



## **Resolution Agreement #06-15-1408 Spring Independent School District**

Spring Independent School District (District) voluntarily submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve complaint #06-15-1408. The District submits this Agreement to ensure its compliance with 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.

Prior to the completion of OCR's investigation, the SISD agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the SISD agrees to take the following actions.

### **Action Item I: Review of Policies and Procedures**

1. **By September 21, 2018**, the District's Administration will review and revise, as necessary, its current policies and grievance procedures relating to sexual harassment to ensure that all incidents of sex discrimination are promptly investigated in accordance with its policy, a determination reached by the SISD based on the investigation, and an equitable resolution is provided in all incidents alleging any form of discrimination based on sex, without deference to criminal investigations. The District's Administration will ensure that all policy revisions are included in future publications of the sexual harassment policy and procedures and on its website. The District will also ensure that these policies and procedures include, at a minimum, the following:
  - a. notice to students and employees of the procedures, including where complaints may be filed;
  - b. application of the procedures to complaints alleging discrimination and harassment carried out by employees, other students, or third parties;
  - c. provision for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and respondent to present witnesses and other evidence;
  - d. designated and reasonably prompt timeframes for the major stages of the complaint process;
  - e. written notice to both parties of the outcome of the complaint and any appeal;
  - f. assurance that the recipient will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred, and to correct its discriminatory effects on the complainant and others, if appropriate; and
  - g. the prohibition of retaliation.

2. **By September 21, 2018**, the SISD will develop a policy memorandum notice addressed to all SISD staff and administrators who are involved in the investigations of Title IX complaints, including sexual harassment. The policy memorandum notice shall include the following:
  - a. Information regarding all revisions made to the SISD's current policies and grievance procedures relating to Title IX, by requiring prompt investigations of all allegations reported, merit determinations by the SISD based on their investigation(s), and effective and equitable resolution without deference to criminal investigations<sup>1</sup>, as delineated in Action Item I (1).
  - b. The SISD's overall responsibilities to comply with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, at 34 C.F.R. Part 106.

### **Action Item I: Reporting Requirements**

1. **By September 28, 2018**, the SISD will provide OCR a copy of the proposed Title IX policy revisions required by Action Item I (1) and a copy of the policy memorandum notice required by Action Item I (2), for OCR's review and approval.
2. The SISD will provide OCR:
  - a. A link or links to the SISD website page(s) containing the revised Title IX policies and procedures required in Action Item I (1) and a description of the method in which the policy memorandum notice was disseminated to SISD staff and administrators, including a list or email list of all employees who were provided a copy of the policy memorandum notice with the date the memorandum was provided as required in Action Item I (2) **within thirty (30) calendar days of receiving OCR's written approval of Action Item I (1) and (2) following the SISD Board of Trustees' adoption of the proposed Title IX policy revisions;**

### **Action Item II: Training**

1. The SISD will develop, and submit to OCR for review and approval, proposed Title IX training for relevant District administrators, directly involved in processing, investigating and/or resolving complaints or other reports of sexual harassment, to include SISD's Chiefs, Assistant Superintendents, Officers, Executive Directors, Title IX Coordinator, principals, assistant principals, campus Title IX liaisons, counselors or other District

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<sup>1</sup> In some instances, a complainant may allege harassing conduct that constitutes both sex discrimination and possible criminal conduct. Police investigations or reports may be useful in terms of fact gathering. However, because legal standards for criminal investigations are different, police investigations or reports may not be determinative of whether harassment occurred under Title IX and do not relieve the school of its duty to respond promptly and effectively. In addition, a school is not relieved of its responsibility to respond to a sexual harassment complaint filed under its grievance procedure by the fact that a complaint has been filed with OCR.

personnel who are likely to receive confidential reports of sexual harassment. At a minimum the training will encompass the following:

- a. The District will provide a general overview of Title IX, including how its nondiscrimination provisions applies to students and employees, the name(s) and contact information for the District's designated staff member(s) to whom students or others must report allegations of harassment, the requirement to document and report all such incidents to the Title IX Coordinator, where to locate the District's harassment policies and procedures on the District's website, and the existence of OCR and its authority to enforce Title IX.
  - b. The District will explain its Title IX policies and procedures, including an explanation of what constitute sexual harassment, the role of the Title IX Coordinator, as well as disciplinary sanctions related to findings of violations of the District's harassment policies and procedures.
  - c. The District's responsibility to: promptly investigate all reports (actual or constructive) of violations of Title IX and to take appropriate actions to reasonably prevent its reoccurrence, to take interim measures before the final outcome of the investigation, not require a student (or parent) who complains of harassment to work out the problem directly with the alleged harasser;; conduct its own Title IX investigation promptly and not wait for the conclusion of a criminal investigation; take appropriate disciplinary action against students and staff who violate the District's sexual harassment policies and procedures, notify both parties involved of the outcome of its investigation, advise complainants of their option to pursue a criminal complaint with an appropriate law enforcement agency, a sexual harassment complaint under the District's complaint procedures, or to pursue both processes simultaneously; and establish a protocol for recordkeeping of such incidents.
2. **Within ninety (90) calendar days of written notification from OCR of approval of the training described in Action Item II (1),** the SISD will provide the approved training by a qualified individual or individuals to all SISD staff and administrators referenced in Action Item II (1).

### **Action Item II: Reporting Requirements**

1. **By September 28, 2018,** the SISD will provide OCR all proposed training materials to be used and distributed during the training described in Action Item II, including all speaker's notes, PowerPoints (or other presentations), and handouts, and the name, title, and qualifications of the trainer(s).
2. **Within ten (10) calendar days of the completion of the training required by Action Item II,** the SISD will provide to OCR documentation demonstrating that it has provided the training referenced in Action Item II, including the date(s) of the training with sign-in

sheets by school; make-up dates provided; all speaker's notes, PowerPoints (or other presentations), and handouts; and the name, title, and qualifications of the trainer(s).

**Action Item III: Student Remedy**

**By September 28, 2018**, the District will complete its Title IX investigation report concerning the XXXX XXXX. Further, by September 28, 2018, the District will notify the XXXX of the XXXX XXXX of the outcome of its Title IX investigation by XXXX XXXX to the XXXX last known XXXX.

**Action Item III: Reporting Requirement**

**By October 31, 2018**, the District will provide OCR a copy of documentation that demonstrates that the XXXX was sent the XXXX XXXX required in Action Item III, and will also send OCR a copy of the SISD's Title IX investigation report.

**Action Item IV: Documentation of Investigations**

Effective immediately, the SISD agrees to document and maintain documentation (e.g., copies of investigative reports, witness statements, discipline response etc.) of Title IX complaints of sex discrimination, including sexual harassment of students, and the responsive investigations and/or responses.

**Action Item IV: Reporting Requirement**

**By June 15, 2019**, the SISD will provide OCR copies of all documentation generated from any Title IX complaint investigations conducted by the SISD at XXXX XXXX XXXX during the 2018-2019 school year. The term "documentation" is defined as Title IX investigation reports and outcome letters.

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, if necessary, 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 and 106.31, which were at issue in this complaint.

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 (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the SISD 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