

**Resolution Agreement**  
**Mesa Public School District**  
**OCR Complaint # 08-16-1138**

In order to resolve an allegation in Case Number 08-16-1138, filed against Mesa Public School District (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement the following Resolution Agreement. The complaint was opened to investigate an allegation that the District failed to comply with 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.

This agreement shall not in any way be construed as an admission by the District that it has acted wrongfully or violated any laws, and the District specifically disclaims any liability to or wrongful acts against the Complainant or any other person.

**Review of Policies, Practices, and Procedures**

1. *Sexual Harassment Policies and Grievance Procedures.* The District will review and revise, as necessary, its sexual harassment policies and grievance procedures to ensure they adequately address and provide the District sufficient options for responding promptly and appropriately to incidents of sex discrimination and harassment. At a minimum, the District will ensure that its policies and procedures provide the following<sup>1</sup>:

- a. Notice to 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

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<sup>1</sup> OCR notes that the Title IX regulations also require a recipient to designate at least one employee to coordinate its Title IX compliance efforts, and to publish the coordinator's contact information. Additionally, a recipient is required to publish a statement that it does not discriminate on the basis of sex in the education programs or activities it operates and that it is required by Title IX not to discriminate in such a manner. The notice must also state that questions regarding Title IX may be referred to the recipient's Title IX coordinator or to OCR.

OCR determined that the District has already designated a Title IX Coordinator, and has published an appropriate nondiscrimination statement.

- f. An assurance that the District will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

**REPORTING REQUIREMENT:** By **January 1, 2019**, the District will provide for OCR's review a summary of its review and, if necessary, a draft of the revised policies or grievance procedures and any additional policies or informational documents that address complaints alleging discrimination on the basis of sex (including sexual and gender-based harassment, assault, and violence). OCR will review these materials in order to ensure that these comply with Title IX and this Agreement.

**REPORTING REQUIREMENT:**

If it is determined that the District's policies or grievance procedures require amendment, within 30 calendar days of OCR's approval of the revised policies and procedures, the District will certify to OCR that it has (i) formally adopted the revised documents, or, if such formal adoption has not yet occurred, the District will certify to OCR the date on which the appropriate governing body of the District will convene to formally adopt the revised policies and procedures, and the District will certify such formal adoption to OCR within 5 days thereof; (ii) updated all printed publications and on-line publications with the revised documents (inserts may be used pending reprinting of these publications); and (iii) electronically disseminated the revised grievance procedures to students and employees. This documentation will include evidence of the electronic dissemination of the revised grievance procedures to students and employees, a list of the titles of the publications in which the information appears (e.g. District catalog, website, student handbook) as well as a copy of any such publications or a link to an on-line publication containing the revised grievance procedures; or if not yet finalized, a copy of the insert for printed publications. The District will also provide documentation of how the revised procedures were distributed; and that District police, the Title IX Coordinator, Title IX staff, students, employee union leaders and other appropriate District community members have access to the procedures and know where copies may be obtained.

**Training**

3. *Policies and Procedures training.* The District will provide training to X-redacted-X. The training, at a minimum, will cover: the role and duties of the Title IX Coordinator; how to identify sex discrimination, sexual and gender-based harassment, assault and violence; the District's sexual harassment policies and grievance procedures; how to appropriately address incidents and complaints under Title IX, including where and to whom to report such incidents; the District's responsibilities under Title IX to address such allegations; relevant resources available to victims; and the issues of confidentiality and retaliation. During the training, the District will provide copies of its nondiscrimination notice and Title IX grievance procedures to all attendees, or refer them to their location within the publications they already possess or on the District's website.

**REPORTING REQUIREMENTS:** Within thirty (30) calendar days of OCR's approval of the District's revised sexual harassment policies and grievance procedures, the District will identify the proposed trainer, describe the trainer's qualifications to deliver the required training, and provide a brief description of the training that is planned. The District will respond to any feedback OCR provides regarding the qualifications of the trainer and description of the training.

**REPORTING REQUIREMENTS:** Within sixty (60) calendar days of OCR’s approval of the proposed training and trainer, the District will provide documentation to OCR demonstrating that the training was provided by the District. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s); the date(s) and time(s) of the training(s); a description of each training; the type of audience; sign-in sheets for each session with the names and titles of those attending; and copies of any training materials distributed.

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.

For Mesa Public School District:

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent Ember Conley

11/05/2018  
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Date