

RESOLUTION AGREEMENT
CHINO VALLEY UNIFIED SCHOOL DISTRICT
OCR Case No. 09-18-1346

In order to resolve the findings of non-compliance and the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR) in the investigation of the above-referenced complaint filed against the Chino Valley Unified School District (District) pursuant to Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation, 34 C.F.R. Part 106, the District agrees to take the actions in this Resolution Agreement (Agreement).

I. Notice of OCR Findings and Climate Survey

- A. By June 1, 2022, the District will identify and collect the current contact information, including email addresses or the last known home address for all the former student athletes from the fall 2017 [redacted content] team and draft for OCR's review and approval a letter to the identified former student athletes and their parents/guardians. The letter will include: (1) OCR findings as discussed in the resolution letter for this complaint; (2) an explanation of what constitutes sexual harassment and what is a sexually hostile environment; (3) an offer to the former student athletes and/or their parents/guardians to make a written statement (anonymously or not) to the Superintendent and Title IX Coordinator discussing the events that occurred during the fall 2017 [redacted content] season and how it may have impacted the student athletes and their parents/guardians; (4) an offer of counseling services and/or reimbursement for counseling services (up to \$500.00) received to address the effects of the District's failure to provide an appropriate or effective response to the sexual harassment and sexually hostile environment. The letter will include a date by which the former student athlete and their parents/guardians may provide a statement to the District or make a request for counseling services and/or reimbursement for counseling.
- B. The District will, in consultation with the Title IX Coordinator, develop and conduct a climate survey for the School's [redacted content] program as relates to sexual harassment. The survey will include questions designed to gather information regarding athletes' level of perceived safety, knowledge of the process by which they might make reports of sexual harassment, and the expectations of how the School and/or District will respond. The information gathered in these surveys will be used to inform District actions with respect to its Title IX compliance.

Reporting Requirements: Notice. Within 30 days of signing this Agreement, the District will provide for OCR review and approval, the letter it intends to send to former student athletes and their parents and/or guardians, as described in Section I.A of the Agreement.

Within ten (10) days of OCR's approval of the letter described in Section I.A of the Agreement, the District will send the letter to the former student athletes and their parents/guardians.

Within ten (10) days of issuing the letter, the District will provide OCR with a list of all recipients of the letter and the District's plan for providing any requested counseling or reimbursement for counseling within six (6) months of issuance of the letter.

Within ten (10) days of the conclusion of the timeframe for the student athlete and/or parent or guardians to provide a statement or make a request for counseling services and/or reimbursement for counseling, the District will provide to OCR a list of the names of those student athletes and/or parents/guardians who responded to the District's offer, the request made, and copies of any statements provided.

II. Review of Title IX Reports/Complaints

- A. For the 2021-2022 and 2022-2023 school years, the District will submit for OCR's review and approval a listing or log of all Title IX reports and complaints of student-student and employee-student sexual harassment and/or sexual violence that were resolved or are pending as of June 30, 2022 and June 30, 2023.
1. The listing or log shall include: (a) a case number coded to protect individual privacy and the current status of each report of sexual harassment, including sexual violence; (b) whether the District was able to meet the timeframes specified in the District's Title IX complaint procedures for investigation and appeals (and if the District was not able to meet its timeframes, include an explanation as to the cause); (c) all supportive measures that were considered for the student victim/complainant/witness, indicating the basis for the determination (e.g., discussion with student), the supportive measures provided and an explanation as to any supportive measures which were not provided despite a student/complainant/witness's request; and (d) the final remedies that were provided to complainants/victims/witnesses, and any steps taken by the District to prevent recurrence of sexual harassment and to remedy its discriminatory effects, as appropriate, if a violation was found.
 2. The District will also provide OCR with the investigation report for every Title IX investigation, as described in Section II.A of this Agreement, completed during the time period and a self-assessment of whether the resolution to each report was prompt and equitable.

Reporting Requirements: By July 15, 2022 and July 15, 2023, the District will provide for OCR's review and approval the listing or log of reports as described in Section II.A.1 of this Agreement and the reports and self-assessment as described in Section II.A.2 of this Agreement.

The District will provide any proposals for addressing concerns identified as a result of the annual review to OCR for review and approval.

The District will designate the Title IX Coordinator to review and discuss the documentation with OCR after the 2021-2022 and 2022-2023 school years. The District understands that following OCR's review of the submitted documentation, OCR may request additional information regarding the complaints identified in Section II.A.1-2 of this Agreement to ensure that the District is providing a prompt and equitable response. Additional information requested under this section will be within the scope of this Agreement and will not be used to expand or continue investigation of this matter.

III. Written Guidance and Training

- A. By September 1, 2022, the District, in consultation with its Title IX Coordinator, will issue a written guidance memorandum and facilitate training for all District administrators, school site administrators, and interscholastic coaching staff at all District schools who have responsibility for reporting and/or responding to reports of sexual harassment. The written memorandum will describe the steps that the school site administrators and interscholastic coaching staff will take when a report or complaint of sexual harassment is made to them by students.
- B. The training will discuss the roles and responsibilities of District administrators, school site administrators, and interscholastic coaching staff at the District schools when a report or complaint of sexual harassment is made. The training will further address the scope of the

responsibilities for District administrators, school site administrators, and interscholastic coaching staff when a report or complaint alleges any off-campus sexual harassment incident occurring during a District related program or activity, such as sexually harassing comments and/or images made through electronic and social media communications, or a pending criminal complaint about an alleged sexual harassment incident between students.

Reporting Requirement: By July 1, 2022, the District will submit a draft guidance memorandum, training materials, and the title/name of the proposed trainers as described in Section III.A-B of the Agreement for OCR review and approval. The District will finalize and issue the guidance memorandum to the relevant administrators and staff and provide the training required in Section III.A-B of the Agreement within sixty (60) days of OCR's approval.

Within fifteen (15) days of providing the training required in Section III.A-B of the Agreement, the District will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the District employees who attended the training, a list of the required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

IV. Student Athlete Title IX Education

- A. With consultation and oversight of the District's Title IX Coordinator, the District will ensure implementation of Title IX training for all student athletes involved in the District's [redacted content] program, to be provided at the beginning of Fall 2022 and Fall 2023 semesters. The training should be designed for student athletes at each school level, age appropriate, interactive, presented in lay terms familiar to students, and illustrated with examples relevant to student life in the District, and should provide in-person opportunities throughout the school year for student athletes to engage in small group discussion about the information presented. Any training materials should be free from sex stereotypes and generalizations. The training will provide an introduction of the Title IX Coordinator, an explanation of his or her role, and provide the names and contact information for any other designated school staff member(s) and alternate staff and/or counselors to whom student athletes may report allegations of sexual harassment, the resources available to student athletes who experienced sexual harassment or sexual violence, and will encourage student athletes to report harassment they have experienced or observed.
- B. The Title IX student athlete training will include, at a minimum, information about:
1. Title IX, the rights this law confers on students, the resources available to students who have experienced sex discrimination, including sexual harassment and sexual violence, and retaliation, and the role and authority of OCR to enforce Title IX.
 2. The District's prohibition against sex discrimination, sexual harassment, sexual violence, and retaliation and how to recognize such forms of sex discrimination when it occurs.
 3. How and to whom any incidents of sex discrimination, sexual harassment, sexual violence, and retaliation should be reported and the responsibilities of those receiving such reports.
 4. The role of and potential impact on bystanders.

Reporting Requirement: By June 1, 2022, the District will provide, for OCR review and approval, the proposed training materials and any agendas to be used in the student athlete trainings conducted pursuant to Section IV above. To the extent that the District has an existing program that addresses Title IX education for students, the District will provide those materials to OCR for review and approval as to whether they

satisfy the Title IX student education requirements of Section IV.A-B of the Agreement. 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 2022-2023 school year.

Within thirty (30) school days of OCR’s approval, the District will provide the initial OCR-approved student athlete training. Within fifteen (15) days of providing the trainings, the District will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets attendance sheets evidencing the student athletes who attended the training, a list of student athletes who did not attend, and a plan for providing follow-up for those student athletes who did not attend, as needed.

VI. Monitoring

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of the 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. The District understands 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 regulation, 34 C.F.R. Part 106, which were at issue in this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statute and regulation. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

Norm Enfield
District Superintendent

March 31, 2022

Date