

Resolution Agreement #05-17-1174 Metropolitan School District of New Durham

The U.S. Department of Education, Office for Civil Rights (OCR) and the Metropolitan School District of New Durham (District) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures 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. §§1681-1688, 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 POLICIES AND PROCEDURES

- 1) By May 1, 2019, the Corporation will publish a statement of non-discrimination that complies with Title IX.

REPORTING REQUIREMENT: By May 15, 2019, the Corporation will submit to OCR documentation demonstrating its compliance with this item.

- 2) By May 1, 2019, the District will review and revise its anti-sex discrimination policies, procedures, and administrative guidelines and its anti-sexual harassment policies and procedures to ensure that the multiple District policies and procedures provide understandable notice of how the policies overlap, and where and how one is to file a complaint under each. To that end, both District policies will state that the District prohibits sex discrimination and sexual harassment that creates a hostile environment based on sex, that the policies and complaint procedures together apply to complaints alleging discrimination and harassment carried out by other students, employees or third parties; and that the complaint procedures provide for an equitable investigation, including the opportunity for both the complainant and respondent to present witnesses and other evidence, and notice to the parties of the outcome of the investigation.

REPORTING REQUIREMENTS: By May 15, 2019, the District will submit to OCR documentation that the revised policies and procedures have been adopted and widely published, including a copy or link to the relevant pages on the District's website, in the student handbook, and have otherwise been made available to District students and parents.

TRAINING OF DISTRICT PERSONNEL

- 3) By May 1, 2019, the District will provide training to its Title IX coordinator(s) and designees and for any other staff with Title IX responsibilities. The training will include instruction on the District's revised Title IX policies and grievance procedures and the District's obligation regarding investigation of complaints, including complaints related to gender stereotyping. Finally, the training will address the District's record-keeping and documentation of information related to Title IX complaints.

REPORTING REQUIRMENTS: By May 15, 2019, 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.

INDIVIDUAL REMEDY

- 4) If, within 30 days of the date of OCR’s issuance of a resolution letter in this case, the parent of the student who was the subject of this complaint (Student A) files a complaint with the District alleging that Student A was subjected to a hostile environment based on sex during the 2015-2016 and 2016-2017 school years, the District will complete a prompt investigation consistent with Title IX and provide the parties notice of its determination(s), including appropriate remedies, if any. The District may incorporate previously conducted interviews into the current investigation.

REPORTING REQUIREMENTS: By July 15, 2019, the District will provide documentation to OCR of its implementation of this item.

RECORD KEEPING AND DATA MAINTENANCE

- 5) By April 1, 2019, the District will submit to OCR a record-keeping and data retention policy that ensures the preservation of documentation of its investigations of sexual harassment and is consistent with Title IX.

REPORTING REQUIREMENTS: By April 1, 2019, the District will provide OCR the data retention policy. By July 15, 2019, the District will provide to OCR copies of the documentation retained pursuant to the policy for the 2018-2019 school year and by January 31, 2020, the District will provide to OCR copies of the documentation retained pursuant to the policy for the 2019-2020 school year to date.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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, 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 this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§ 106.8, 106.9, and 106.31, which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

Superintendent or designee

Date