

RESOLUTION AGREEMENT
Strafford R-VI School District
Complaint Number 07-16-1926

The U. S. Department of Education, Office for Civil Rights (OCR) and the Strafford R-VI School District (the District) enter into this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint.

This Agreement does not constitute an admission by the District that it has engaged in any action or conduct which violates Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. Sections 1681 *et. seq.*, and its implementing regulations at 34 C.F.R. Part 106, or any other federal or state statute or regulation. The District 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), as amended, 20 U.S.C. Sections 1681 *et. seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District 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 District agrees to take the following actions.

TITLE IX COORDINATOR

1. By August 31, 2018, the District will ensure that its Title IX Coordinator has received sufficient training to fulfill all responsibilities specified in this Agreement and has a line of reporting that provides for sufficient autonomy and authority to effectively execute these responsibilities. Specifically, the District will ensure that:
 - A. The Title IX Coordinator has sufficient knowledge of the substantive requirements of Title IX and its implementing regulations applicable to elementary and secondary schools, of the District's Title IX grievance procedure(s), and how to analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence, and take into account the unique and complex circumstances of each case under Title IX;
 - B. The Title IX Coordinator oversees the District's prompt and equitable response to Title IX disclosures, verbal reports, and written complaints (collectively "reports") made directly to the Title IX Coordinator or any other District personnel delegated the responsibility for receiving reports of sex discrimination, including sexual harassment and sexual violence, from any individual, including but not limited to students, employees, and third parties;

- C. The Title IX Coordinator, nor any individual designated by the District to assist the Title IX Coordinator, shall have other job responsibilities that create a conflict of interest with regard to their duties and responsibilities under Title IX;
- D. The Title IX Coordinator has access to all District records regarding reports of sex harassment and sexual violence, including any records by law enforcement school resource officers (SRO) germane to Title IX investigations;
- E. The Title IX Coordinator implements the District's policies and procedures prohibiting sexual violence and other forms of sexual harassment and assesses the overall efficacy of prevention, coordination, and response by the District to sexual harassment and sexual violence;
- F. The Title IX Coordinator coordinates with appropriate central office and school building administrators, counseling staff, SROs in the District, and any other District personnel or staff responsible for receiving student complaints to identify and address patterns or systemic problems under Title IX and to ensure coordination among these various offices and individuals;
- G. The Title IX Coordinator oversees the development, provision, and monitoring for effectiveness of training for:
 - (1) Individuals involved in any stage of the grievance process on the substantive requirements of Title IX and how to investigate complaints under Title IX; and
 - (2) Members of the District's community (i.e., administrators, staff, students, parents/guardians, police officers, coaches, volunteers, etc.) regarding their Title IX rights and responsibilities.
- H. The Title IX Coordinator coordinates the development and implementation of annual assessments (i.e. surveys, focus groups or other types of actions to gather information) of campus climate with regard to sexual violence and other forms of sexual harassment; and
- I. The Title IX Coordinator ensures that students who file Title IX complaints are advised of:
 - (1) The right to proceed with criminal charges, a Title IX investigation, or both simultaneously;
 - (2) The limitations of confidentiality on the District's ability to respond; and,
 - (3) The availability of appropriate, individualized remedies (including interim measures, as necessary).

- J. Upon confirmation from OCR that the Title IX Coordinator has received sufficient training to meet the terms of this item, the District will notify all students and employees of the identity, address, telephone number and email address of the individual the District has designated as its Title IX Coordinator. The District will add the Title IX Coordinator and the Title IX Coordinator's contact information to all relevant documents containing information about how to contact the Title IX Coordinator, including, but not limited to, any Title IX brochures and relevant policies and appropriate pages of the District's website.

REPORTING REQUIREMENTS: By August 31, 2018, the District will submit to OCR the name and credentials of the Title IX Coordinator and a description of the training that individual has received to carry out his or her duties and responsibilities under Title IX and this item. Within 30 calendar days of OCR's confirmation that the Title IX Coordinator fulfills the requirements of this item, the District will provide documentation to OCR that it has provided the required notice to students and employees. By December 30, 2018, the District will submit to OCR a description of all ongoing training the Title IX Coordinator receives to ensure that individual continues to carry out his or her duties and responsibilities under the Agreement and Title IX.

REVIEW OF TITLE IX POLICIES AND PROCEDURES

2. By August 31, 2018, the District will review its policies and procedures for addressing sexual violence and other forms of sexual harassment so that they are consistent with Title IX requirements, and are internally consistent and do not contain conflicting or contradictory information, and if needed, revise them to ensure that the policies and procedures adequately address any incident of sexual violence or other forms of sexual harassment and provide for the prompt and equitable resolution of complaints alleging any form of sexual harassment. At a minimum, the District's revised policies and procedures will include the following:
 - A. A general notice of nondiscrimination consistent with the requirements of the Title IX regulation at 34 C.F.R. § 106.9 regarding notices of nondiscrimination that is included in each announcement, bulletin (including parent/student and employee handbooks), catalog, or application form that it makes available to applicants for admission and employment, students, parents, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District;
 - B. A clear and consistent explanation to students, parents, employees and third parties about how to file a complaint or otherwise report all forms of sexual harassment (formally or informally), as well as notification of the policy and procedure that shall be utilized for reports of sexual harassment and sexual violence, including the name, address, phone number, and email address for the District's Title IX Coordinator;

- C. Consistent definitions of sexual harassment and examples of the type of conduct and behavior that is covered by the policy, including student-to-student and employee-to-student conduct, and identification of the kinds of activities and sites where prohibited conduct could occur;
- D. Designated and reasonably prompt time frames for each major stage of the procedure;
- E. An equal opportunity for the parties to receive written notice in advance of any interview or hearing with sufficient time to prepare for meaningful participation, to access and review evidence, and present witnesses and other evidence;
- F. An equal opportunity for each party to receive notice of the outcome of the grievance process, including but not limited to the investigation and appeal phases;
- G. Notice that the District will keep the complaint and investigation confidential to the greatest extent possible;
- H. An explanation of the availability of interim measures to either or both parties prior to an investigation or while an investigation is pending, including, as appropriate, no contact orders, academic adjustments, counseling, health services, escort services, and an assurance that the parties will not be required to arrange such services solely on their own;
- I. If the District offers an informal resolution process, a description of what the process entails and an assurance that it is prompt and equitable and a statement that either party has the right to end the informal process at any time and begin the formal stage of the complaint process;
- J. An assurance that the District will permit informal resolution, such as mediation, if it is appropriate and if all parties voluntarily agree after receiving a full disclosure of the allegations and their options for formal resolution;
- K. A prominent statement that the complainant has the option to pursue a criminal complaint with an appropriate law enforcement agency, to pursue a complaint of sexual harassment under the District's complaint procedures, or to pursue both processes simultaneously;
- L. A statement that the District will take appropriate disciplinary action against students and District personnel who violate the District policies and procedures addressing all forms of sexual harassment, and examples of the range of possible disciplinary sanctions;
- M. An explicit prohibition against retaliation, which includes witness intimidation

and interference, and a statement that reports of retaliation will be promptly investigated by the District under processes and standards that meet Title IX requirements;

- N. A commitment to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment if one has been created, prevent the harassment from recurring and, as appropriate, remedy its effects.
- O. A requirement that designated employee(s) at the District document all reports of incidents of sexual harassment, and that the District establish a protocol for recordkeeping of such incidents; and
- P. An assurance that the District's primary concern is student safety and, to encourage reports of sexual harassment, that the District will not discipline a student who makes a good faith report of sexual harassment.

Reporting Requirement: On or before August 31, 2018, the District will submit its revised Sexual Harassment Policy and its revised Sexual Harassment Grievance Procedures to OCR for review and approval.

Upon receiving OCR's approval, the District will adopt and implement the revised policy and procedures, disseminate the policy and procedures to District employees and administrators, post the policy and procedures on its website in a section accessible to students and parents, and start including the policy and procedures in new and reprinted copies of its student handbook(s).

Reporting Requirement: Within 60 calendar days of posting its OCR-approved Sexual Harassment Policy on its website, the District will provide OCR the electronic address for the specific webpage on which the policy is posted.

TRAINING ON THE REQUIREMENTS OF TITLE IX

- 3. The District will provide training on the requirements of Title IX to all District administrators. At a minimum, the training must address:
 - A. Title IX's prohibitions against discrimination, including harassment, on the basis of sex;
 - B. What District employees should do if a student or parent complains of sex discrimination or harassment by a District student, employee, or third party;
 - C. Title IX's prohibition on retaliating against a student or other individual who files a complaint alleging discrimination or harassment on the basis of sex, and on retaliating against a student or other individual who participates in a Title IX complaint investigation; and

- D. The name and contact information of the individual(s) to whom employees should direct questions about the District's process for addressing complaints made by, or on behalf of, students alleging sex discrimination or harassment.

Reporting Requirement: By no later than, August 31, 2018, the District will provide OCR documentation showing that it has provided the training required by item 4 of this Agreement. The documentation must include the date, time, and location of the training; the topics addressed at the training; copies of any handouts distributed to the training participants; the name(s), title(s) and qualifications of the individual(s) who conducted the training; and one or more sign-in sheets with the name, title, and work location of each employee who participated in the training.

DOCUMENT RETENTION

- 4. Effective immediately upon signing this Agreement, the District agrees to maintain documents relating to complaints of sex-based harassment of students in the District, including complaints that are filed formally through the District's Discrimination Complaints Procedure Policy or Grievance procedure Gender Discrimination Policy, those that are reported informally, confidentially, or anonymously pursuant to the District's Board Policies, and/or those which are observed or witnessed directly by an employee at the District. This documentation will include the following:
 - A. A copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of racial harassment;
 - B. A narrative of all actions taken in response by District personnel, including any written documentation;
 - C. A copy of any and all corrective or disciplinary actions issued to students or employees for violations of the harassment policies and procedures;
 - D. Documentation demonstrating any interim and/or remedial efforts offered and/or provided to the complainant, the alleged harasser, and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
 - E. A narrative of all actions taken to prevent recurrence of any harassment, including any written documentation.

Reporting Requirement: By August 31, 2018, the District will provide to OCR copies of the documentation of any complaint or other report of the sexual harassment of any student in the District for the 2017-2018 school year.

INDIVIDUAL REMEDY

5. Upon receiving from the Complainant notice of her intent to re-enroll the Student in the District, the District shall create a safety plan to minimize interaction between the Student and the alleged perpetrator of sexual harassment. The District will invite the Complainant to participate in the creation of the safety plan, however the ultimate decisions on the plan shall be made by the District. At a minimum, the safety plan shall provide:
 - A. To the extent possible the Student and the alleged perpetrator of sexual harassment will be placed in separate classes;
 - B. The Student will receive a locker assignment in a separate area of the school building from that of the alleged perpetrator of sexual harassment, to the extent that is possible;
 - C. The name and contact information of the District employee to whom the Student or the Complainant may report any concerns regarding bullying, retaliation, or sexual harassment.
 - D. A school counselor selected by the District shall periodically confer with the Student to assess the Student's well-being.
 - E. The District will, at the Complainant's request, provide counseling services to the Student. The District may provide the counseling through a District counselor, chosen by the District.

Reporting Requirement: Within 20 days of the Student's reenrollment, the District will provide OCR with a copy of the safety plan created pursuant to item 6 above.

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, with advance written notice to the District, 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 Title IX and its implementing regulation at 34 C.F.R. Part 106. Upon completion of the obligations under this Agreement, OCR shall close this case.

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 or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

OCR understands and agrees that this Agreement must be approved by the District's Board of Education as a matter of law. This Agreement will become effective upon its approval by the

District's Board of Education and the signature of the authorized representative of the District's Board of Education below.

/s/ John Collins
John Collins, Superintendent
Strafford R-VI School District

2/27/2018
Date