

Resolution Agreement
Tamalpais Union High School District
OCR Case No. 09-18-1466

To resolve the findings of non-compliance made by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the Tamalpais Union High School District (District) pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, the District agrees to take the actions in this Resolution Agreement (Agreement). Based on its investigation, OCR found that the District failed to respond in a prompt and equitable manner to notice of student-on-student sex-based harassment, including harassment based on sex stereotyping, as required by Title IX. As a result, the District permitted the Student to be subjected to a hostile environment that denied or limited her ability to participate in or benefit from the District's program on the basis of sex. OCR also found that the District's investigation of an incident between the Student and another student, while prompt, did not adequately or equitably investigate if sex-based harassment preceded the incident. The Agreement is designed to remedy these violations and ensure prompt and equitable responses to notice of sex-based harassment going forward through effective policies, procedures, guidance, training, and monitoring.

I. POLICIES AND GRIEVANCE PROCEDURES

- A. On or before September 30, 2022, the District will review its policies and grievance procedures used to address reports of sex-based harassment and revise them as necessary to ensure that they are compliant with Title IX, including by clarifying that sex-based harassment includes harassment based on sex stereotyping. The District will revise its policies to provide examples of sex-based harassment, including harassment based on sex stereotyping.
- B. Reporting Requirements: By September 30, 2022, the District will provide a draft of its policies and grievance procedures identified in Section I.A. of the Agreement to OCR for its review and approval. Within 30 days of receiving OCR's approval, the District will provide OCR with documentary evidence that the District has adopted the policies and grievance procedures.

II. GUIDANCE AND TRAINING

- A. On or before September 30, 2022, the District will develop and submit to OCR for review and approval a guidance memorandum for all District employees and contractors who respond to sex-based harassment, including, but not limited to, teachers, administrators, counselors, and any School Resource Officers, regarding the District's obligation to respond to notice of sex-based harassment. The guidance memorandum will address the topics listed below:
 - 1. the District's policies prohibiting sex discrimination by students, employees, and contractors, including sex-based harassment based on sex stereotyping;

2. a summary of the District's grievance procedures for resolving sex-based harassment complaints, 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 sex-based harassment;
 3. what District employees and contractors must do if they witness or otherwise learn of sex-based harassment of a student by another student, employee, or contractor, including sex-based harassment based on sex stereotyping; these steps should clarify to whom the employee or contractor should report the sex-based harassment, who is responsible for investigating the harassment, and who should offer the affected student(s) supportive interim measures while the investigation is pending, such as counseling, accommodations to class assignments or exams, safety plans, or no-contact orders.
 4. how the District will promptly notify students, parents, or guardians who report sex-based harassment or file complaints of such harassment that they can address their reports or complaints through the District's grievance procedures designated to address sex-based harassment and how to obtain a copy of the procedures;
 5. records must be maintained documenting the receipt, processing, and resolution of sex-based 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;
 6. how the District will promptly provide the complainant and respondent with written notice of the outcome of the complaint, including a statement of all the issues it raised, the findings made on each issue, and the rationale for each finding, the corrective actions for each issue, if any, and notice of the right to appeal; and,
 7. 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.
- B. Within 10 calendar days of receiving OCR's approval of the guidance memorandum, the District will issue the memorandum to the employees and contractors described in Section II.A.
- C. On or before June 1, 2023, the District will provide training on the policies, grievance procedures, and guidance memorandum required by Sections I.A and II.A, including on how to investigate complaints of sex-based harassment, including harassment based on sex-stereotyping, to all employees and contractors at [redacted content] School and all other District employees and contractors responsible for responding to and

investigating sex-based harassment complaints, including, but not limited to the Title IX Coordinator(s), the teachers, principals, assistant principals, guidance counselors, and any School Resource Officers at District schools. The training may occur on more than one occasion so that all required employees and contractors can attend. The District must complete the training(s) by June 1, 2023.

D. Reporting Requirements

1. Within 10 calendar days of issuing the guidance memorandum to the employees and contractors described in Section II.A, the District will provide OCR with written documentation showing that they all received the guidance memorandum.
2. At least 30 calendar days before the training(s) described in Section II.B., the District will provide to OCR for review and approval a copy of the training agenda, the name(s) and title(s) of the trainer(s), and a copy of the training materials for OCR's review and approval.
3. Within 10 calendar days of each training described in Section II.B., the District will provide OCR with: (1) the name(s) and title(s) of the trainer(s); (2) the date(s) of the training(s); (3) a copy of the final agenda and materials used at each of the trainings; (4) a list of the participants including names and job titles; and (5) a list of the School and District employees and contractors responsible for responding to and investigating discrimination complaints.

III. DISTRICT MONITORING OF ITS COMPLAINT PROCESSING

- A. The District's Title IX Coordinator will review all written and oral complaints of sex-based harassment, including harassment based on sex stereotyping within 30 days of receipt to ensure that they are being processed in a timely and equitable way; and again within 30 days of the final outcome of the complaint to identify any inequities or delays in the complaint resolution process. If the District's Title IX Coordinator identifies any concerns regarding the District's response to the complaints (e.g., an untimely or inequitable response), the District's Title IX Coordinator will document the concerns, direct the responsible individuals to address those concerns, and follow up to ensure that all concerns are addressed.
- B. The District will provide OCR with an electronic spreadsheet of all written and oral complaints of sex-based harassment, including harassment based on sex stereotyping that the District received during the 2021-2022 and 2022-2023 academic years. The spreadsheet will include the following fields and information:
 1. the date(s) of the alleged incident(s),
 2. the date the complaint was received,
 3. the nature of the alleged conduct, including any harassment and retaliation,

4. the identity of the complainant (e.g., student name or ID number, employee or contractor name, and include job title in the next field for employee or contractor),
5. the sex of the complainant if known (e.g., Female, Male, Transgender, nonbinary),
6. the identity of the target(s) of the harassment if different than the complainant,
7. the identity of the respondent (include job title in the next field for employee or contractor),
8. the sex of the respondent if known,
9. the school(s) the complainant and respondent attend,
10. the date the District offered any supportive interim measures,
11. the date the District commenced the investigation,
12. the date the District completed the investigation,
13. the date the District provided written notice of the investigation's outcome to the parties,
14. any findings of responsibility and related disciplinary action,
15. any associated remedies,
16. the date of any filed appeal,
17. the date any appeal was resolved,
18. the outcome of the appeal with respect to findings of responsibility and remedies,
19. the date(s) the District notified the Title IX coordinator of the complaint, and
20. the date(s) the District notified the Title IX coordinator of the complaint's resolution.

C. Reporting Requirements:

1. The District will provide OCR with the information requested in Section III.B by June 30, 2023. Within 30 days of the completion of OCR's review, the District will take all corrective actions as identified by OCR to address any compliance issues with how the District handled the 2021-2022 complaints of sex-based harassment, including harassment based on sex stereotyping. With respect to 2022-2023 complaints, the District will provide OCR with the requested information twice during the year, on January 30, 2023 and June 30, 2023. Within 30 days of the completion of OCR's review, the District will take corrective actions as identified by OCR, to address any compliance issues with how the District handled the 2022-2023 complaints of sex-based harassment including harassment based on sex stereotyping.
2. Within 30 days of the end of the semester, the Title IX Coordinator will certify to having (a) reviewed all written and oral complaints of sex-based harassment, including harassment based on sex stereotyping, (b) analyzed the worksheet required by Section III.A, (c) identified all concerns about the complaints, and (d) followed up to ensure that such concerns were resolved. The District will provide to OCR: the Title IX Coordinator's certification and a summary of any identified concerns and any corrective action taken to resolve them.

IV. INDIVIDUAL REMEDY

- A. By (within 30 days of the Agreement’s date), 2022, the District will offer to reimburse the Student or her parent up to \$5,000 for past counseling and/or therapy services received after the sex-based harassment began through June 30, 2019. The total amount of reimbursement shall not exceed \$5,000 total for the counseling and/or therapy services received and is conditioned on reasonable proof of expenditure by or on behalf of the Student or her parent. The Student or her parent must provide the District with the documentation proving the expenditure for counselling or therapy services within 30 calendar days of the date of this Agreement. The District shall make its offer of reimbursement to the Student or her parent within 15 days of receiving the documentation.

- B. Reporting Requirements: Within 45 calendar days of signing this Agreement, the District will inform OCR that it has offered to reimburse the Student or her parent up to \$5,000 for the past counseling or therapy services received after the alleged harassment began through June 30, 2019.

V. OCR 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, OCR may visit the District, interview employees, contractors, 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 the District’s satisfaction of these commitments, OCR will close the case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

/s/
Dr. Tara Taupier
Tamalpais Union High School District

06/22/2022
Date