

Resolution Agreement #05-18-1208 Springs Valley Community Schools

The U.S. Department of Education, Office for Civil Rights (OCR) and Springs Valley Community Schools (Corporation) 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 Corporation. The Corporation 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.

SEXUAL HARASSMENT POLICIES AND PROCEDURES

- 1) By November 10, 2018, the Corporation will ensure that its anti-sex discrimination policies and procedures are consistent with its anti-sexual harassment policies and procedures. In that connection, both policies will prohibit sex discrimination and sexual harassment, state that the policies and procedures apply to complaints alleging discrimination and harassment carried out by other students, employees or third parties, and otherwise provide for an adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and respondent to present witnesses and other evidence, using similar timeframes.

Both policies will ensure that: the Corporation notifies the parties of the outcome of the investigation in writing, the Corporation will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred and to remedy its discriminatory effects, as appropriate, and that the policies include the name, address, phone number, email, and other contact information for the Title IX Coordinator, as well as a statement that questions regarding Title IX may be referred to the recipient's Title IX Coordinator or to OCR with appropriate contact information.

REPORTING REQUIREMENTS: By November 10, 2018, the Corporation will submit its revised policies to OCR for review and approval. Upon approval, the Corporation will demonstrate within 30 days that the policies and procedures are published on the website and have been made available to Corporation students and parents.

TRAINING OF CORPORATION PERSONNEL

- 2) By December 31, 2018, the Corporation will provide effective in-person training to all staff at XXXXXX (School). The training will cover, at a minimum: the Corporation's revised anti-sex discrimination policies and grievance procedures; the obligation of responsible employees to report sexual harassment; how to recognize and identify sexual harassment; the Corporation's responsibilities under Title IX to address such allegations (including when another agency is investigating at the same time); the reporting obligations of Corporation staff; and the relevant resources available. During the training, the Corporation will provide

copies of its Title IX grievance procedures to all attendees, or refer them to their location within the publications they already possess.

REPORTING REQUIREMENTS: By January 15, 2019, the Corporation 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 the names and titles of Corporation employees who successfully completed the training.

- 3) By December 31, 2018, the Corporation will provide effective training to its Title IX Coordinator(s) and designees and all School employees directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of sexual harassment. The training will include instruction on the Corporation's Title IX grievance procedures; the Corporation's obligation regarding investigation of complaints; how to conduct adequate, reliable and impartial Title IX investigations for those charged with investigative duties, the proper standard of review; how to proceed simultaneously with investigations by other entities; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to handle confidentiality issues; how to assess hostile environment; and the duty to treat the parties equitably. The training will also include information regarding the provision of interim measures and the need for remedial actions for the complainant, respondent, and school community. Finally, the training will stress fully documenting all steps of an investigation and resolution, such as testimony collected from witnesses, the start and stop dates of any investigation suspension, the offer and acceptance/decline of interim relief, and the issuance of notice of outcome to the parties.

REPORTING REQUIREMENTS: By January 15, 2019, the Corporation 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 Corporation employees who successfully completed the training.

STUDENT TRAINING

- 4) By December 31, 2018, the Corporation will provide age-appropriate training for all students at the School to ensure that students are aware of Title IX and what it prohibits and the rights it confers on students; the Corporation's prohibition against sex discrimination, including sexual harassment; how to recognize such sex discrimination when it occurs; and how and with whom to report any incidents of sex discrimination, including sexual harassment.

REPORTING REQUIREMENTS: By January 15, 2019, the Corporation 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.

TITLE IX INVESTIGATION REGARDING STUDENT A

- 5) By November 10, 2018, the Corporation will complete an investigation of whether Student B was subjected to sexual harassment by Student A. In the completion of the investigation, the Corporation will provide Student A an equivalent opportunity to provide information as provided to Student B and will provide notice of the outcome of the investigation to both parties, including any applicable appeal rights.

Following the investigation, the Corporation will determine whether the evidence obtained supports the XXXXXX. If the XXXXXX was supported by the evidence, then the Corporation will notify Student A's parent of such and will explain that no further action is warranted. If the XXXXXX was not supported by the evidence, then the Corporation will XXXXXX, notify the parent in writing of the XXXXXX, and determine whether Student A requires XXXXXX. If the Corporation determines that Student A did not subject Student B to sexual harassment but engaged in other conduct that warranted XXXXXX, the Corporation will XXXXXX and provide Student A's parent with written notice of the XXXXXX.

REPORTING REQUIREMENTS: By November 10, 2018, the Corporation will submit to OCR in writing its investigation report and findings with supporting documentation. By January 15, 2019, the Corporation will provide OCR with documentation that it has XXXXXX, if appropriate.

RECORD KEEPING AND DATA MAINTENANCE

- 6) By November 10, 2018, the Corporation will submit to OCR for review and approval a record-keeping and data retention policy that ensures the preservation of documentation of its responses to and investigations of sexual harassment and prohibits destruction of records of such reports and complaints, to ensure that the Corporation's data retention policy is consistent with Title IX. At a minimum, the Corporation's record-keeping and data retention policy shall commit the Corporation to maintaining the following documents related to specific complaints or reports of sexual harassment of students:
- a. a copy of all written reports, and a narrative description of all verbal reports, of incidents involving allegations of sexual harassment;
 - b. a narrative description of all actions taken by Corporation personnel in response to the reports, including any written documentation;
 - c. a copy of all disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting sexual harassment;
 - d. a copy of all written determinations or a description of all verbal notifications of determinations provided to the parties, with the date of each notification; and

- e. documentation fully detailing any interim services offered and afforded to complainants pending the completion of an investigation and, where sexual harassment is found to have occurred, documentation fully detailing all steps the Corporation took to stop the sexual harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects on the complainant and any others as appropriate.

REPORTING REQUIREMENTS: By November 10, 2018, the Corporation will provide OCR the draft data retention policy. Within 30 days of OCR’s approval, the Corporation will provide documentation to OCR that it has adopted, published and implemented the data retention policy.

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

The Corporation 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 Corporation 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 Corporation’s representative below.

Superintendent or designee

Date