

Resolution Agreement
Denver Public Districts
OCR Complaint # 08-16-1385

In order to resolve an allegation in Case Number 08-16-1385, filed against Denver Public Schools (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 Student or any other person.

Individual Relief

1. *XXX-Provision Redacted-XXX*
2. *Student Support.* The District agrees to monitor the Student's academic progress and check in with the Student monthly to assess and address any continuing academic or non-academic effects that she is experiencing relating to the Harassment.

REPORTING REQUIREMENT: By June 30, 2018, and annually thereafter until OCR closes the monitoring of this Agreement, the District will provide a report to OCR confirming that it conducted monthly check-ins and monitored the student's academic progress as required by Term 2 of this agreement. The report will include a summary of the Student's academic progress and any academic or non-academic effects reported by the Student relating to the Harassment.

3. *Safety Plan.* If the District receives information that the Student's alleged harasser (herein "XXX") intends to enroll at East High School, the District agrees to notify the Complainant of this fact within twenty-four (24) hours of receiving this information. If XXX enrolls at East High School, the District agrees that XXX will not be permitted to attend East High School until a Safety Plan is developed. The District will consider the Student's and Complainant's input in developing a Safety Plan. The District will include in the Safety Plan a no-contact order and other measures designed to minimize proximity and prevent interaction between the Student and XXX. Per the Complainant's specific request, if XXX enrolls at East High School, the Student will be given an immediate opportunity to transfer to another District high school through the Round 2 Choice Process.¹

¹ Title IX interim and remedial measures typically should be crafted to minimize the burden on the alleged victim. In this case, the Complainant specifically requested to have the option of a transfer available to the Student.

REPORTING REQUIREMENT: Within thirty (30) calendar days of receiving information that TJM intends to enroll at East High School, the District will provide OCR with a report detailing the actions it took to comply with Term 3 of this agreement, including any supporting documentation.

Training – Staff at McAuliffe International School

4. The District will provide training to McAuliffe International School’s Principal, Assistant Principals, School Title IX Coordinator, counselors, school psychologist, and any other individual at the School who has responsibility for conducting investigations or supervising investigators regarding the prevention of and response to possible sexual harassment. This training will include, at a minimum:
- a. instruction on what types of conduct constitute sexual harassment (including sexual violence), and the negative impact that such harassment has on the educational environment;
 - b. a review of the policies and procedures, including specific guidance on what constitutes sexual harassment, the School’s responsibility for responding to such harassment, and how to respond to such harassment;
 - c. how to conduct and document adequate, prompt, reliable, and impartial investigations and the appropriate standards to apply in reaching determinations
 - d. how to interview and interact with complainants in a way that is trauma-informed, sensitive, and respectful;
 - e. a statement that sexual harassment of students will not be tolerated, and that any staff member who knows or believes such conduct may be occurring is required to report such knowledge or belief to the building principal or the Title IX Coordinator;
 - f. notice that failure to respond appropriately to notice of sexual harassment, or retaliation for reporting such harassment, violates District policy and may result in the imposition of disciplinary sanctions.

REPORTING REQUIREMENT:

- a. Within thirty (30) calendar days of OCR’s approval of the District’s revised sexual harassment policies and grievance procedures (see below), the District will provide a draft training plan to OCR for review and approval that includes the training materials and identifies the trainer(s) and their credentials for providing the proposed training.
- b. Within thirty (30) calendar days of receiving OCR’s approval of the training materials and the trainer(s), the District will notify OCR that it has provided the requisite training, including a description of the content covered, who

provided the training, and who participated.

Review of Policies, Practices, and Procedures

5. *Notice of Nondiscrimination.* The District will amend its notice of nondiscrimination to ensure that it meets the requirements of the regulation implementing Title IX, including listing the name, title and contact information (including phone number, office address and e-mail) for its Title IX Coordinator; and stating that inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or to OCR. The District will broadly publish its revised notice of nondiscrimination, including on the District's website, and in its promotional materials, student and employee handbooks, application forms and its other published materials in accordance with 34 C.F.R. § 106.8(a).

REPORTING REQUIREMENT: By November 1, 2018, the District will provide to OCR for review and approval a copy of its amended notice of nondiscrimination.

REPORTING REQUIREMENT: Within 30 calendar days of OCR's approval of the notice of nondiscrimination, the District will provide to OCR a list of the titles of the publications in which the notice of nondiscrimination appears (e.g. District catalog, website, student handbook) and a copy of at least one publication disseminated to the campus community, or printouts or a link to an on-line publication containing the notice. Should the District require more than 30 days due to periodic printing of District materials, inserts may be used pending reprinting of those publications.

6. *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:

- 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: By January 31, 2018, 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: Within 30 calendar days of OCR's approval of the revised policies and procedures, the District will certify to OCR that it has formally adopted the revised documents; updated all printed publications and on-line publications with the revised documents (inserts may be used pending reprinting of these publications); and 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.

District-Wide Training

7. The District will provide training to all District personnel charged with implementing the revised policies and procedures, including all District Title IX Staff (i.e, Title IX Coordinator, Title IX Investigators or other staff charged with responding to or receiving Title IX reports). 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 revised 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 also 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, 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.

8. *Training for Title IX Staff.* In addition to the training described in Item 7 above, the District will provide training for all District Title IX Staff (i.e. Title IX Coordinator, Title IX Investigators or other staff charged with responding to or receiving Title IX reports). The training, at a minimum, will cover: instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including an emphasis on the complainant's right to pursue the District's process and the law enforcement process at the same time, as well as a reminder of the policy prohibiting retaliation and intimidation; how to interview and interact with complainants in a way that is trauma-informed, sensitive and respectful ; a definition of consent for sexual conduct used by the District; and what to do to respond to additional incidents of alleged sexual harassment and retaliatory harassment that the District receives notice of during an investigation.

REPORTING REQUIREMENTS: Within 30 calendar days of OCR's approval of the District's revised Non-discrimination Notice and Sexual Harassment Policies and Grievance Procedures, the District will also 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 60 calendar days of OCR's approval proposed training, the District will provide documentation to OCR demonstrating that 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.

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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 Denver Public Schools:

/s/

Name and Title

9/22/17

Date