

RESOLUTION AGREEMENT

Henderson Independent School District
OCR Reference Number: 06111487

To ensure compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106 (2011), which prohibit discrimination on the basis of sex, the Henderson Independent School District (HISD), Henderson, Texas, makes the following commitments to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the complaint issues in the above-referenced complaint.

TITLE IX GRIEVANCE PROCEDURES AND HISD POLICIES/PROCEDURES

Action Item 1

By June 30, 2012, the HISD will review and revise its current policies/procedures to ensure that all complaints received, whether verbal or written, alleging discrimination on the basis of sex, including allegations of harassment on the basis of sex or sexual violence, are appropriately investigated and responded to as required by Title IX and its implementing regulations. The policies/procedures will ensure a prompt and equitable response and resolution of complaints alleging sex discrimination including responsive actions taken by the HISD to reasonably prevent recurrence and assure that students are not restricted in their participation or benefits as a result of a sexually hostile environment created by students, employees or non-employees by the alleged conduct. The HISD shall ensure that the revised policies/procedures include, but are not limited to the following provisions:

- Notice that the grievance procedures apply to complaints alleging sex discrimination (including sex harassment, sexual assault, and sexual violence) by employees, students, or third parties;
- Definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment, sexual assault, and sexual violence);
- Notice to students, parents, and employees of the process for filing a complaint/grievance, including the name, office address, and telephone number of the individual with whom to file a complaint/grievance;
- A statement providing for the adequate, reliable, and impartial investigation of all complaints/grievances, including the opportunity for the parties to present witnesses and other evidence;
- A statement that the HISD will conduct its own investigation of any complaint/grievance under Title IX, independent of any law enforcement investigation regarding the same complaint or grievance;

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- A statement providing for designated reasonable timeframes for each stage of the complaint/grievance process, with a provision indicating that the HISD will comply with law enforcement requests for cooperation and such cooperation may require the HISD to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence and that the HISD will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the HISD's investigation may be longer in certain instances;
- An assurance that the HISD will implement interim steps during the law enforcement agency's investigation period to provide for the safety of the victim(s) and the avoidance of retaliation
- Provisions for maintaining confidentiality of the complainant and investigation of the complaint to the extent possible;
- An assurance that the HISD will ensure that victims are aware of their Title IX rights and available resources, such as counseling, and their right to file a complaint with local law enforcement;
- Written notification to the parties of the outcome of the complaint;
- Notice of the opportunity for the parties to appeal the findings;
- A fair and equitable appeal process, with an assurance that an appeal will be conducted in an impartial manner by an impartial decision-maker;
- Assurance that if discrimination, harassment or retaliation has occurred, appropriate corrective and remedial actions will be taken as well as actions to prevent its recurrence, with examples of the range of possible disciplinary sanctions, and to remedy the discriminatory effects on the victim(s) and others; and
- A statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.

Reporting Requirement

By June 30, 2012, the HISD will, prior to adoption and dissemination, provide OCR with a copy of its revised complaint/grievance procedures, for OCR's review and approval, as referenced in Action Item 1.

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Within fifteen (15) days of HISD's receipt of the OCR-approved amended Title IX policies/procedures, in which the information identified under Action Item 1 above has been incorporated, HISD will provide OCR with documentation to substantiate that it has formally adopted the OCR-approved amended Notice.

Action Item 2

Within 45 calendar days of written notification from OCR that the revised policies/procedures developed in accordance with Action Item 1 are consistent with Title IX requirements, the HISD will notify all HISD students and parents, via the HISD Student Handbook and posting on the HISD website, of the revised policies/procedures referenced in Action Item 1. The notification will explain the HISD's responsibility to investigate and/or otherwise resolve Title IX issues.

Reporting Requirement

By October 15, 2012, the HISD will provide OCR with documentation evincing how and when the HISD apprised its students and parents of the revised policies/procedures they may utilize to report and resolve Title IX complaints, including sexual harassment, as referenced in Action Item 2.

Action Item 3

By September 1, 2012, the HISD will ensure that the Title IX coordinator is apprised, immediately, of every student complaint or notification of any complaint of sexual harassment, including sexual assault that is received by any HISD employee. The Title IX coordinator shall document the notification and any action taken.

Reporting Requirement

By November 1, 2012 and June 1, 2013, the HISD will provide OCR with documentation regarding all Title IX student complaints or notifications of alleged Title IX violations involving students (including complaints alleging sexual harassment or sexual violence) for the 2011-2012 and 2012-2013 school years. The HISD will provide OCR with documentation of the Title IX Coordinator's receipt of the notice and/or complaint and the HISD's response to resolve the Title IX issue, as referenced in Action Item 3.

Action Item 4

By November 1, 2012, and annually thereafter for a period of 2 years, the HISD will conduct a mandatory training session regarding the revised policy referenced in Action Item 1 for all employees so that they know to report harassment to appropriate school officials and that

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employees with the authority to address harassment know how to respond properly. The training shall include practical information about how to identify and report sexual harassment and violence, and how to conduct Title IX investigations. The above-referenced training shall be provided to all HISD employees, administrators and law enforcement liaisons.

Reporting Requirement

By December 1, 2012, 2013 and 2014, the HISD will submit a report to OCR detailing the date of the Title IX training referenced in Action Item 4 above. This report will include a copy of the agenda, copies of (or a list of) and handouts, qualifications or credentials of the trainer(s) and a sign in sheet identifying all persons by position, in attendance.

Action Item 5

By September 1, 2012, the HISD will designate one counselor at each school within the HISD to be "on call" to assist victims of sexual harassment or violence whenever needed during school hours.

Reporting Requirement

By October 15, 2012, the HISD will provide OCR with the name, title and contact information for each of the counselors designated as "on call" to assist victims of sexual harassment or violence under Action Item 5.

Action Item 6

By November 1, 2012, the HISD will review its campus police records for the 2009-10 through 2011-12 school years for any complaint of sexual assault that was treated solely as a criminal matter and/or where the Title IX Coordinator was not involved. The HISD's Title IX Coordinator will review the pertinent records to determine whether sexual harassment occurred in violation of Title IX and if it did, whether the remedies provided were effective. If the remedies were not appropriate, the HISD will promptly take measures (i.e., re-investigate the complaint, secure additional remedies) should the alleged victim or alleged perpetrator still be enrolled as a student, to ensure the sexual harassment was fully and effectively addressed.

Reporting Requirement

By November 15, 2012, the HISD will make available to OCR documentation showing implementation of Action Item 6, including copies of the initial report, any campus police records, and the investigative files of both the campus police and the HISD's Title IX Coordinator showing the response and additional remedies obtained, if any.

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INDIVIDUAL STUDENT REMEDIES

Action Item 7

By September 1, 2012, the HISD will XXXX Student's XXXX from XXXX records.

Reporting Requirement

By September 15, 2012, the HISD will provide OCR with a copy of XXXX records in reference to Action Item 7.

Action Item 8

By September 1, 2012, the HISD will make a written offer of XXXX services to Student to be provided at the HISD's expense, not to exceed XXXX, for the assessment and/or treatment of the effects from the HISD's failure to investigate Student's allegation of sexual assault. The HISD's letter will inform the Student that she has thirty (30) calendar days from the date of the letter to accept the offer by providing written notice of Student's acceptance to the HISD.

Reporting Requirement

By October 1, 2012, the HISD will provide OCR with documentation evincing that the HISD made the XXXX offer to Student referenced in Action Item 8, and whether Student accepted such an offer.

Action Item 9

By October 1, 2012, if the Student accepts the HISD's offer of non-district based XXXX for the assessment and/or treatment of the effects from the HISD's failure to investigate Student's allegation of sexual harassment as referenced in Action Item 8, the HISD will provide, at its expense, the required non-district based XXXX.

Reporting Requirement

By January 1, 2013, the HISD will provide documentation evincing the provision of non-district based XXXX to Student as referenced in Action Item 9.

STUDENT FOCUSED REMEDIES

Action Item 10

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By October 1, 2012, the HISD will create a Committee consisting of: (1) the HISD's Title IX Coordinator; (2) representative HISD administrators, faculty members and parents/guardians of HISD students; (3) representatives from any community-based organizations which provide services to the HISD related to sexual harassment/violence prevention; and (4) other individuals the HISD determines appropriate, such as guidance counselors, school nurses or athletic coaches. The HISD will also invite at least six (6) high school and/or middle school student representatives to serve as advisors to the Committee in carrying out its responsibilities.

Reporting Requirement

By October 1, 2012, the HISD will provide OCR with documentation evincing the creation, and membership, of the Committee referenced in Action Item 10.

Action Item 11

By January 31, 2013, the Committee referenced in Action Item 10 will develop strategies and materials for educating students, parents and employees about issues related to sexual harassment/violence, including what constitutes sexual harassment/violence and the impact it has on individual students and the educational environment, the prohibition of sexual harassment/violence in the educational setting, the importance of reporting sexual harassment/violence, how and to whom to report incidents of sexual harassment/violence, contact information for counseling services on and off school grounds, how to contact the HISD's Title IX Coordinator, the HISD's obligation to respond appropriately to notice of sexual harassment/violence, and what the HISD will do to respond to allegations of sexual harassment/violence, including the interim measures that can be taken. In developing the materials, the Committee will consider a variety of age-appropriate approaches to student education. The materials should be widely available and posted throughout school buildings, available on the HISD's website, distributed upon receipt of complaints, distributed to parents at the beginning of the school year, and available to parents at events such as parent-teacher conferences or back-to-school night.

Reporting Requirement

By January 31, 2013, the HISD will provide OCR with a copy of the materials distributed to students and parents as referenced in Action Item 11.

Action Item 12

By February 1, 2013, the HISD will conduct a climate check or series of climate checks with all enrolled students to assess the effectiveness of steps taken pursuant to this agreement or otherwise by the HISD, to ensure that HISD campuses are free of sexual harassment, including sexual assaults and sexual violence. This climate check may be accomplished through a written

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or electronic survey, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss this issue with a counselor. If this method is selected, the HISD will consult with OCR in creating the written survey which must be provided to OCR for review and approval prior to its use. Information gathered during these climate checks will be used to inform future proactive steps that can be taken by the HISD.

Reporting Requirement

By February 28, 2013, the HISD will submit the results of the school climate check referenced in Action Item 12. The HISD will also provide an action plan to OCR regarding how it will use the results of the school climate check to further ensure HISD students are protected from sexual harassment and violence.

Action Item 13

By June 1, 2013, the HISD's Title IX Coordinator will conduct a review of all Title IX, sexual harassment/sexual assault complaints it has received and investigated for that school year.

Reporting Requirement

By June 30, 2013, the HISD will report to OCR with the following information regarding the Title IX complaints received and investigations conducted by the HISD, as referenced in Action Item 13: the complaint allegation, the parties involved, the issue investigated, the determination and the remedy secured.

IMPLEMENTATION AND ENFORCEMENT OF THIS AGREEMENT

The HISD understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. Part 106 (2011), which is at issue in this case.

The HISD 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 HISD understands that during the monitoring of this agreement OCR may visit the HISD, interview staff and personnel, and request such additional reports or data as are necessary for OCR to determine whether the HISD has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. Part 106 (2011).

The HISD 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. §§ 100.9, 100.10), or judicial proceedings to

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enforce this Agreement, OCR shall give the HISD written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Dr. Keith Bowles, Superintendent
Henderson Independent School District

Date