

## **RESOLUTION AGREEMENT**

### **Douglas County School District 08-15-1114**

The Douglas County School District (District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR). By this Agreement, the District commits to the following actions, consistent with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of federal financial assistance from the U.S. Department of Education. By entering into this Agreement, the District does not admit any violation of Title IX with regard to the allegation in the above referenced complaint.

The District agrees to take the following actions.

#### **POLICIES AND PROCEDURES**

1. The District will revise its Title IX policies and procedures to address complaints of sexual and gender-based harassment. The District will consider and respond to OCR's feedback until OCR notifies the District in writing that the revised policies and procedures are with Title IX requirements. The policies and procedures will include, at a minimum, the following:
  - a. Notice to students, parents of elementary and secondary students, and employees of the procedure, including where complaints may be filed;
  - b. Application of the procedure to complaints alleging harassment carried out by employees, other students, or third parties;
  - c. Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
  - d. Designated and reasonably prompt timeframes for the major stages of the complaint process;
  - e. Notice to the parties of the outcome of the complaint; and
  - f. An assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

#### **REPORTING REQUIREMENT**

Within 60 calendar days of the date of this Agreement, the District will submit to OCR for its review and approval the District's revised Title IX policies and grievance procedures.

2. Within 30 calendar days of written notification from OCR that the revised Title IX policies and procedures are consistent with Title IX requirements, the District will adopt and

implement the policies and procedures, and will provide all students, parents, guardians and employees written notice regarding the new grievance procedures for resolving Title IX complaints, as well as information on how to obtain a copy of the grievance procedures. The District, at a minimum, will make this notification through the District's website, electronic mail messages to employees, student and employee handbooks, and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

### **REPORTING REQUIREMENT**

Within 45 calendar days of written approval from OCR that the revised Title IX policies and procedures are consistent with Title IX, the District will provide OCR documentation that it has adopted and implemented the policies and procedures

### **TITLE IX COORDINATOR**

3. The District will ensure that its Title IX Coordinator's<sup>1</sup> job description will address the proper handling of Title IX complaints as outlined in the District's Title IX policies and procedures. The Title IX Coordinator's core responsibilities shall include overseeing the District's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator must have knowledge of the requirements of Title IX, of the District's own policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the District. The District will consider and respond to OCR's feedback until OCR notifies the District in writing that the job description complies with Title IX requirements.

### **REPORTING REQUIREMENT**

Within 60 calendar days of the date of the Agreement, the District will submit to OCR for its review and approval the District's revised job description for its Title IX Coordinator.

4. The District will develop training requirements for its Title IX Coordinator to address the proper handling of Title IX complaints as outlined in the District's Title IX policies and procedures. The District shall provide the training to the District's Title IX Coordinator annually until the close of the monitoring of this Agreement. The training will address, at a minimum:
  - a. An overview of the District's new policies and procedures for Title IX complaints;
  - b. the District's responsibilities under Title IX to address allegations of sex-based harassment;

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<sup>1</sup> The District may have more than one Title IX Coordinator with responsibilities for different areas of Title IX compliance.

- c. The District’s obligation to respond to and redress a sexually hostile environment that occurs on campus even if it relates to notice of sex-based harassment when it occurs off campus activities and occurs outside of school-related activities;
- d. How to identify sexual harassment and sex discrimination;
- e. How to recognize when the District’s obligation to respond under Title IX is triggered, including when it receives notice in a form other than a complaint;
- f. How to appropriately respond to complaints and notices of alleged sex discrimination pursuant to Title IX;
- g. The District’s obligation to respond under its Title IX policies and procedures even when law enforcement is also involved or investigating;
- h. How to conduct and document a prompt, equitable, reliable, and impartial Title IX investigation;
- i. Consideration of the requirement use of interim measures as appropriate to either or both parties during an investigation;
- j. How to document and maintain records of sexual and gender-based harassment investigations; and
- k. The Coordinator’s responsibilities to oversee the District’s response to Title IX reports and complaints, including those handled by any District officials and administrators who are directly involved in processing, investigating and/or resolving complaints of sex discrimination, and to identify and address any patterns or systemic problems revealed by such reports and complaints.

The District will consider and respond to OCR’s feedback until OCR notifies the District in writing that the training adequately provides the Title IX Coordinator sufficient knowledge to carry out the responsibilities as the District’s Title IX Coordinator.

**REPORTING REQUIREMENT**

Within 60 calendar days of the date of the Agreement, the District will submit to OCR for its review and approval the District’s training for its Title IX Coordinator.

- 5. Within 20 days of OCR’s approval of Term 3 and Term 4, the District will designate at least one Title IX Coordinator and provide the Title IX Coordinator the corresponding training.

**REPORTING REQUIREMENT**

Within 10 calendar days of the date the training, the District will notify OCR of the name, job title, and contact information for its designated Title IX Coordinator. If the District designates multiple Title IX Coordinators, the District will provide OCR with the same information for all coordinators. Additionally, the District will provide OCR with a statement, and documentation in support, that it provided the Title IX Coordinator with the required training.

**REPORTING REQUIREMENT**

Within 20 days of the date of any subsequent training, the District will provide OCR with a statement, and documentation in support, that it provided the Title IX Coordinator with the required training.

## **TITLE IX STAFF TRAINING**

6. Within 20 days of the date the District provides its training to the District's Title IX Coordinator, the District will provide Title IX training to any District officials and administrators who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including different treatment, sexual harassment, sexual assault, or sexual violence) and retaliation<sup>2</sup>. At a minimum, this training will provide:
  - a. An overview of the District's new policies and procedures for Title IX complaints;
  - b. the District's responsibilities under Title IX to address allegations of sex-based harassment;
  - c. The District's obligation to respond to and redress a sexually hostile environment that occurs on campus even if it relates to off campus activities;
  - d. How to identify sexual harassment and sex discrimination;
  - e. How to recognize when the District's obligation to respond under Title IX is triggered, including when it receives notice in a form other than a complaint;
  - f. How to appropriately respond to complaints and notices of alleged sex discrimination pursuant to Title IX;
  - g. The District's obligation to respond under its Title IX policies and procedures even when law enforcement is also involved or investigating;
  - h. How to conduct and document a prompt, equitable, reliable, and impartial Title IX investigation;
  - i. Consideration of the requirement use of interim measures as appropriate to either or both parties during an investigation; and
  - j. How to document and maintain records of sexual and gender-based harassment investigations.

## **REPORTING REQUIREMENT**

Within 10 days after completing the training, the District will provide OCR with an outline of the training, the name and qualifications of the trainer, a copy of materials distributed at the training, and a list (by name and position) of all who completed the training.

## **MEMO**

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<sup>2</sup> This training may be the same training as provided to the District's Title IX Coordinator and may also be provided at the same time as and with the training provided to the Title IX Coordinator.

7. Within 20 days of the date the District provides its training to the District's Title IX Coordinator, the District will provide a memo (Memo) to all District staff. The Memo shall, at a minimum, explain that:
  - a. The District has designated a Title IX Coordinator responsible for overseeing the District's response to Title IX reports and complaints, including those handled by any District officials and administrators who are directly involved in processing, investigating and/or resolving complaints of sex discrimination, and to identify and address any patterns or systemic problems revealed by such reports and complaints.
  - b. The District has implemented new policies and procedures designed to address the District's Title IX obligations;
  - c. The District is required to respond to all allegations and complaints of sexual harassment, including any notice of sexual harassment regardless of whether a complaint or allegation is made;
  - d. All staff are required to read the District's Title IX policies and procedures and are required to be knowledgeable about sexual harassment and their own obligation to report any notice, complaint, or allegation of sexual harassment to the District's Title IX Coordinator or designee and according to the District's policies and procedures.

### **REPORTING REQUIREMENT**

Within 10 days of the date the District issues the Memo, the District shall provide OCR with a statement confirming it has issued the Memo, a list of names along with job titles of all recipients of the Memo, and a copy of the final memo as issued. The District shall provide supporting evidence showing it has issued the Memo (e.g. copy of email showing list of recipients, a sign-in sheet, etc.).

### **NOTICE OF NON-DISCRIMINATION**

8. The District will draft and submit to OCR for its review and approval a revised notice of nondiscrimination pursuant to 34 C.F.R. § 106.9, which will notify students, parents, employees, and other relevant persons that it does not discriminate on the basis of sex in the education programs or activities that it operates and that it is required by Title IX not to discriminate in such a manner. The notice will direct inquiries concerning the application of Title IX to the Title IX Coordinator<sup>3</sup>. The policy shall include the name or title, office address, and telephone number for the District's Title IX Coordinator. The District will publish this notice consistent with the requirements of Title IX at 34 C.F.R. § 106.9.

### **REPORTING REQUIREMENT**

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<sup>3</sup> The District may have more than one Title IX Coordinator with responsibilities for different areas, such as one for student complaints and another for staff complaints. Also, the District may have one coordinator for student complaints who only handles Title IX concerns regarding equitable access to athletics. However, the notice of non-discrimination needs to provide the required information for each individual as well as sufficient information to clarify to the readers of their areas of responsibility.

Within 45 calendar days of the date of this Agreement, the District will submit to OCR for its review and approval a copy of the District's Title IX notice of nondiscrimination.

9. Within 45 calendar days of written notification from OCR that the District's notice of nondiscrimination complies with Title IX, the District will ensure that, to the extent required by Title IX at 34 C.F.R. § 106.9, each of its electronic and printed publications of general distribution that provide information to students, parents, employees and other relevant persons about District's services and policies contain the notice of nondiscrimination. Inserts may be used pending reprinting of these publications.

**REPORTING REQUIREMENT**

Within 60 calendar days of OCR's approval of the District's notice of nondiscrimination, the District will provide OCR with documentation that it has published its notice of nondiscrimination consistent with the terms of this Agreement, including copies of any printed publications, and web links to any electronic publications containing the notice.

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 Title IX and its implementing regulation at 34 C.F.R. Part 106. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 (34 C.F.R. §§ 100.9, 100.10), 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.

This Agreement will become effective immediately upon the signature of the District's representative below.

\_\_\_\_\_/S/\_\_\_\_\_  
Douglas County School District

\_\_\_\_\_/8/31/18\_\_\_\_\_  
Date