

RESOLUTION AGREEMENT
Piedmont Unified School District
OCR Case No. 09-16-1573

The Piedmont Unified School District (District) agrees to implement this Resolution Agreement (Agreement) to address the violations and compliance deficiencies identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation in the above-referenced OCR case number.

I. NOTICE OF NONDISCRIMINATION

- A. Consistent with the requirements of 34 C.F.R. §§ 106.8 and 106.9, the District will revise its notice of nondiscrimination to include the required contact information for the Title IX Coordinator and referral information for OCR. The District recognizes its continuing obligation to notify applicants for employment, employees, students and parents regarding its obligations under Title IX. To meet that obligation, the District will publish the revised notice in a manner that complies with the applicable regulation, to include publication in student handbooks, Board Policy and Administrative Regulation (BP/AR) 5145.3, BP/AR 1312.3, and other electronic and printed publications that provide information to employees, applicants, and students about the District.
1. *Reporting Requirement:* By February 1, 2018, the District will provide OCR with its notice of nondiscrimination for review and approval, along with a description of locations and/or documents where the notice will appear, and an assurance that the District will continue to distribute the notice of nondiscrimination approved by OCR in compliance with the regulations. Within 30 days of OCR's approval of the notice of nondiscrimination, the District will provide OCR with documentation of its dissemination of the notice of nondiscrimination, including copy of the relevant pages of any printed publications and web links containing the notice of nondiscrimination. If the District makes changes to the notice of nondiscrimination and/or distribution plan while this Agreement is in effect, the District will provide the revised notice of nondiscrimination and/or distribution plan to OCR within 30 days of such decision for review and approval.

II. POLICIES AND PROCEDURES

- A. The District will revise its policies and procedures¹ so that they are consistent with Title IX, its implementing regulations, and OCR guidance. The revisions to policies and procedures will include but may not be limited to the following:
1. notification to students, parents/guardians, employees, applicants for employment, and union leadership about the policy and procedure that shall be utilized for reports of sexual harassment when filed by or against any member of the aforementioned groups;
 2. consistent definitions of sexual harassment, which must encompass quid pro quo, persistent or pervasive harassment, as well as severe incidents (i.e., sexual violence);

¹ The policies and procedures to be revised are BP and AR 5145.3 and BP and AR 1312.3.

3. reasonable and consistent time frames for each major stage of the grievance procedure;
 4. an equal opportunity for each party to receive notice of the outcome of the grievance process, including but not limited to the investigation;
 5. a statement regarding the District's obligation to provide interim measures pending the outcome of an investigation and examples of such interim measures;
 6. a statement that the District will consider the effects of off-campus sexual harassment when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity for which the District is responsible;
 7. a statement that the grievance procedure applies to sexual harassment of or by third parties;
 8. a definition of responsible employee and a statement of the duty of responsible employees to promptly report to the Title IX Coordinator and any other designee upon receiving notice of sexual harassment; and
 9. the name or title, office address and telephone number of the Title IX Coordinator.
- B. Reporting Requirement: By February 1, 2018, the District will provide OCR with a draft of the revised policy(ies) and procedure(s) for review and approval. Within 30 days of OCR's approval, the District will adopt the revised policy(ies) and procedure(s), provide notification of the same on its website and through an electronic mail message to all employees and parents/guardians/students, and provide documentation to OCR regarding the same, including but not limited to links to the website, a copy of the electronic mail message, and a copy of any printed publications containing the reviewed policy(ies) and procedure(s). The electronic mail message to all employees will clearly state the expectation that if an employee has notice of possible sexual harassment, including sexual violence, of a District student, the employee will promptly notify the Title IX Coordinator or school site administrator.

III. STAFF TRAINING AND PROFESSIONAL DEVELOPMENT

- A. Through this Resolution Agreement, the District has provided assurance to OCR that all District employees who are directly involved in receiving, investigating, and/or resolving reports of sex discrimination, including sexual harassment, or who will otherwise assist in the coordination of the District's compliance with Title IX, will receive annual Title IX training. This annual training will be conducted in person by the Title IX Coordinator or other qualified individual(s) and will include, at a minimum:
1. the District's revised policies and grievance procedures for Title IX reports;
 2. the District's responsibilities under Title IX to address allegations of sexual harassment, whether or not the actions are potentially criminal in nature and/or a law enforcement investigation has been initiated;

3. how to conduct and document equitable, adequate, prompt, reliable and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation; and
4. a written assessment requiring participants to demonstrate that they have learned the material in the Title IX training.

C. *Reporting Requirement:* By April 1, 2018, the District will provide OCR with a copy of the training materials described in Section III for review. The District will implement the staff training as outlined in Section III and provide documentation that the training during the 2017-2018 school year has been provided, including a copy of the training materials, dates(s), the name and contact information of the individual(s) who conducted the training, and the sign-in sheet identifying the name and position of each individual who received the training, along with a list of District employees within 15 days of completion or by April 15, 2018, whichever is earlier.

IV. MONITORING

- A. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, OCR may visit the District, interview staff and students and request 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, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.
- B. 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.

_____/s/_____
Superintendent Randall Booker
Piedmont Unified School District

_____11/29/2017_____
Date