

Resolution Agreement

Tempe Union High School District

OCR Case Number 08-16-1225

The U.S. Department of Education, Office for Civil Rights (OCR) received a complaint against Tempe Union High School District (the District). The Complainant alleged that the District is in violation of Title IX of the Education Amendments of 1972, and its implementing regulation at 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.

The District has agreed to take the steps outlined in this Resolution Agreement (the Agreement) to resolve the complaint. This Agreement does not mean that the District has admitted to a violation.

RESOLUTION ACTIONS

Sexual Harassment Grievance Procedures

1. Revise Sexual Harassment Grievance Procedures

The District will revise its Sexual Harassment Grievance Procedures (the Procedures) to ensure that the Procedures are consistent with Title IX and its regulatory requirements and guidance and to ensure that the District appropriately and timely responds to all reports and complaints, whether verbal or in writing, of sexual harassment. The Procedures shall set forth, at a minimum, the District's obligation to do the following:

- a. Consistently identify designated administrators and staff that an individual can report a claim of sexual harassment, and ensure sufficient notice of the contact information for the Title IX Compliance Officer and the designated Title IX coordinators;
- b. Complaints that are filed beyond 30 days of the alleged discriminatory act will be considered;
- c. Identify, investigate, and document incidents and alleged incidents of possible sexual harassment, including information that comes to the attention of School or District staff without a formal written complaint;
- d. Provide for the adequate, reliable, prompt, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- e. Determine the remedial action(s) necessary to address and resolve an incident, including, as appropriate, provision of counseling to the harasser, discipline, strategies to protect the individual subject to the harassment and witnesses from retaliation, counseling and provision of academic resources for the individual harassed, other steps to address any impact on the individual harassed, witnesses and the broader student body, and any other steps reasonably calculated to prevent future occurrences of harassment;

- f. Make clear that schools should not wait for the conclusion of a criminal investigation or a criminal proceeding to begin their own Title IX investigation;
- g. Provide verbal notice to the victim and his or her parents or guardians when the complaint is made that they can provide the school a list of witnesses and/or documents that the school should consider during the investigation.
- h. Provide written notice to the parties of the findings of the investigation, the final decision, and the reasons for the final decision;
- i. A statement that Title IX prohibits retaliation against any individual who files a complaint or participates in a complaint investigation pursuant to Title IX; and
- j. Provide an appropriate appeal process for both the perpetrator and victim if an appeal process is provided to one of them.

REPORTING REQUIREMENT: Within 90 days from the date this Agreement, the District will provide OCR with its Revised Sexual Harassment Grievance Procedures.

2. Adopt Revised Sexual Harassment Grievance Procedures

After obtaining OCR's approval of the Revised Sexual Harassment Grievance Procedures, the District will adopt the Procedures and include the Procedures in the Student Handbook (to appear in the next printing), on the District's and School's websites, and in other documents in which the District's Procedures are announced. Until the next reprinting of the Student Handbook, the District will include a notice in the school newsletters, or other means of communication dispersed to the community (i.e. email announcements, posts on school websites, etc.), that the Revised Sexual Harassment Grievance Procedures has been adopted, along with URLs of web pages in which the Revised Sexual Harassment Grievance Procedures are provided in full.

REPORTING REQUIREMENT: Within 30 days of obtaining OCR's approval of its revised Procedures, the District will provide copies of all publications (including URLs of web pages) in which the revised Procedures have been communicated, including the Student Handbook.

3. Train Staff Members

Within 120 days of OCR's approval of the revised Procedures, and annually thereafter for two years, the District will provide training on the revised Procedures to all appropriate School Staff, explaining the procedures and how they will be followed.

Training must include the following:

- a. Who an individual can report a claim of sexual harassment to;
- b. The identity and responsibilities of the District's Title IX Compliance Office and Title IX Coordinators;

- c. Complaints can be written or oral, and must be resolved promptly and equitably;
- d. Schools must provide for the adequate, reliable, prompt, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- e. Schools should not wait for the conclusion of a criminal investigation or a criminal proceeding to begin their own Title IX investigation; if needed, schools must take immediate steps to protect the student in the educational setting;
- f. After receiving a Title IX complaint, the District is required to document its findings, decision, and the reasons for the District's decision;
- g. The District is required to provide written notification to the parties of the outcome of a Title IX complaint; and
- h. A statement that Title IX prohibits retaliation against any individual who files a complaint or participates in a complaint investigation pursuant to Title IX.

REPORTING REQUIREMENT: Within 30 days after completing the training on its revised Procedures, the District will provide OCR an outline of the training, the name and qualifications of the trainer, a copy of the materials distributed at the training, and a list (by name, position, and school) of all who completed the training.

The District's Title IX Coordinator

1. The District will ensure that the employee(s) who are designated to serve as the District's Title IX Coordinator(s) are qualified to coordinate the District's efforts to comply with and carry out the responsibilities under Title IX and its implementing regulation, including any investigation of any complaint communicated to the District alleging its noncompliance with Title IX and its implementing regulation which would be prohibited by Title IX. The District will provide the qualifications of the designated Title IX Coordinator(s) who serve in that position.
2. Once OCR is assured of the qualifications of the District's Title IX Coordinator(s), the District will relocate its Notice of Non-Discrimination and the identity, name, title, and contact information for its Title IX Compliance Officer and designated Title IX Coordinators at a location on the District website so that the general public can easily locate the notices. The District will update this Notice as necessary if the names or contact information of the Compliance Officer or Coordinators change.
3. The District will include the Notice of Non-Discrimination and Notice of its Title IX Compliance Officer and Coordinators in the Student Handbook (to appear in the next printing), on the District's and School websites, and in other documents in which the District's Grievance Procedures are announced. Until the next reprinting of the Student Handbook, the District will include a Notice of the Title IX Compliance Officer and Coordinators in school newsletters, or other means of communication dispersed to the community (i.e. email announcements, posts

on school websites, etc.), along with URLs of web pages in which the Revised Sexual Harassment Grievance Procedures are provided in full.

4. **REPORTING REQUIREMENT:** Within 30 days of the date of this Agreement, the District will provide documentation supporting that the District's Title IX Coordinator(s) are qualified to serve in that position. Upon OCR's satisfaction of the qualifications, within 45 days of OCR's approval, the District will provide copies of all publications (including URLs of web pages) in which the Notices have been communicated, including the Student Handbook.

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 which were at issue in this case.

The District agrees to provide data and other 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, which were at issue in this case.

This Agreement will remain in effect until OCR determines that the District has fully complied with all of its provisions. Upon determining that the District has achieved full compliance with the terms of this Agreement, OCR will conclude its monitoring and will notify the District that it is closing this case and terminating this Agreement.

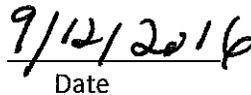
The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The person signing for the District represents that he/she is authorized to bind the District to this Agreement. This Agreement becomes effective the date of the signature below.

For Tempe Union High School District:



Dr. Kenneth R. Baca
Superintendent



Date