

Resolution Agreement
Paradise Valley Unified School District
OCR Complaint # 08-17-1386

In order to resolve an allegation in Case Number 08-17-1386, filed against the Paradise Valley Unified School District (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District voluntarily agrees to implement the following Resolution Agreement (Agreement). The complaint included an allegation by one student of an incident in which 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.

The District disputes that it discriminated as alleged. Its decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

Review of Sexual Harassment Policy and Complaint Procedures

1. *Sexual Harassment Policy and Complaint Procedures.* The District will review and revise, if necessary, its sexual harassment policy and grievance procedures to ensure they adequately address and provide the District sufficient options for responding promptly and appropriately to reports of sex discrimination and harassment. At a minimum, the District will ensure that its policy and procedures provide the following:

- a. Notice to parents or guardians, students and employees at the School 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 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 October 15, 2018, the District will provide for OCR's review and approval, a summary of its review, including any proposed modifications to its complaint procedures and any additional policies or informational documents that address complaints alleging discrimination on the basis of sex. OCR will review these complaint procedures and related materials in order to ensure that these comply with Title IX and this

Agreement. The District will fully and promptly address comments by OCR that are required by law to comply with Title IX and will continue to modify the proposed policies until they receive final OCR approval.

REPORTING REQUIREMENT: If it is determined that modifications are necessary, within 30 calendar days of OCR's approval of any revised policies and procedures, the District will certify to OCR that it has formally presented any revised documents to the District's Governing Board for adoption. If the Governing Board proposes modifications to the submitted documents, OCR will review those modifications to ensure that they comply with Title IX. The District and its Governing Board will fully and promptly address comments by OCR that are required by law to comply with title IX and will continue to modify the proposed policies until they receive final OCR approval.

REPORTING REQUIREMENT: If it is determined that modifications are necessary, within 30 calendar days of OCR's approval of any revised policies and procedures, the District will certify to OCR that it has formally 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 on its website for parents or guardians, students and employees. This documentation will include evidence of the electronic dissemination of the revised grievance procedures to parents or guardians, 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 the Title IX Coordinator, Title IX staff, parents or guardians, students, employees, have access to the procedures and know where copies may be obtained.

Training

2. *Training for School Staff.* The District will provide training for all staff at the School involved in the complaint, including any staff that is shared by the School with another school. The training, at a minimum, will cover: the role and duties of the Title IX Coordinator; the District's Title IX policies and procedures, including staff responsibilities to make the Title IX Coordinator aware of incidents of sexual harassment; the District's responsibility to conduct adequate, reliable, and impartial Title IX investigations; how to recognize and appropriately respond to incidents and complaints under Title IX.

REPORTING REQUIREMENTS: Within 30 calendar days of OCR's approval of the District's Non-discrimination Notice and Sexual Harassment Policies and Complaint 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 fully and promptly address comments by OCR to ensure that the content of the training accurately reflects the District's obligations that are required by law under Title IX and will continue to modify the proposed training until it receives final OCR approval.

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

Future Incidents at Echo Mountain Intermediate School

3. *2018-19 Incidents.* During the 2018-2019 school year, the District will investigate every report of sex-based discrimination at Echo Mountain Intermediate School, regardless of whether the report is written or oral, pursuant to its policies and procedures. The District will maintain a record in appropriate format of every investigation. The records will include:

- a. documentation of all written and oral complaints and reports of alleged sex discrimination (e.g., reporting forms and incident reports), including who filed the complaint or made the report;
- b. description of interim measures taken, if any, to protect the student in the educational setting, pending the outcome of the District's investigation;
- c. description of the District's actions taken in response to the complaints and reports, including investigative documentation (e.g., witness statements and interview notes), as well as documentation related to the District's findings, including whether sex discrimination was found;
- d. documentation related to the District's response when sex discrimination was found, including any disciplinary and corrective actions taken, as well as efforts to prevent recurrence;
- e. a description of any remedies secured for the victim(s), if applicable; and
- f. a description of any patterns and systemic problems identified by the District's Title IX Coordinator during his review of the complaints and reports, and what was done to address such patterns and problems.

REPORTING REQUIREMENTS: By July 1, 2019, the District will submit a summary list, preferably in digital spreadsheet format, of all reports received during the reporting period (including reports still under investigation), identifying the alleged victim by name, the date of the alleged incident, and the date of the report. The District will also submit copies of the complete record for each investigation completed during the reporting period.

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 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 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 the District /s/

Date