

RESOLUTION AGREEMENT
Greenville County Schools
OCR Complaint No. 11-12-1409

This voluntary agreement (the Agreement) is entered into between Greenville County Schools (the District) and the U.S. Department of Education's Office for Civil Rights (OCR) to resolve the above referenced complaint. In the complaint, concerns were raised regarding the District's alleged failure to appropriately respond to a sexual harassment complaint. OCR concluded that an investigation was conducted. The complainant was not notified of a final determination in writing, but was notified verbally; OCR regards this as a technical violation that can be remedied with staff training. OCR also found concerns with the District's record keeping and coordination of Title IX complaints. OCR further concluded that general Title IX staff training provided in the fall of 2013 was not sufficient to inform staff of sexual harassment, including sexual assault and sexual violence procedures and policies. Implementation of the following commitments will resolve all issues in the complaint.

Sexual harassment is unwelcome conduct of a sexual nature, which can include sexual assault, sexual violence, sexual misconduct, and unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. It can include conduct such as touching of a sexual nature, making sexual comments, jokes or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity; or circulating, showing, or creating e-mails or websites of a sexual nature. A district violates Title IX if a student experiences sexual harassment and the harassing conduct creates a hostile environment; that is, it is sufficiently serious to deny or limit the student's ability to participate in or benefit from the program; the district knew or reasonably should have known about the harassment; and the district fails to take immediate effective action to eliminate the hostile environment, prevent its recurrence, and address its effects.

The District agrees to take all reasonable steps to ensure that students enrolled in the District are not subject to sexual harassment. To this end, the District will promptly investigate all incidents and will take appropriate action to respond to complaints, which may include disciplinary action against students and/or staff found to have committed such harassment. The District will take prompt and effective responsive action reasonably designed to end the harassment, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the harassment on the victim and the larger school community.

Commitments

1. In addition to annual on-line sexual harassment training for staff, the District represents that it conducted Title IX training on August 6, 2013 for all principals and administrators, including the Title IX coordinator. OCR reviewed the slides of the training provided and although the general Title IX training did include several slides on sexual harassment including some key term definitions and District's policies and state laws, additional training is required to provide sufficient detail pursuant to OCR's April 4, 2011 Dear Colleague letter (the Dear Colleague letter).

Thus, the District will provide supplemental training to all District staff responsible for the District's independent sexual harassment complaint investigations regarding the prevention of and response to possible sexual harassment/sexual assault. In all cases, the training conducted will be a focused review of the District's Title IX policies and procedures on harassment (Policies and Procedures), including specific guidance pursuant to the Dear Colleague Letter including but not limited to guidance (1) on the definition of sexual harassment and what constitutes a sexually hostile environment how to recognize sexual harassment; (2) that Title IX protects students from sexual harassment in a school's education programs and activities. This includes protections from staff, students and third parties in academic programs, extracurricular, athletic and other programs of the school, whether they take place in a school facility, on a school bus or at another location sponsored by the school; (3) the role of the Title IX Coordinator; (4) the appropriate recording of sexual harassment investigations, (5) the prohibition against retaliation; and (6) notification to all parties, in writing, of the final determination. The training should also include responsibilities on how to actively monitor their schools. The District also represents that it conducted training on February 4, 2014, pertaining to the recognition and appropriate response to child sexual abuse in the educational setting for all principals and administrators, including the Title IX coordinator.

Reporting Requirement:

By Monday, April 7, 2014, the District will notify OCR of who will be providing the district-wide supplemental staff training for the 2013-2014 school year, including their qualifications and the material to be covered including a copy of any presentation and handouts. The staff training should occur no later than April 30, 2014, but before Raidarema 2014.

Within 15 days, OCR will review the information and either approve or provide any comments indicating changes necessary for approval.

Within two (2) weeks of the training, the District will notify OCR that it has provided the requisite training, including a description of the content covered, slides, handouts and all sign-in sheets indicating the names, school, and job titles of the staff who participated

By Friday, May 30, 2014, the District will notify OCR of who will be providing the second district-wide supplemental staff training for the 2013-2014 school year, including their qualifications, the presentation and any handouts.

Within 15 days, OCR will review the information and either approve or provide any comments necessary for approval.

Within two (2) weeks of the training, the District will notify OCR that it has provided the requisite training, including any slides or handouts used and all sign-in sheets indicating the names, school, and job titles of the staff who participated

2. The District will provide OCR, for the 2012-2013 and 2013-2014 school years, with a review of all Title IX sexual harassment complaints and associated investigations involving students, whether student-student or staff-student, to determine whether sexual harassment occurred in violation of Title IX and whether the remedies were effective. The review should include, by school, (a) a brief description of the allegations and the parties involved, including whether anyone is a person with a disability, (b) location of the alleged harassment, (c) the status of those involved, and (e) a brief summary of the District’s investigation and response (independent of any criminal investigation), whether or not it found a violation of the District’s sexual harassment policy and the final determination.

With regard to any complaint reviewed, if the District finds that sexual harassment did occur but was not remedied and any of the individuals involved are still in the District, it will promptly take measures to ensure that the sexual harassment is fully and effectively addressed.

Reporting Requirement:

Within one month of signing the Agreement, the District will provide OCR with documentation showing compliance with this provision, including summaries of the information obtained and any actions taken in response.

Compliance

1. 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 this 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 and is in compliance with the regulation implementing Title IX, which was at issue in this case.
2. 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 a minimum of sixty (60) calendar days to cure the alleged breach.
3. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, which was at issue in this case.

Superintendent
Greenville City School

Date