

Resolution Agreement
Jefferson County District R-1
OCR Complaint # 08-18-1277

In order to resolve an allegation in Case Number 08-18-1277, filed against the Jefferson County District R-1 (District) regarding xxxxxxxxxxxx School (School) 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 or that OCR made any finding of wrongdoing or legal violation, and the District specifically disclaims any liability to or wrongful acts against the Student or any other person.

OCR understands that, during the course of OCR's investigation, the District has voluntarily taken steps related to Items 1-4 of this agreement. OCR will consider whether the steps taken fulfill some or all of the District's obligations under these Items.

Training

1. *Training for School Staff.* The District will provide training for all staff at the School (including any staff who are shared by the School with another school) and the Achievement Director assigned to the School. The training, at a minimum, will cover: the role and duties of the Title IX Coordinators; the District's Title IX policies and procedures, including staff responsibilities to make the school administration and/or Title IX coordinator¹ aware of incidents of sexual harassment; the District's responsibility to conduct and document adequate, reliable, and impartial Title IX investigations; how to recognize and appropriately respond to incidents and complaints under Title IX, including how to interact with, and when appropriate, how to interview students in a way that is trauma-informed, sensitive, and respectful; and how to identify sex discrimination, sexual and gender-based harassment, assault and violence.

REPORTING REQUIREMENTS: By September 15, 2018, the District will identify the Title IX Coordinator who will deliver the required training, provide a brief

¹ To the extent school staff reports an alleged incident of sexual harassment to school administration, school administration then has the responsibility of ensuring the Title IX Coordinator is aware of the incident.

description of the training, and provide a description of the trainer's qualifications. The District will fully and promptly address comments by the OCR regarding the Title IX training and will modify the proposed training, if necessary, until it receives final OCR approval.

REPORTING REQUIREMENTS: By September 15, 2018, the District will provide documentation to the 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 who attended; and copies of any training materials distributed.

Documenting Complaints

2. *Documenting Complaints.* The District will submit to OCR for its review and approval a revised procedure that ensures schools within the District document each incident or complaint of discrimination on the basis of sex (including sexual or gender-based harassment, assault and sexual violence) received by the District, whether formal or informal, written or verbal, and report such incidents to the District's Title IX Coordinator. The procedure will include, at a minimum:
 - a. a process to ensure incidents or complaints are documented;
 - b. a process to ensure that the Title IX Coordinator is made aware of incidents and complaints;
 - c. a process to ensure that the Title IX Coordinator responds to incidents that are received or delegates to District staff at individual schools that authority, including factors relevant in determining when to delegate the authority; and
 - d. a process to ensure that the Title IX Coordinator is made aware of the final disposition of any response to an incident that has been delegated to school staff.

REPORTING REQUIREMENT: By October 26, 2018, the District will submit the above-referenced procedure to OCR for its review and approval. The District will fully and promptly address OCR comments, if any and if necessary, will modify its procedure until it receives final OCR approval. Within 60 days of OCR's approval, the District will complete the modifications to its procedure and provide OCR with documentation confirming the procedure has been adopted and published.

3. *Dissemination of Procedures.* The District will draft a document to be circulated to all certified District staff at the School level. The document will identify the District policies and procedures to document reports of sexual harassment and to bring reports of sexual harassment to the attention of the District's Title IX Coordinator. The District shall distribute the document electronically to all certified District staff who are employed at District schools, and may do so concurrent with other documents or training provided by the District.

REPORTING REQUIREMENT: By October 26, 2018, the District will submit a draft document to OCR for its review and approval. The District will fully and promptly address comments by OCR and will continue to modify the document, if necessary, until it receives final OCR approval.

Within 30 days of OCR's approval of the procedure, the District will electronically distribute the document to all certified District staff who are employed at the school level. Within 45 days of OCR's approval of the procedure, the District will provide documentation to demonstrate that it has distributed the document electronically to District staff.

Individual Relief

4. *Investigation.* The District will confirm it completed its investigation into the Complainant's allegation, determining whether the Student was subjected to an on-campus hostile environment during the xxxxxxxx and xxxxxxxx school years. If the District determines that any off-campus or on-campus activity created a hostile environment for the Student on-campus, it will take steps to redress the hostile environment that are tailored to the particularized facts it determined as a result of its investigation and taking steps necessary to ensure that the Student and other District students are not subjected to further harassment by Student A.

REPORTING REQUIREMENT: By September 15, 2018, the District will provide a copy of all documentation, including notes, memoranda, witness interviews, and notice of findings, related to its investigation into whether the Student was subjected to an on-campus hostile environment. The District will fully and promptly address OCR comments regarding the adequacy of the investigation, if any and if necessary, will supplement its investigation until it receives final OCR approval. If, after OCR approval of the investigation, the District determined that the Student was subject to a hostile environment, it will provide documentation to demonstrate any steps the District took to redress a hostile environment and any steps it took to ensure that District students are not subject to further harassment by Student A.

5. *Offer of Counseling.* By September 15, 2018, the District will offer, in writing, to have the Title IX Coordinator meet with the Student and Complainant in person, via telephone, through correspondence, or through other means preferred by the Student regarding the District's alleged failure to promptly investigate her complaint allegations. The letter will inform the Student and Complainant that the District has updated its Title IX procedures to ensure that complaints of sex discrimination, including sexual and gender-based harassment, assault and violence are timely processed and reported to the District's Title IX Coordinator. In addition, the letter will offer to provide the Student with counseling with a District counselor or social worker once every other week for up to one year, to address any emotional, psychological, academic, or employment issues she faced as a result of the District's delay in processing her complaint. The letter will provide contact information for a

person within the District familiar with the District’s counselors and social workers to coordinate the counseling.

The Student must notify the District within 21 days of receipt of the letter whether Student accepts the offer. If the Student accepts the District’s offer of counseling, the contact person identified in the letter will collaborate with the Student to identify three (3) possible District counselors or social workers that can meet with the Student at a time and place within the District boundaries that does not require the Student to travel more than 20 miles from either her residence or work, whichever is closer, and does not disrupt her school/work schedule.² If the Student informs the contact person that her residence or school/work schedule has changed, the contact person will meet with the Student within 14 days of receipt of this information to discuss whether a change of counselor is reasonable under the circumstances.

REPORTING REQUIREMENTS: By October 26, 2018, the District will provide OCR with documentation to OCR demonstrating its implementation of Item 5, including copies of the letter issued to the Student and Complainant, any responses received to the letters, including information to show that the Student accepted or declined the offer of counseling.

If the Student accepts the offer of counseling, the District will provide OCR with documentation by November 11, 2019, of any actions it took as a result, including the counselor’s or social worker’s calendar or other documentation of counseling sessions held and any changes to the counseling schedule.

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 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.

² XXX.

DRAFT Resolution Agreement
08-18-1277 Jefferson County School District

For the District

Date