

**Lampasas Independent School District
OCR Complaint No. 06131630
Voluntary Resolution Agreement**

The Lampasas Independent School District (LISD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Southern Region. By this Agreement, the LISD commits to the following actions to ensure that it has achieved compliance with the requirements of Title IX of the Education Amendments Act of 1972, (Title IX) and its implementing regulation at 34 C.F.R. Part 106 Section with regard to the above-referenced complaint.

The LISD 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 Title IX and its implementing regulation at 34 C.F.R. Part 106.

The LISD 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 LISD understands that during the monitoring of this agreement, if necessary, OCR may visit the district, interview staff and contract staff, students, or others 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 Title IX and its implementing regulation at 34 C.F.R. Part 106, which are at issue in this case.

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

LISD Personnel and Student Training:

Action Item #1

- I. By August 1, 2014, the LISD will provide the District's Title IX Coordinator, administrators, and all persons involved in the investigation of sex discrimination, including the different treatment of students based on pregnancy, sexual harassment, sexual violence and any other conduct prohibited by Title IX specialized training by an independent party knowledgeable about the school district's legal obligations and responsibilities regarding Title IX complaints, grievance procedures and processes.
- II. By August 1, 2014, the LISD will provide all administrators, counselors, teachers, faculty staff and contract staff at Lampasas High School (LHS), Lampasas Middle School (LMS) and alternative school appropriate training on LISD' policies and procedures for investigating and resolving allegations of sex discrimination, including the different treatment of students based on pregnancy, sexual harassment, sexual violence and any

other conduct prohibited by Title IX as well as policies and procedures for addressing and preventing incidents of sex discrimination to ensure that its policies, procedures, and practices are administered consistently with Title IX.

- III. By October 31, 2014, the LISD will provide training to students regarding LISD's policies regarding behaviors and conduct prohibited by Title IX, to include the different treatment of students based on pregnancy, sexual harassment and sexual violence to include the disciplinary sanctions imposed on students found in violation of LISD's policies regarding Title IX at the LHS, LMS and the alternative school through general student assemblies.

Reporting Requirements for Action Item #1:

- A) By September 2, 2014, the LISD will provide OCR with documentation demonstrating that it has timely and effectively completed Action Item #1 (I) above. Specifically, the LISD will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Section IX, the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).
- B) By September 2, 2014, the LISD will provide OCR with documentation demonstrating that it has timely and effectively completed Action Item #1 (II) above. Specifically, the LISD will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Section IX, the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).
- C) By November 3, 2014, the LISD will provide OCR with documentation demonstrating that it has timely and effectively completed Action Item #1 (III) above. Specifically, the LISD will provide OCR evidence that all students at LHS, LMS and the alternative school have attended training pursuant to Title IX, the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the material disseminated during the training session(s)

Title IX Policies, Procedures and Dissemination:

Action Item #2:

- I. By May 23, 2014, the LISD will issue an anti-sex discrimination statement to all District students, parents, staff, and contract staff at Lampasas High School (LHS), Lampasas Middle School (LMS) and alternative school and will be posted the statement in prominent locations at each school, and published the statement on the LISD website. The statement will advise that the LISD does not tolerate acts of sex

discrimination, including based on pregnancy, sexual harassment or sexual violence. The statement will:

- i. encourage any student in the LISD who believes that he or she has been subjected to discrimination based on sex, including pregnancy, sexual harassment, or sexual violence to report the discrimination to the appropriate District official;
- ii. note the LISD's commitment to conduct a prompt investigation of all allegations of Title IX discrimination;
- iii. include appropriate contact information for the LISD's District's Title IX Coordinator, to whom students and parents may report allegations of sex discrimination, to include pregnancy, sexual harassment, sexual violence or any other conduct prohibited by Title IX;
- iv. advise that students, administrators, staff and/or contract staff found to have engaged in acts of discrimination based on sex, including pregnancy, sexual harassment, sexual violence or any other conduct prohibited by Title IX will be promptly disciplined, with such discipline to include, if circumstances warrant, up to and including suspension or expulsion for students and termination of employment for staff; and,
- v. encourage students, parents, LISD staff and LISD contracted staff to work together to prevent acts of discrimination of any kind.

II. By August 1, 2014, the LISD will evaluate and develop and/or modify its policies and procedures with regard to investigating sex discrimination, sexual harassment, sexual violence or any Title IX complaints to ensure it provides for a prompt and equitable response to complaints received, and for the maintenance of documents generated by the investigation of all complaints received regarding Title IX, sexual harassment, sexual violence and sex discrimination, including pregnancy. The evaluation will determine the processes necessary to ensure that the LISD take all steps reasonably designed to ensure that students enrolled in the LISD, are not subjected to sex discrimination, sexual harassment, sexual violence or other discrimination prohibited by Title IX, and to respond promptly and appropriately to all allegations of Title IX, sexual harassment, sexual violence and discrimination on the basis of sex, including pregnancy. To this end, the LISD will promptly investigate all incidents of alleged Title IX discrimination of students enrolled in the LISD that are known or that should reasonably be known to the LISD and will take appropriate action to respond to complaints, which may include disciplinary action against students, staff or contract staff found to have violated LISD policy. The LISD will take prompt and effective responsive action reasonably designed to end Title discrimination, prevent its recurrence, and, where appropriate, take steps to remedy the effects of sex discrimination, sexual harassment, sexual violence and any other conduct prohibited by Title IX on affected students. The Title IX complaint guidelines must, at a minimum, include a grievance procedures that provides the following:

- i. notice to students and employees of the procedure, including where complaints may be filed, that is easily understood, easily located and widely distributed;
- ii. application of the procedures to complaints alleging discrimination or harassment carried out by employees, other students, and third parties;
- iii. adequate, reliable and impartial investigation, including an equal opportunity to present witnesses and relevant evidence;
- iv. designated and reasonably prompt timeframes for major stages of the grievance process, as well as the process for extending timelines;
- v. if the procedures state the standard for review, the procedures must state that the preponderance of the evidence standard will be used for investigating allegations of sex discrimination, including pregnancy, sexual harassment, sexual violence and any other conduct prohibited by Title IX;
- vi. must provide for policies and procedures to protect affected students against retaliatory harassment;
- vii. interim measures to protect the complainant as necessary including interim steps before the final outcome of the recipient's investigation necessary to prevent further discrimination of the allegedly affected student, as well as measures to avoid retaliation against the reporting student, pending the resolution of the complaint (e.g., no contact order, counseling, health and mental services, escort services, academic support, retake a course or withdraw without penalty);
- viii. a process for the allegedly affected student, if the student wishes, to identify the allegedly discriminating student(s) and/or witnesses and provide other information in a manner that protects the allegedly affected student's confidentiality;
- ix. if the procedures allow the parties access to information used at a hearing, the procedures must provide similar and timely access to both parties;
- x. if the procedures allow for an appeal of the findings and/or remedy, the procedures must provide an equal opportunity to appeal for both parties;
- xi. the procedures should include an adequate definition of sex discrimination, including pregnancy, sex harassment, including sexual violence, with examples;
- xii. the procedure should not require the complainant to work out an issue directly with the accused; sexual assault complaints are not to be mediated even on a voluntary basis;
- xiii. if the procedures include an informal process, the procedures should notify the parties of the right to end the informal process and begin a formal process at any time;

- xiv. not allow conflicts of interest (real or perceived) by those handling the procedures;
- xv. the procedures should notify the complainant of the right to proceed with a criminal investigation and a Title IX complaint simultaneously
- xvi. a statement regarding remedial action(s) necessary to address and resolve incident(s) of discrimination, including, as appropriate, provision of resources, including counseling, to the alleged person discriminating as a means to prevent recurrence of future discrimination, discipline, strategies to protect the individual(s) alleged to be discriminated against and witnesses from retaliation, counseling for the individual(s) alleged to be discriminated, witnesses and the broader student body, and any other necessary steps reasonably calculated to prevent future occurrences of discrimination, including but not limited to terminating contractual obligations of the alleged person discriminating or disciplinary sanctions against students;
- xvii. maintaining on-going contact with and providing updates to the individual alleged to be discriminated against throughout the investigation;
- xviii. efforts to identify the alleged discrimination and/or witnesses if the targeted student is unaware of their identities or names (e.g., interviewing other students, staff and/or contract staff who were present during the alleged incident(s));
- xix. interviewing all relevant students, administrators, staff and/or contract staff witnesses, not limited to the accused, reviewing all relevant documents and maintaining records of this process;
- xx. assessing whether other students, including witnesses, were negatively impacted by the alleged discriminating behavior, and consideration of whether remedial actions are also appropriate for those students;
- xxi. documentation of all investigative steps, including statements provided by the allegedly affected student(s), his/her parents, and any other witnesses or reporting parties, the evidence reviewed, any remedial actions taken, and a copy of the letter of finding/report issued at the conclusion of the investigation;
- xxii. a final written report describing the steps taken in the investigation and the facts gathered, witness statements, clearly stating whether or not sex discrimination was found, and explaining the basis for the District's conclusion, including application of the appropriate legal standard of a preponderance of the evidence;
- xxiii. written notification to the parent(s)/guardian(s) of the allegedly affected student explaining how District's investigative process was conducted, its factual findings and support for those findings, the LISD's policies applied, its determination as to whether Title IX discrimination occurred, the reasons for the decision, and the appeal procedures;
- xxiv. contacting the individual allegedly affected within a reasonable period of time following the conclusion of the investigation to assess whether there has been on-

going discrimination or retaliation, and to determine whether additional supportive measures are needed;

- xxv. ensuring that the LISD’s investigation of all complaints regarding sex discrimination, including pregnancy, sexual harassment, sexual violence, and any other conduct prohibited by Title IX will be conducted by individuals with knowledge of the appropriate legal standards under Title IX and the relevant LISD policies and complaint procedures. The investigator(s) will also be trained in how to recognize and remedy such discrimination, and confidentiality requirements. The LISD will ensure that the District’s Title IX Coordinator is included as a member of the investigative team during all aspects of sex discrimination, sexual harassment, sexual violence and any other conduct prohibited by Title IX. The LISD will develop and/or modify written investigation guidelines or practices for inclusion in the LISD Student Handbook, Code of Conduct and on the LISD website.
- III. The LISD will provide written notice of the revised investigation guidelines to all LISD faculty, staff and school-site administrators involved in the Title IX grievance process;
- IV. The District will provide written notice of the revised Title IX investigation guidelines to all parents at LHS by mail and by posting on the District’s website. Beginning in the 2014-2015 school year, the LISD will include the revised investigation guidelines in the Student Handbook and posted in prominent locations at LHS, LMS and the alternative school; and
- V. The LISD will provide OCR a report of all verbal and written complaints of Title IX discrimination (including pregnancy) on the grounds of sex discrimination, sexual harassment, sexual violence or any other conduct prohibited by Title IX filed by any person against the LISD or any of its employees, students, or a third party acting on LISD property or at a LISD-sponsored event, for the 2014-2015 school year. The report will identify the complainant(s), the date(s) of the discriminatory conduct, the alleged discriminatory conduct, the person(s) alleged to be responsible for the discriminatory conduct, documentation of all aspects and evidence gathered during the investigation conducted, policies relied on and the LISD’s response to the complaint and any other pertinent facts of the complaint.

Reporting Requirements for Action Item #2:

- A) By May 28, 2014, the LISD will provide OCR with a copy of the Anti-Discrimination Statement, listed in Action Item #2(I) above, and verification that the statement was disseminated to all District students, parents, staff, and contract staff at LHS, LMS and alternative school, the prominent locations at each school where the Anti-Discrimination Statement was posted, and the location where the statement is found on the LISD website..
- B) By August 4, 2014, the LISD will provide OCR with draft revised investigative guidelines for grievances procedures and processes regarding Title IX complaints, as required in Action Item #2(II) above for review and approval.

- C) Within ten calendar days (or other mutually agreed date), after OCR’s review and approval, the LISD will provide documentation that it has delivered written notice of the revised investigation guidelines of grievance procedures and processes to all LISD faculty, staff and school-site administrators involved in the Title IX grievance process at LHS, LMS and the alternative school. It will also verify to OCR that it has published, and posted the adopted guidelines of the grievance procedures and processes on its website, in accordance with Action Item #2(III) above.
- D) By September 30, 2014, the LISD will verify to OCR that it provided written notice of the revised Title IX investigative guidelines to all parents at LHS, LMS and the alternative school by mail and by posting the revised Title IX investigative guidelines on the District’s website. Beginning in the 2014-2015 school year, the LISD will include the revised investigative guidelines in the Student Handbook and posted the Title IX investigative guidelines in prominent locations at LHS, LMS and the alternative school, in accordance with Section 2(IV) above.
- E) By June 5, 2015, the LISD will provide OCR a report of all verbal and written complaints of Title IX discrimination (including pregnancy)sexual harassment, sexual violence or any other conduct prohibited by Title IX received by the LISD. The report will identify the complainant(s), the date(s) of the discriminatory conduct, the alleged discriminatory conduct, the person(s) alleged to be responsible for the discriminatory conduct, documentation of all aspects and evidence gathered during the investigation conducted, policies relied on and the LISD’s response to the complaint and any other pertinent facts of the complaint, in accordance with Section 2(V) above.

Student Relief:

Action Item #3:

- I. By May 5, 2014, the LISD will offer, in writing, to the parent(s) or guardian(s) of the identified student in this complaint, the opportunity to have the identified student evaluated by a certified counseling professional (e.g., a certified counselor, psychologist, or psychiatrist, knowledgeable about the emotional and mental effects of pregnant students who have perceived or experienced incidents of different treatment due to pregnancy by students of the same age as the identified student) of the parents’ choosing to determine if the student was negatively affected by the reported alleged incidents and to determine whether the identified student is in need of counseling or other measures to remedy the effects of the reported alleged incidents on the student. If it is determined by the counseling professional that the identified student is in need of counseling and the parent(s) or guardian(s) of the identified student agree to its provision, the LISD will provide the counseling or other remedial measures, as deemed necessary, at its own expense, within a reasonable period of time, but in any event, no later than the end of the 2014 – 2015 school year.

Reporting Requirements for Action Item 3:

- A) By May 9, 2014, the LISD will provide OCR documentation that Action Item #3(I) has been completed. The documentation should include how the identified student’s need for counseling was evaluated, the areas addressed or the basis for the counseling, the length of time the counseling was provided, who conducted the counseling and where the counseling was conducted, and the outcome of the counseling (i.e. was it successful in accomplishing the goal of the counseling).

Action Item #4

- I. By May 1, 2014, the LISD will allow the identified student in this complaint, the opportunity to XXX XXX XXX XXX XXX XXX XXX in order to allow the student time to take XXX pictures and return the XXX to the LHS. The request borrow the XXX will be made to the XXX XXX and signed out and the XXX XXX XXX will be returned to the XXX XXX and signed in upon returned.

Reporting Requirements for Action Item 4:

- A) By May 9, 2014, the LISD will provide OCR documentation of the signed out and signed in of the XXX XXX XXX by the identified student as described in Action Item #4(I),

Signed:

Dr. Randall J. Hoyer
Superintendent

Date