

RESOLUTION AGREEMENT

Huerfano RE-1 School District (OCR Case 08-22-1354)

Huerfano RE-1 School District (District) hereby enters into this agreement (Agreement) to resolve allegations in the above-referenced case. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U.S. Department of Education (Department), Office for Civil Rights (OCR) that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., 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 Department.

Prior to OCR issuing a final determination pursuant to Section 303 of OCR's *Case Processing Manual* (CPM), the District agreed to resolve the issues in this case pursuant to CPM Section 302. Accordingly, to resolve the issues, the District agrees to implement the following terms and reporting requirements.

I. TITLE IX GRIEVANCE PROCEDURES

1. The District will review and revise its Title IX grievance procedures to ensure compliance with the requirements of 34 C.F.R. § 106.45. The District shall provide OCR a copy of the revised Title IX grievance procedures and make any necessary revisions based on OCR's review prior to adoption and publication. Once OCR approves the draft Title IX grievance procedures, the District shall formally adopt the Title IX grievance procedures and publish the updated procedures

Reporting Requirement A: Within 60 calendar days of the effective date of this Agreement, the District will provide a draft of the District's revised Title IX grievance procedures identified in Term 1 of the Agreement to OCR for its review and approval. The District agrees to fully and promptly respond to OCR's concerns, if any, until OCR notifies the District that the revised policies and procedures are approved.

Reporting Requirement B: Within 45 calendar days of receiving OCR's approval of the revised Title IX grievance procedures, the District will provide OCR with documentary evidence that the District has adopted the revised Title IX grievance procedures and posted information about them with links on its websites.

2. The District will develop and submit to OCR for review and approval a guidance memorandum for all District employees and contractors who respond to sexual harassment, including, but not limited to, administrators, teachers, counselors, coaches, school resource officers, and any other staff the District deems appropriate, regarding the District's obligations to respond to notice of sexual harassment and investigate formal

complaints of sexual harassment in compliance with 34 C.F.R. § 106.45. The guidance memorandum will address the topics listed below:

- a. The District's policies prohibiting sex discrimination by students, employees, and contractors, including harassment based on sexual orientation;
- b. A summary of the District's grievance procedures for resolving sexual harassment complaints, including but not limited to formal complaints of sexual harassment, a reference to where individuals can locate the full procedures, and the name and contact information of the District-level employee responsible for ensuring that schools implement the procedures and coordinating responses to complaints of sexual harassment;
- c. An explanation of what constitutes a "formal complaint" of sexual harassment, which requires compliance with 34 C.F.R. § 106.45;
- d. What District employees and contractors must do if they witness or otherwise learn of sexual harassment of a student by another student, employee, or contractor, including harassment based on sexual orientation; these steps should make clear who should report the sexual harassment to the District's Title IX Coordinator, who is responsible for investigating the harassment, and that the District's Title IX Coordinator will promptly contact the complainant(s) to discuss the availability of supportive measures, such as counseling, accommodations to class assignments or exams, safety plans, or no-contact orders, and explain the process for filing a formal complaint and how to obtain a copy of the District's grievance procedures;
- e. How records must be maintained documenting the receipt, processing, and resolution of sexual harassment complaints, including documentation of all witness interviews and all documentary or electronic evidence reviewed, including any prior reports or other records of harassment by the respondent;
- f. How the District will promptly provide the complainant and respondent with written notice of the outcome of the complaint and the information that notice must contain, including all the requirements for written determinations regarding responsibility for formal complaints set forth in 34 C.F.R. § 106.45(b)(7)(ii);
- g. District designation of a knowledgeable employee to serve as a resource for any administrators or school-based employees or contractors who have questions as to how the District's policies and grievance procedures apply to a given situation and/or scenario.

Reporting Requirement A: Within 45 calendar days of receiving OCR's approval of the District's revised Title IX grievance procedures required by Term 1, the District will provide a draft of the guidance memorandum to OCR for review and

approval. The District agrees to fully and promptly respond to OCR's concerns, if any, until OCR notifies the District that the guidance memorandum is approved.

3. The District will disseminate the guidance memorandum to the District employees and contractors described in Term 2.

Reporting Requirement A: Within 15 calendar days of receiving OCR's approval of the guidance memorandum required by Term 2, the District will provide OCR with documentation demonstrating the completion of Term 3, including the final memorandum that was sent, when the memorandum was disseminated, how it was disseminated, and to whom it was disseminated with the recipients' titles.

II. STUDENT TRAINING

1. With consultation and oversight of the District's Title IX Coordinator, the District will ensure implementation of Title IX training for all students during the XXX school year. The training should be age appropriate, interactive, and presented in lay terms familiar to students. Any training materials should be free from sex stereotypes and generalizations.

The Title IX student training will include, at a minimum, information about:

- a. Title IX and the rights this law confers on students;
- b. The District's prohibition against sex discrimination, sexual harassment, sexual violence, and retaliation and how to recognize sexual harassment when it occurs.
- c. The resources available to students who have experienced sex discrimination or retaliation;
- d. How and to whom to report any incidents of sex discrimination, sexual harassment, sexual violence, and retaliation students have experienced or observed, including how to make a formal complaint of sexual harassment and the District's general process for addressing formal complaints of sexual harassment;
- e. The identity of the District's Title IX Coordinator, an explanation of his or her role, his/her contact information, and the names and contact information for any other designated school staff member(s) and alternate staff and/or counselors to whom students may report allegations of sexual harassment; and
- f. The range of disciplinary consequences that can be imposed by the District for substantiated sex discrimination, sexual harassment, and sexual violence.

Reporting Requirement A: Within 45 calendar days of receiving OCR's approval of the District's revised policies and grievance procedures, the District will provide, for OCR review and approval, the proposed training materials and any agendas to be used in the student trainings. The District will also provide OCR, for

review and approval, information describing the expertise and experience with regard to Title IX of the person or persons conducting the training(s) and a proposed schedule for student training during the XXX school year. The District agrees to fully and promptly respond to OCR's concerns, if any, until OCR notifies the District that the training plan is approved.

Reporting Requirement B: Within 15 calendar days of completing the OCR-approved training plan, the District will provide OCR with documentation demonstrating that it has held the training: the date of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in attendance sheets evidencing the students who attended the training, a list of students who did not attend, and a plan for providing follow-up for those students who did not attend, as needed.

III. STAFF TRAINING

1. The District will draft for OCR's review and approval training materials regarding the District's obligations under Title IX to address reports of sexual harassment for all employees and contractors at the School and all other District employees and contractors responsible for responding to and investigating sexual harassment complaints, including but not limited to the Title IX Coordinator(s), the teachers, administrators, counselors, athletic coaches, and any School Resource Officers at District schools. At a minimum, the training must address the District's Title IX grievance procedures, and guidance memorandum required by Terms 1 and 2, and how to investigate complaints of sexual harassment.

Reporting Requirement A: Within 30 calendar days of OCR's approval of the guidance memorandum required by Term 2, the District will provide for OCR's review and approval plans for the staff training. This staff training plan will include a copy of draft training materials and the names and qualifications of the trainer(s) the District proposes to use. The District agrees to fully and promptly respond to OCR's concerns, if any, until OCR notifies the District that its training materials and proposed trainer(s) are approved.

Reporting Requirement B: Within 60 calendar days of OCR's approval of the training plan and trainer(s), the District will provide OCR with documentation that demonstrates that the training has been completed. This documentation will include: (a) the date(s) of the training(s); (b) a copy of the final agenda and materials used at each of the trainings; (c) a list of the participants including names and job titles; and (d) if any School or District employee(s) or contractor(s) required to be trained have not yet been trained, please identify the employee(s) or contractor(s) and provide a plan to ensure that the individual(s) are trained.

IV. INVESTIGATION OF RETALIATION ALLEGATIONS

1. The District will fully investigate all allegations of the retaliation contained in the email from the Complainant sent to the District on XXX and issue written notice of the outcome of the investigation to the Complainant.

Reporting Requirement A: **Within 90 calendar days of the effective date of this Agreement**, the District shall provide to OCR documentation demonstrating that it has complied with the Term 1. At a minimum, this documentation shall include the written notice of the outcome of the investigation, a summary of the investigation, and any relevant documentation from the investigative file.

V. UNDERSTANDINGS AND ACKNOWLEDGMENTS

The District understands and acknowledges that:

- The effective date of the Agreement shall be the day OCR sends the District a resolution letter containing a signed version of the Agreement.
- The District understand that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Title IX and its implementing regulations.
- 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. Sections 100.9-10), or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.
- By signing this Agreement, the District agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement.
- 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 regulations.
- Upon completion of the obligations under this Agreement, OCR will close this case.

For the District:

NAME/TITLE

Date