

## RESOLUTION AGREEMENT

Chester-Joplin-Inverness School District 48J (the district) enters into this agreement to resolve the allegations in OCR Reference Nos. 10151287, 10151296, 10151297, and 10151304, filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106.

### I. TITLE IX COORDINATOR

#### A. Notification and Publication of Contact Information

1. The district will ensure that all district publications identified as addressing sex-based discrimination, sexual harassment, and the complaint grievance process clearly identify the district's Title IX Coordinator by title and provide the Title IX Coordinator's contact information, including the Title IX Coordinator's phone number, office address, and e-mail address. The publications at issue should include, but need not be limited to, the district Student/Parent Handbook, the Classified Handbook, the Certified Handbook, and the Coaches Handbook.
2. Reporting Provision: By January 11, 2019, the district will provide OCR with documentation demonstrating the district's implementation of Section I.A.1, such as a copy of the publications containing this information or a link to the on-line version of the publications.

#### B. Training of Title IX Coordinator

1. The district will ensure that its designated Title IX Coordinator and any other district employees involved in the processing, investigation, and resolution of sex-based discrimination complaints, including sexual harassment, are adequately trained. The training will include, at a minimum, how to identify conduct that constitutes sexual harassment, which grievance procedures should be applied to sex discrimination complaints, and the Title IX Coordinator's responsibility to promptly and equitably implement the appropriate district grievance procedures. The individual providing the training will be qualified and have expertise in Title IX.
2. Reporting Provision: By January 11, 2019, the district will provide OCR with documentation demonstrating its compliance with Section I.B.1, including the length and date of the training described in Section I.B.1, a detailed description or lesson plan of the training given, a copy of materials used during the training, a list, by name and job position, of persons who attended the training, and the name and qualifications of the trainer.

### II. TITLE IX NOTICE

1. The district will adopt a clear and consistent notice of nondiscrimination and ensure it is compliant with the requirements of Title IX. The notice will state that: (1) the district does not discriminate based on sex in its educational activities and programs; (2) Title IX requires the district not to discriminate on the basis of sex; (3) this nondiscrimination

policy applies to students, employees, and applications for employment; and (4) questions to the district concerning the application of Title IX and its implementing regulations may be referred to the employee designated as the district's Title IX Coordinator. The notice will include the Title IX Coordinator's name or title, phone number, office address, and e-mail address. It will also be disseminated prominently in the district's online and printed publications, including handbooks, application forms, and bulletins to students, employees, and applicants for employment.

2. Reporting Provisions:

- a. By December 14, 2018, the district will submit to OCR, for its review and approval, a draft of the notice. If OCR requires any changes to the draft notice in order for it to comply with Title IX, the district will re-submit a revised notice within 30 calendar days of receiving the required revisions from OCR. The district and OCR will continue this process until OCR approves the notice.
- b. Within 60 calendar days of written notification from OCR of its approval of the notice, the district will provide documentation demonstrating that it has: (1) adopted the revised notice; (2) provided notification to students, parents, and employees of the revised notice; and (3) developed a plan to post the updated notice in district publications and on the district website. Inserts may be used pending reprinting of publications.

### III. POLICIES AND PROCEDURES

#### A. Policies and Procedures

1. The district will revise and adopt policy and procedures (revised procedures) addressing sex-based discrimination (including sexual harassment), including at a minimum, but not limited to: (1) the Uniform Complaint Procedure 1700, (2) the Title IX Grievance Procedure, (3) Board Policy 3225: Sexual Harassment/Intimidation of Students, and (4) and the Sexual Harassment/Sexual Discrimination policy from the Coaches Handbook, to ensure they are consistent with the requirements of Title IX. The revised procedures will provide for prompt and equitable resolution of sexual harassment complaints. If the district decides to adopt more than one policy and/or procedure addressing sex-based discrimination, the district will ensure that all the policies and procedures are consistent with one another. The revised procedures will be written in language that is easily understood, should be easily located, and should be widely distributed. The revised procedures will include:
  - a. notice to students, parents or guardians, and employees of the grievance procedures, including where complaints may be filed;
  - b. application of the grievance procedures to complaints alleging harassment carried out by employees, students, or third parties;

- c. adequate, reliable, and impartial investigation of grievances, including the opportunity for both parties to present witnesses and other evidence;
- d. designated and reasonably prompt time frames for the major stages of the grievance process;
- e. notice to parties of the outcome of the grievance; and
- f. an assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the grievant and others, if appropriate.

2. Reporting Provisions:

- a. By January 11, 2019, the district will submit to OCR, for its review and approval, a draft of its revised procedures. If OCR requires any changes to the revised procedures, the district will re-submit the revised procedures within 30 calendar days of receiving notice of the required revisions from OCR. The district and OCR will continue this process until OCR approves the revised procedures.
- b. Within 60 calendar days of receiving OCR's written approval of the revised procedures, the district will provide to OCR documentation demonstrating that it has: (1) adopted the revised procedures; (2) provided notification to students, families, and employees of the revised procedures; and (3) developed a plan to publish the revised procedures in district publications and on the district website. Inserts may be used pending reprinting of publications.

B. Employee Title IX Training

1. The district will continue to provide annual training on sex-based discrimination, including sexual harassment, to all district employees, including classified, certified, and contracted employees. In addition to this training, the district will ensure that all new hires undergo similar training upon commencement of employment with the district. The training will include instruction on recognizing, responding to, and preventing sex-based discrimination. The training will specifically include instruction on the district employee responsibilities under Title IX to address and appropriately report sexually harassing behavior, observed or reported, and the district's revised procedures developed in accordance with Section III.A. The training will be conducted by someone who is qualified and has expertise in Title IX. Training of new hires will be conducted by the Title IX Coordinator.
2. Reporting Provisions:
  - a. By March 22, 2019, the district will submit to OCR, for its review and approval, a draft of its training lesson plan, including handouts, if any. If OCR requires any changes to the lesson plan, the district will re-submit the revised lesson plan

within 30 calendar days of receiving notice of the required revisions from OCR. The district and OCR will continue this process until OCR approves the training lesson plan.

- b. By October 18, 2019, and October 16, 2020, the district will provide OCR with a report demonstrating that it conducted the training described in III.B.1. The report will include a detailed description or lesson plan of the training given, the time(s) and date(s) of the training, any handouts or presentation slides used during the training, a list, by name and job position, of persons who attended the training, and the name and qualifications of the trainer.

#### **IV. STUDENT REMEDIAL SERVICES**

##### **A. Student Education**

1. The district will develop and implement a plan for educating students about issues related to sexual harassment, including: what constitutes sexual harassment; the effects of sexual harassment on individual students and the educational environment; the prohibition of sexual harassment in the educational setting; examples of prohibited conduct; the importance of reporting harassment; how and to whom to report incidents of harassment; the district's obligation to respond promptly and effectively to all notice of sexual harassment; potential consequences and corrective action if harassment is found; and the prohibition of retaliation against any person who reported alleged sexual harassment or otherwise cooperated in an investigation of alleged sexual harassment.
2. Reporting Provisions:
  - a. By January 11, 2019, the district will submit to OCR, for its review and approval, a copy of the plan developed in accordance with Section IV.A.1. If OCR requires changes to the plan, the district will re-submit the plan within 30 calendar days of receiving notice of the required changes. The district and OCR will continue this process until OCR approves the plan.
  - b. Within 60 calendar days of receiving OCR's written approval of the plan, the district will provide documentation to OCR demonstrating the district has adopted and implemented the plan.
  - c. Provided OCR has approved the plan to allow for implementation for the 2018-2019 and 2018-2020 school years, by June 1, 2019, the district will provide OCR with documentation that it implemented the plan during the 2018-2019 and 2019-2020 school years.

##### **B. Remedial Student Services**

1. The district will provide the complainants in the four complaints that are the subject of this agreement a letter mailed to the complainants' last known address on record with the district that will: (1) provide information about the corrective actions being taken by the district to address Title IX concerns; and (2) include a copy of the revised procedures developed in accordance with Section III.A.1. The letter will also include a written offer of reimbursement for out-of-pocket expenses up to \$1,000 incurred as of the date of this agreement, on behalf of each complainant's student for whom the above-referenced complaints were filed, for counseling services for the treatment of the direct and documented effects of any alleged failure by the district to respond appropriately to the substantiated acts of sexual harassment. The district's letter will inform each student's parent or guardian that he or she has 30 calendar days from the date of the letter to accept the offer by providing written notice of his or her acceptance to the district. The letter will also inform the parents or guardians of the documentation (i.e., receipts) necessary for reimbursement. It is understood that all requests for reimbursement will be submitted to and processed by the district's insurance carrier.
2. Reporting Provisions:
  - a. By December 14, 2018, the district will submit to OCR, for its review and approval, a copy of the letter drafted in accordance with Section IV.B.1. If OCR requires changes to the letter, the district will re-submit the letter within 30 calendar days of receiving notice of the required changes. The district and OCR will continue this process until OCR approves the letter.
  - b. Within 60 calendar days of receiving OCR's written approval of the letter, the district will provide OCR with documentation demonstrating its compliance with Section IV.B.1, including a copy of the signed letter and copies of all responses received, if any. If any parents or guardians accept the offer of reimbursement, the district will provide OCR with documentation that it provided the reimbursement. If reimbursement is denied for specific services by the district, the district will provide OCR with documentation substantiating the reason for not providing the reimbursement.

## **V. GENERAL MONITORING PRINCIPLES**

- A. The district understands that by signing this agreement, it agrees to provide OCR 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 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. Upon the district's satisfaction of the commitments made under this agreement, OCR will close 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 under 34 C.F.R. §§ 100.9 and 100.10, or judicial proceedings, including 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.

Signed:

November 14, 2018

\_\_\_\_\_/s/\_\_\_\_\_  
Tim Bronk  
Superintendent  
Chester-Joplin-Inverness School District 48J

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Date