

RESOLUTION AGREEMENT
Caddo Mills Independent School District
OCR Complaint No. 06141312

The Caddo Mills Independent School District (CMISD or District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the CMISD 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 regulations at 34 C.F.R. Part 106 (which prohibit discrimination based on sex in any education program or activity receiving Federal financial assistance) with regard to the above-referenced complaint.

The CMISD 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 regulations at 34 C.F.R. Part 106.

The CMISD 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 CMISD 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 regulations at 34 C.F.R. Part 106, which are at issue in this case.

The CMISD 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 CMISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Title IX Policies, Procedures, and Dissemination

Action Item #1:

By November 15, 2015, the CMISD will issue a notice of nondiscrimination prohibiting discrimination on the basis of sex to all District students, parents/guardians, staff, and contract staff. The statement will be posted in prominent locations at District schools and be published on the District's website. The statement will advise that the District does not tolerate discrimination based on sex, including sexual harassment or sexual violence. The statement will encourage any student in the CMISD who believes that he or she has been subjected to discrimination based on sex, including sexual harassment or sexual violence, to report the discrimination to the appropriate District official and note the CMISD's commitment to conduct a prompt and thorough investigation of all allegations of Title IX discrimination.

Reporting Requirement:

By December 1, 2015, the District will provide OCR with a copy of the notice of nondiscrimination listed in Action Item #1 above, and verification that the notice was disseminated to all District students, parents/guardians of students, staff, and contract staff, the locations where the statement was posted, and the location where the statement is found on the District website.

Action Item 2:

By November 15, 2015, the CMISD shall designate and provide notice of the District's Title IX Coordinator, to whom students and parents may report allegations of sex discrimination, to include sexual harassment, sexual violence or any other conduct prohibited by Title IX. The District's notice shall include the Title IX Coordinator's contact information.

Reporting Requirement

By December 1, 2015, the CMISD will provide OCR with the District's notice of its Title IX Coordinator and the Title IX Coordinator's contact information, including the locations where the District's notice is provided, including student and/or employee handbooks, and the location where the notice is found on the District website.

Action Item 3:

By November 15, 2015, the CMISD will evaluate and/or revise 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. The CMISD will submit its revised policies and procedures to OCR for OCR's review and approval. The evaluation will determine the processes necessary to ensure that the CMISD take all steps reasonably designed to ensure that students enrolled in the CMISD 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 sexual harassment, sexual violence and discrimination on the basis of sex. The revised policies and procedures must, at a minimum, include a grievance procedure that provides the following:

- i. notice to students and employees of the procedures, 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. an 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 sexual harassment, sexual violence and any other conduct prohibited by Title IX;
- vi. interim measures to protect the complainant as necessary, including interim steps before the final outcome of the District's investigation necessary to prevent further discrimination against the allegedly affected student, as well as measures to prevent retaliation against the reporting student, pending the resolution of the complaint;
- vii. provisions for maintaining confidentiality of the complainant and investigation of the complaint to the extent possible;
- viii. if the procedures allow the parties access to information used at a hearing, the procedures must provide similar and timely access to both parties;
- ix. if the procedures allow for an appeal of the District's findings, the procedures must provide an equal opportunity to appeal for both parties, including notice to both parties of the appeal procedures;
- x. a definition of sexual harassment, including sexual violence, with examples;
- xi. notice to the complainant of the right to proceed with a criminal investigation and a Title IX complaint simultaneously;
- xii. notice that the CMISD will conduct its own investigation of any complaint/grievance under Title IX, independent of any law enforcement investigation regarding the same complaint or grievance;
- xiii. written notice of the District's investigative determination issued to both parties;
- xiv. 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 survivor(s) and others; and
- xv. 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

- A. By November 15, 2015, the District will provide OCR with draft revised grievance policies and procedures regarding Title IX complaints, as required in Action Item 3 above for OCR's review and approval.
- B. Within **60 calendar days** of OCR's approval of the District's revised Title IX grievance procedures, the District will adopt and implement the revised procedures and will provide students and employees with written notice regarding the revised grievance procedures for resolving Title IX complaints, together with information on how to obtain or locate a copy of the revised grievance procedures. The District will make this notification through the District's website and future student and employee handbooks.
- C. Within **15 calendar days** of the District's adoption of its revised Title IX grievance procedures, it will provide written verification to OCR that it has adopted and implemented its revised Title IX grievance procedures and has provided the notice to students and employees.

CMISD Personnel and Student Training

Action Item 4

By November 15, 2015, the CMISD will provide the Title IX Coordinator, all administrators, counselors, teachers, faculty staff and contract staff within the District appropriate training on the District's policies and procedures for investigating and resolving allegations of 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.

Reporting Requirement

By December 1, 2015, the CMISD will provide OCR with documentation demonstrating that it has timely and effectively completed Action Item 4 above. Specifically, the District will provide to OCR the names of all individuals who attended the training session(s) provided 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 materials disseminated at the training session(s).

Action Item 5

By November 15, 2015, the CMISD will provide age-appropriate training to students enrolled at CMISD middle and high schools regarding the District's policies and procedures regarding conduct prohibited by Title IX, including sexual harassment and sexual violence and the disciplinary sanctions imposed on students found in violation of the CMISD's policies regarding Title IX.

Reporting Requirement

By December 1, 2015, the CMISD will provide OCR with documentation demonstrating that it has timely and effectively completed Action Item 5 above. Specifically, the District will provide OCR evidence that all students at CMISD middle and high schools 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).

Complaint Reporting

Action Item 6:

By July 1, 2016, the District will prepare a report for OCR’s review of all verbal and written complaints of sexual harassment, sexual violence, or any other conduct prohibited by Title IX filed by any person against the District or any of its employees, students, or a third party, for the 2015-2016 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 by the District, and the District’s response to the complaint.

Reporting Requirement

By July 1, 2016, the District will provide OCR with the report referenced in Action Item 6 above, for OCR’s review. The report shall include the information referenced in Action Item 6 above.

Student Remedies

Action Item 7:

If, during the 2015-2016 school year, the District’s investigations of alleged Title IX discrimination determine that any student enrolled in CMISD has been subjected to sexual harassment or sexual violence by any of its employees, students, or a third party, the District will offer counseling services to such a student. The District will also evaluate the student to determine whether the student is in need of other remedial measures to address the effects of the harassment. The District’s evaluation must be conducted by a certified counselor knowledgeable about the emotional and mental effects of sexual harassment and sexual violence. If it is determined that the student is in need of further counseling or other remedial measures, the District will provide such counseling and/or remedial measures.

Reporting Requirement

By July 1, 2016, the District will provide OCR with a report indicating whether Action Item 7 above was applicable to any CMISD investigation of sexual harassment or sexual violence during the 2015-16 school year and, if so, will provide documentation indicating

the District’s offer of counseling or other remedial measures as referenced in Action Item 7 above.

Action Item 8

By May 31, 2016, the CMISD will conduct a climate check or series of climate checks with all enrolled middle and high school students to assess the effectiveness of steps taken pursuant to this agreement or otherwise by the CMISD, to ensure that CMISD campuses are free of sexual harassment, including sexual assaults and sexual violence. This climate check may be accomplished through a written 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 CMISD 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 CMISD to prevent sexual harassment.

Reporting Requirement

By July 1, 2016, the CMISD will submit the results of the school climate check referenced in Action Item 8 above. The CMISD will also provide an action plan to OCR regarding how it will use the results of the school climate check to further ensure CMISD students are protected from sexual harassment and violence.

XXXXXX
Superintendent of Schools
Caddo Mills ISD

Date