

Resolution Agreement

Logan City School District (Utah) OCR Case Number 08-13-1243

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced complaint against Logan City School District (District), pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106. Prior to the completion of OCR's investigation, the District asked to resolve the Title IX issues of this complaint pursuant to Section 302 of OCR's Case Processing Manual (CPM). In order to resolve any and all issues of this case and without acknowledging a violation and acting in good faith compliance with Title IX, the District voluntarily agrees to take the following actions:

1. The District has designated a Title IX coordinator, to coordinate its efforts to comply with and carry out its responsibilities under Title IX. The coordinator's responsibilities include investigating complaints communicated to the recipient alleging noncompliance with Title IX as required by 34 C.F.R. § 106.8(a).

Reporting Requirement 1:

By **May 31, 2014**, the District will provide to OCR written verification of its District Title IX coordinator and notification to students and employees of the name, address, and telephone number of the designated coordinator. The District will provide notice on the District's website and other forms of communication such as student and employee handbooks, pursuant to 34 C.F.R. § 106.8(a).

2. The District will review and revise its Title IX grievance procedures to address complaints of alleged sex discrimination, including sexual harassment, as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b). The District will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sex discrimination (such as sexual harassment) and will include the following:
 - a. Notice of the grievance procedures to students and employees, including where complaints may be filed;
 - b. Application of the grievance procedures to complaints alleging sex discrimination or harassment by employees, students, or third parties;
 - c. Adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
 - d. Designated and reasonably prompt time frames for the major stages of the grievance process, as well as the process for extending timelines;

- e. Written notice to the complainant and alleged perpetrator of the outcome of the complaint;
- f. An assurance that the District will take steps to prevent recurrence of any sexual discrimination, including harassment. This will include correcting any discriminatory effects on a victim of discrimination.

Reporting Requirement 2.1:

By **May 31, 2014**, the District will provide OCR for approval, its proposed revised Title IX grievance procedures demonstrating completion of Agreement Item 2.

Reporting Requirement 2.2:

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.

Reporting Requirement 2.3:

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.

- 3. The District will submit to OCR for review and approval its proposed revised notice of nondiscrimination to ensure that it meets the requirements of Title IX's implementing regulation at 34 C.F.R. § 106.9.

Reporting Requirement 3.1:

By **May 31, 2014**, the District will provide to OCR for approval, its proposed revised notice of nondiscrimination demonstrating completion of Agreement Item 3.

Reporting Requirement 3.2:

Within **60 calendar days** of OCR's approval of the District's revised notice of nondiscrimination, the District will adopt the statement and provide the District's students and employees with written notice regarding the revised statement. The District will include this revised notice in the District's website and future student and employee handbooks.

- 4. The District shall complete written investigative findings related to the allegations of this case at Mount Logan Middle School. If there is a finding that discrimination occurred, the District will take actions to prevent possible recurrence of sexual harassment and will correct

any discriminatory effect on the Student. The District will promptly provide the written findings and corrective action to the parents of the students involved in the allegations identified in this case.¹

Reporting Requirement 4:

By **May 15, 2014**, the District will provide OCR with its written investigative findings related to the allegations of this complaint at Mount Logan Middle School, corrective actions taken, and will confirm in writing that it has taken action to notify the parents of students involved in the case of its findings and corrective actions taken.

5. The District will review and revise sexual harassment training for employees and administrators at Mount Logan Middle School. The training will cover the revised notice of nondiscrimination and revised grievance procedures for Title IX, will provide instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title IX, including sexual harassment/assault and violence, and address the District's responsibilities under Title IX to investigate allegations of harassment, and whether such are potentially a discipline or criminal concern. Additionally, the training will include instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation. The District shall require all District personnel to complete the training on an annual basis. Someone knowledgeable about the requirements of Title IX and the District's approved Title IX grievance procedures will conduct the training.

Reporting Requirement 5.1:

By **June 15, 2014**, the District will provide OCR for approval, its draft training materials and will identify the trainer (s) and provide his/her qualifications.

Reporting Requirement 5.2:

Within **45 calendar days** of the beginning of the 2014-15 school year, and after OCR approval of the proposed training materials, the employee and administrator training specified in Agreement Item 5 will be conducted at Mount Logan Middle School.

Reporting Requirement 5.3:

¹ Due to the intersection of Title IX and Family Educational Rights and Privacy Act (FERPA) requirements, OCR recognizes that there may be confusion regarding what information a school may disclose to the complainant. FERPA generally prohibits the nonconsensual disclosure of personally identifiable information from a student's "education record." However, as stated in the *2001 Guidance*, FERPA permits a school to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student. This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall. We note that disclosure of other information in the student's "education record," including information about sanctions that do not relate to the harassed student, may result in a violation of FERPA.

Within **20 calendar days** of providing the training at Mount Logan Middle School further described in Agreement Item 5, the District will provide OCR with documentation that it has conducted the required training and will provide the following information: the date the training was conducted; the name(s) of the individual(s) who conducted the training; copies of any written materials (i.e., slides, handouts) used or distributed during the training; and a sign in sheet indicating all School staff attended the training.

6. The District will ensure age and grade appropriate sexual harassment materials are incorporated into its already existing annual student anti-harassment and anti-bullying training at Mount Logan Middle School, including age and grade appropriate definitions and examples of sexual harassment, how students can identify sexual harassment, and how students may report sexual harassment.

Reporting Requirement 6.1:

By **May 31, 2014**, the District will submit to OCR for approval, its Mount Logan Middle School student sexual harassment training materials as identified in Agreement Item 6.

Reporting Requirement 6.2:

Within **45 days** of OCR's approval of student sexual harassment training, the District will indicate in writing to OCR how the student sexual harassment training will be incorporated into the District's anti-bullying training at Mount Logan Middle School. The District will also indicate when the next anti-bullying student training at Mount Logan Middle School will be held.

Reporting Requirement 6.3:

By **October 30, 2014**, the District will submit to OCR the documentation that required student training has been completed and will provide the following information: the date the training was conducted at Mount Logan Middle School; the name(s) of the individual(s) who conducted the training; copies of any written materials (i.e., slides, handouts) used or distributed during the training; and confirmation that all of the School's students at Mount Logan Middle School attended the training or received the training materials.

The District understands that by signing this agreement, it agrees to provide data and other information in a timely manner to OCR 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 Mount Logan Middle School, 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 which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX.

