when appropriate) and note the District’s commitment to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. The statement will include the appropriate contact information for the Title IX coordinator. The statement will warn that students found to have engaged in acts of sex-based harassment will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion. The statement will encourage students, parents and District staff to work together to prevent sex-based harassment. The District will distribute this statement in languages other than English as necessary.

**Reporting Requirement:** Within 15 days of issuing the statement set forth in Item 5, the District will provide copies of documentation to OCR demonstrating that the District has issues this statement as described above.

**Student Code of Conduct**

6. **By August 30, 2013 or within 30 days, whichever is later,** the District will present the revised Student Code of Conduct to OCR for its review and responsive comment by OCR to the District regarding regulatory compliance. Upon the OCR's review and approval concerning the proposed revised written Student Code of Conduct, the District will, without unreasonable delay, take the steps necessary to present the revised Student Code of Conduct to the Board for the proper and legal consideration and recommendation by the District to the Board for adoption of such revised Code. All policy revisions are subject to approval by the District School Board of Pasco County. Compliance with this agreement requires that the Student Code of Conduct adopted by the Board will include the following: (a) definitions of harassment/bullying on all prohibited bases; and (b) an increase in the range of possible disciplinary sanctions for the commission of these offenses.

**Reporting Requirement:** **Within 30 days after the Board's adoption of the revised Student Code of Conduct in Item 6** and if there are no substantive changes to such revisions approved by OCR, the District will,
take steps to immediately implement the Student Code of Conduct. If there are any such substantive changes to the revisions approved by OCR after adoption by the Board, then the District shall provide a copy of such substantive changes to OCR for review regarding regulatory compliance. If OCR deems that further revisions are needed, then the review process will repeat the actions required by Item 6 above.

**System for Tracking and Review of Title IX Complaints:**

7. **By August 30, 2013 or within 30 days, whichever is later**, the District will implement a procedure of monitoring and tracking formal and informal complaints of sex discrimination and harassment against students. The monitoring system will track the following components:

   a. The date of the complaint.
   b. Description of the complaint (sexual harassment, disparate treatment, etc.).
   c. Relationship of the complainant and alleged perpetrator.
   d. Documentation of the response to the complaint, including the investigation findings and reports, steps taken to remedy or prevent harassment and the notification to the parties of the result of the process.
   e. Date of response to the complainant.

   **Reporting Requirement**: Within 30 days of implementing the system of monitoring and tracking formal and informal complaints described in Item 7, the District will provide OCR a copy of the form it will use to track responses to complaints alleging discrimination and/or harassment on the basis of sex.

8. **By September 15, 2013, December 15, 2013, and May 15, 2014**, the District will compile a report of all complaints of sex-based harassment, including a report of the District’s investigation with findings, and actions taken in accordance with Item 7 above.

   **Reporting Requirement**: By September 30, 2013, December 31, 2013, and May 31, 2014, the District will provide OCR a copy of the compiled reports.

**Title IX Training:**

9. **Within 30 days of the successful completion of Items 2 and 4**, the District will make selected staff, including administrators, teachers, and those who investigate complaints of harassment, available for training by OCR on recognizing, reporting, and preventing sex-based harassment by students against other students, the District’s revised policies, grievance and complaint procedures.
Such OCR training session(s) will be video recorded by the District for use by the District as mandatory training material which shall be provided to other district staff responsible for receiving and investigating complaints of harassment. The District will also provide annual training thereafter on this subject and training on its system for tracking and reviewing Title IX complaints described in Item 7. Such annual training will be performed for at least five years from the date of this agreement or as long as the complaint remains in monitoring, whichever is longer.

**Reporting Requirement:** Within 15 days of completion of the initial annual in-service training described in Item 9, the District will provide documentation to OCR demonstrating that the District has initiated annual training pursuant to this provision of the agreement. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of District employees who participated in the training session.

**Student–Focused Remedy**

10. Within 30 days of the successful completion of Items 1 to 5, above, the District will provide instruction to all students at Zephyrhills High School regarding its revised harassment and bullying policies and the complaint/grievance procedures developed pursuant to Items 1 to 5 above. The instruction will address the prohibition of harassment and bullying under Title IX and other prohibited bases and will include examples of types of conduct, including, but not limited to (1) what types of conduct constitutes such harassment; (2) the negative impact that such harassment has on the educational environment; and (3) how students are expected to respond to such harassment that they experience or witness, or of which they otherwise know, including the reporting avenues available. The instruction will be designed to promote sensitivity to and tolerance of the diversity of the student body, and will specifically address harassment issues related to sex, gender, and nonconformity with gender stereotypes. The District will ensure that any student who has been disciplined for any offenses of harassment/bullying on prohibited bases during the 2011-2012 and 2012-2013 school years and is still enrolled at the School attends the training. Beginning with the 2013-2014 school year, the instruction and information sessions described in this paragraph will be provided annually at the School. Such annual instruction will be performed for at least five years from the date of this agreement or as long as the complaint remains in monitoring, whichever is longer.

**Reporting Requirement:** Within 15 days of completion of the initial instruction of students identified in Item 10, the District will provide a copy of all documentation to reflect the training conducted in accordance Item 10 above. This documentation should include: (1) the date of the training session; (2) a report of the number of students, by grade, who attended the training sessions; (3) a description of the presenter’s background and qualifications with respect to knowledge of the District’s
revised sexual harassment policy and grievance procedures; (4) a copy of the agenda and training materials disseminated.

Educational Climate

11. **By September 30, 2013,** the District will coordinate with the Equity Consultant to have the Equity Consultant conduct an independent assessment of the environment and climate at Zephyrhills High School as it relates to sex-based harassment, including gender-based harassment. The District will be responsible for any costs, if any, associated with the retention of the consultant. In the event that, through no fault of the District, the Equity Consultant becomes unable to provide the services specified in this Agreement, or becomes unable to provide the services at low or no cost, the District and OCR will confer and agree on a reasonable period of time to allow the District to secure a mutually-agreeable alternative consultant to provide the services specified in this Agreement. The District will permit the Equity Consultant to conduct an assessment and will work in good faith with the Equity Consultant to assist them with access and resources required for completion of the investigation. The District will review the results and analysis of the Equity Consultant’s assessment, and will work together in good faith with the Equity Consultant to agree on appropriate corrective actions by the District to address all climate issues related to harassment identified in the Equity Consultant’s assessment. The District will implement the agreed upon actions and notify OCR of its actions as detailed below.

**Reporting Requirement:** **Within 15 days of the completion of the Equity Consultant's final findings and report,** the District will provide to OCR a report of the Equity Consultant’s assessment results, and the actions agreed upon and implemented by the District to address any found harassment or hostile-environment.

12. **By September 30, 2013,** the District will initiate annual climate surveys to assess student, parent, and teacher/staff perceptions concerning the environment at Zephyrhills High School as it relates to Title IX concerns. The District will:

   a. Consult with the Equity Consultant to develop one or more school climate surveys for all students, staff, and parents to assess the presence and effect of harassment, including sex-based harassment, at the School. The District will develop the proposed survey and submit them to OCR for review;

   b. Upon OCR’s review of the proposed survey, the District will administer the school Climate Survey to all students, parents, and teacher/staff of Zephyrhills High School, to be performed annually thereafter, for at least a five year period or as long as the complaint remains in monitoring, whichever is longer, and will encourage participation;
c. The District will submit an analysis of the results of the survey to the Equity Consultant within sixty (60) days of the date the surveys are first administered. Based on the results of the climate survey and any recommendations of the Equity Consultant, the District will work together in good faith with the Equity Consultant to agree on appropriate corrective actions by the District to address all climate issues related to harassment, including those identified through the survey and the Equity Consultant’s analysis. The District will implement the agreed upon actions and notify OCR of its actions as detailed below.

**Reporting Requirement:** Within 30 days of completion of all items in Item 12, whichever is later, the District will provide to OCR a summary report of the substance of the responses, the response rate by students, parents, and teachers/staff for the first annual administration of the survey, the District and Equity Consultant’s analysis of survey results, and the actions agreed upon and implemented by the District to address any found harassment or hostile-environment.

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, if necessary, OCR may, upon providing reasonable notice and to the extent provided by law, 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 this Agreement and is in compliance with the Title IX implementing regulations set forth below which were at issue in this case. The District also understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the Title IX implementing regulation at 34 C.F.R. § 106.31, which was at issue in this case.

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. § 106.71, incorporating 34 C.F.R. §§ 100.9, 100.10 by reference), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon the signature of the Superintendent or his/her designee below.

Superintendent or designee _____________________________ Date