

RESOLUTION AGREEMENT
Mt. Diablo Unified School District
OCR Complaint No. 09-22-1072

The Mt. Diablo Unified School District (the District) agrees to take the actions in this Resolution Agreement (Agreement) to resolve the compliance concern identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the Mt. Diablo Unified School District (District) pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106.

I. Title IX Policy and Grievance Procedures

- A. The District will review and revise its (1) policies prohibiting discrimination based on sex, including sexual harassment (Title IX Policies) and (2) its grievance procedures (Title IX Grievance Procedures) for providing a prompt and equitable resolution of reports and formal complaints alleging sexual harassment by students, employees, and/or third parties, as needed to ensure that the Policies and Procedures comply with the Title IX regulations in effect as of the date of the Agreement. The District will ensure that its Title IX Policies and Grievance Procedures are cross-referenced, linked, internally consistent, and do not contain conflicting or contradictory information.
- B. The District also agrees to issue a memorandum to its employees clarifying the definition of sexual harassment in the Title IX regulations and that when an employee witnesses conduct that could constitute sexual harassment in a District education program or activity or an individual reports or otherwise alleges conduct that could constitute sexual harassment in a District education program or activity to a District employee, this puts the District on actual notice of sexual harassment or allegations thereof, and the District must provide the parent/guardian (or the student if they are over 18) with information about the process to file a formal complaint of sexual harassment under Title IX and offer supportive measures to the alleged student target of the sexual harassment.
- C. Reporting:
 - 1. By September 30, 2023, the District will provide the proposed revisions to its Title IX Policies and Grievance Procedures to OCR for review and approval. Within 30 days of receiving OCR's approval, the District will adopt the Policies and Procedures. After the Board's adoption, the District will send an email to all staff, students, and their parents/guardians with a link to the revised Title IX Policies and Procedures. Within 45 days of receiving OCR's approval, the District will provide OCR with documentation of this distribution.
 - 2. By September 30, 2023, the District will provide the draft memorandum to employees to OCR for its review and approval. Upon approval by OCR, the District will distribute the memorandum to all employees within 15 days and will provide OCR with documentation that the memorandum has been distributed within 30 days.

II. Training

- A. By September 30, 2023, the District will provide training on its Title IX Policies and Grievance Procedures, including the definition of sexual harassment under the Title IX regulations, the obligation of District employees to refer reports and formal complaints of sexual harassment to the Title IX coordinator, and the District's obligation to inform the parent/guardian (or student if over the age of 18) of the process for filing a formal complaint of sexual harassment and to offer supportive measures to the alleged student target of the sexual harassment. The training will be provided to District employees and contractors responsible for responding to and investigating reports and formal complaints of sexual harassments, including but not limited to the Title IX Coordinator(s), teachers, principals, assistant principals, guidance counselors, and any school resource officers. The District's training will include a component to assist staff in understanding and implementing the procedures for addressing, responding to, and documenting reports and formal complaints of sexual harassment discrimination and harassment based on sex.
- B. To monitor the effectiveness of the training, the District will administer a survey about the quality of each training to all trainees. The District will ensure that the Title IX Coordinator or a designee reviews the survey results and, as appropriate, revises the training materials in response to the survey results to ensure the training's effectiveness.
- C. Reporting:
 - 1. By September 30, 2023, the District will provide to OCR, for its review and approval, the name and qualification of its proposed trainer and a copy of all proposed training materials that it will deliver under Section II.A above. After OCR approves the training materials, the District will deliver that training to District staff at the start of the 2023-2024 school year. Within 90 days of the start of the 2023-2024 school year, the District will provide OCR with documentation that it provided the approved training referenced in Item II.A to the requisite staff, including the dates of the training, its delivery method (e.g., in person, online, or hybrid), the names and job titles of the trainer(s), a copy of any materials used or distributed during the training, and the training survey results.
 - 2. The District will report its proposed revisions to the training in response to the survey results for OCR's review and approval when the District revises its training in response to the survey or otherwise.

III. Maintenance of Records

- A. By September 30, 2023, the District will develop and implement a revised Title IX record-keeping system that adequately and accurately documents and preserves all records required by 34 C.F.R. 106.45(b)(10), including but not limited to reports and formal complaints of sexual harassment, along with the District's responses to such reports and investigations of such complaints, including any written documentation sent

or received in relation to the report or complaint, interview notes, witness statements, and any relevant correspondence.

B. Reporting

1. By September 30, 2023, the District will provide OCR with a detailed description of its proposed record-keeping system and procedures for OCR's review and approval. Within 45 calendar days of OCR's approval of the proposed record-keeping system and procedures, the District will provide OCR with documentation that it has implemented the system and adopted and disseminated the procedures.
2. By September 30, 2023, and within 60 calendar days of the end of every semester until OCR closes its monitoring of this Agreement, the District will provide OCR with an electronic, sortable file that includes a list of all reports and formal complaints of sexual harassment that the District received for XXXXXXXX XXXXX School during the preceding semester. The list will include separate fields for:
 - a. the name and status of the reporter (e.g., student, parent, employee);
 - b. the name and status of the complainant;
 - c. the race/ethnicity and sex of the complainant if known (e.g., Female, Male, Transgender, nonbinary);
 - d. the name and status of the respondent;
 - e. the race/ethnicity and sex of the complainant if known;
 - f. the date of the report or complaint;
 - g. the date(s) of the harassing incident(s);
 - h. the nature of the alleged harassing conduct;
 - i. the school(s) involved;
 - j. the date the District offered any supportive interim measures;
 - k. the date the investigation commenced;
 - l. the date the investigation was completed;
 - m. the date of the District's notice of the investigation's outcome to the parties;
 - n. the date of any findings;
 - o. a summary of the findings (e.g., respondent sexually assaulted the complainant at a school event on X date and retaliated against the complainant on Y date);
 - p. the date of any appeal (if applicable);
 - q. the outcome of any appeal (if applicable);
 - r. any disciplinary sanctions imposed on the respondent;
 - s. any remedies offered to the complainant and any provided remedies.
 - t. the date(s) the District notified the Title IX coordinator of the complaint and its resolution.
3. Upon request, the District will provide to OCR within 15 calendar days a copy of the complete investigative file, including applicable school-level records, student disciplinary records, employee disciplinary records, and Human Resources/Personnel files. The data will be produced electronically in a mutually agreed format and will be

organized as individual files, with all relevant documents for an incident in a discreetly labeled file.

Conclusion

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. 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 the Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and the Title IX statutory and regulatory obligations at issue in the case. However, in no event shall monitoring under this Agreement exceed five (5) years.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below:

By: /s/
Adam Clark, Ed.D., Superintendent

Date: 06/12/2023