

Resolution Agreement #05-15-1033 Jonesboro Community Consolidated School District 43

Jonesboro Community Consolidated School District 43 (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case #05-15-1033. The District submits this Agreement to ensure its compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibits discrimination based upon sex in any education program or activity receiving Federal financial assistance.

TITLE IX COORDINATOR TRAINING

On June 22, 2015, the District revised its written policies and procedures relating to sexual harassment, and its grievance procedures, to ensure they provide for the prompt and equitable resolution of student complaints alleging any action prohibited by Title IX.

- 1) By September 15, 2015, the District will submit to OCR a description of all training provided to its Title IX Coordinator to ensure adequate and effective implementation of these revised sexual harassment policies and procedures and adequate handling of investigations of complaints alleging a violation of Title IX. The District will ensure that the Coordinator is knowledgeable in all aspects of the applicable law (as applied to elementary-secondary institutions), and is not given assignments or duties that would create a real or perceived conflict of interest.

REPORTING REQUIREMENT: By September 15, 2015, and June 30, 2016, the District will submit to OCR a description of all training the Title IX Coordinator received during the 2015-2016 school year to ensure that individual carries out his or her duties and responsibilities under Title IX.

TRAINING OF DISTRICT PERSONNEL

- 2) By September 15, 2015, and by September 15 of each subsequent school year, the District will require all District administrators, faculty, and relevant staff to complete effective training relating to its revised policies and procedures relating to sexual harassment, and its grievance procedures. At a minimum the training will encompass the following:
 - a) The District will remind all staff of its commitment to having a District environment free from sexual harassment, including gender-based harassment, and explain what they should do if they believe students have been subjected to harassment, including their duty to immediately report all allegations of possible harassment and of the potential for discipline of employees who fail to report sexual harassment.
 - b) The District will provide a general overview of Title IX, including how each law's nondiscrimination provisions apply to students, the names and contact information for the designated staff member(s) to whom students or others may report allegations of

harassment, where to locate the District’s harassment policies and procedures on the District’s website, and the existence of OCR and its authority to enforce Title IX.

- c) The District will explain its Title IX policies and procedures, including an explanation of what constitutes sexual harassment, the role of the Title IX Coordinator, as well as disciplinary sanctions related to findings of violations of the District’s harassment policies and procedures, including the District’s policy prohibiting retaliation and intimidation.
- d) The District will provide an explanation of the prohibition against retaliation contained in Title IX.

REPORTING REQUIREMENT: By September 15, 2015, and September 15, 2016, the District will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of District employees who successfully completed the training.

- 3) By September 15, 2015, and by September 15 of each subsequent school year, the District will provide effective training to all employees who are directly involved in processing, investigating and/or resolving complaints or other reports of sexual harassment, any nurses, counselors or other District personnel who are likely to receive confidential reports of sexual harassment and, if applicable, hearing officers handling discipline cases involving sexual harassment or misconduct. The training will review the District’s revised sexual harassment policies and procedures, and grievance procedure, referenced in this Agreement and include instructions on how to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations.

REPORTING REQUIREMENT: By September 15, 2015, and September 15, 2016, the District will provide OCR with documentation that it has provided appropriate District staff with the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the District staff who attended the training.

STUDENT ORIENTATION & TRAINING

- 4) By September 15, 2015, and by September 15 of each subsequent school year, the District will provide effective age appropriate training for all students that includes the following components:
 - e) The District will remind students of its commitment to having a District environment free from all harassment and explain to students what they should do if they believe they or other students have been subjected to sexual harassment.
 - f) The programs will include an age appropriate review of the District’s sexual harassment policies and procedures, including an explanation of what constitutes sexual harassment, as well as disciplinary sanctions related to findings of violations

of the District’s harassment policies and procedures and/or the District’s policy prohibiting retaliation and intimidation.

- g) The programs will provide an introduction of the Title IX Coordinator, an explanation her role, and provide the names and contact information for any other designated staff member(s) and alternate staff and/or counselors to whom students may report allegations of sexual harassment and will encourage students to report harassment they have experienced or observed.

REPORTING REQUIREMENT: By September 15, 2015, and September 15, 2016, the District will provide OCR with documentation that it has implemented this item, including copies of the orientation schedule, the names and titles of employees who presented on the required topics, and copies of any materials that were used or distributed regarding the required topics.

TITLE IX INVESTIGATION REGARDING STUDENT A

The District completed an investigation and determined that Student A was subjected to sexual harassment and provided written notice of the outcome of its investigation to Student A’s attorney. The District offered Student A (through his attorney) remedial actions, including but not limited to counseling services, safety plan, designated contact person, and periodic check-ins with Student A (the Complainant did not indicate a need for academic support or transcript changes for Student A). The District also determined that disciplinary sanctions consistent with Board Policy are appropriate for the students who engaged in the harassment and will impose the sanctions at the beginning of the 2015-2016 school year.

- 5) Effective immediately, the District will take any steps necessary to ensure that Student A is not subjected to a hostile environment on the basis of sex on District grounds and in District sponsored activities. These steps will include, but are not limited to, implementing the safety plan the District has developed for Student A, ensuring the specific contact person the District has designated for Student A to report incidents of harassment if they occur remains an approachable and effective resource for Student A, and checking in with Student A on a periodic basis (at least monthly) to ascertain whether any instances of sexual harassment have occurred and taking prompt and appropriate action in accordance with this Agreement if any such harassment has occurred.

REPORTING REQUIREMENT: By September 15, 2015, and June 30, 2016, the District will provide documentation to OCR that it has implemented this item of the Agreement, including documentation of the periodic check-ins, the sanctions imposed on the students who harassed Student A, and, if applicable, a description of the steps the District took in response to information that is occurring.

MAINTENANCE OF OTHER DATA

- 6) Effective immediately, the District agrees to maintain documents relating to specific complaints or other reports of sexual harassment of students, including the following:

- a) a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of sexual harassment of any kind;
- b) a narrative of all actions taken in response to the reports by District personnel, including any written documentation;
- c) a copy of any and all disciplinary sanctions issued to students or employees for violations of the sexual harassment policies and procedures;
- d) documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the accused and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
- e) a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

REPORTING REQUIREMENT: By June 30, 2016, the District will provide to OCR copies of the documentation referenced in this item for the 2015-2016 school year.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, the OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for the OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§ 106.8 and 106.31, which were at issue in this complaint.

The District understands that the 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 regulations implementing and Title IX, at 34 C.F.R. §§106.8 and 106.31, which were at issue in this complaint.

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 or judicial proceedings to enforce the specific terms and obligations of 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.

Approved and agreed to on behalf of Jonesboro Community Consolidated School District 43.

Superintendent or designee

Date