

RESOLUTION AGREEMENT
Public Schools of Robeson County
Complaint No. 11-13-1230

This voluntary agreement resolves a sex harassment/ assault allegation raised in a May 21, 2013 complaint filed with the U.S. Department of Education, District of Columbia Office for Civil Rights (OCR) against the Public Schools of Robeson County (the District). The Complainant filed the complaint on behalf of XXXX (the Student), alleging that the District, particularly XXXX (the School), failed to appropriately respond to the Student being sexually assaulted at school XXXX (XXXX).

This resolution agreement (Agreement) is entered into to ensure the District's continuing compliance with Title IX of the Education Amendments of 1972 (Title IX). This Agreement does not constitute an admission of liability on the part of the District. This Agreement will resolve the issue contained in the complaint.

Hereinafter, the term "sexual harassment" means unwelcome conduct of a sexual nature, which can include sexual assault, sexual violence, sexual misconduct, 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 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 of sexual harassment of students that are known or reasonably should be known to the District 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.

I. ANTI-HARASSMENT STATEMENT

By August 25, 2014, the Superintendent and School Board will issue a statement to all District students, parents and staff that will be printed in each school's and/or District's newsletter, posted in prominent locations at the District's schools, and published on the District's website, stating that the District does not tolerate acts of sexual harassment. The statement will encourage any student who believes he or she has been subjected to sexual harassment to report the harassment to the District and note the District's commitment to conducting a prompt investigation. The statement will include the appropriate contact information for the designated

staff member to whom students and parents may report allegations of harassment. The statement will indicate that counseling and educational resources will be available to both students who are harassed and students found to have engaged in acts of sexual harassment; it will also warn that harassers may be disciplined including, if circumstances warrant, suspension or expulsion. The statement will encourage students, parents and District staff to work together to prevent sexual harassment. The District will distribute this statement in languages other than English, as necessary.

II. INVESTIGATION

1. Upon signing this agreement, the District will immediately begin an investigation into the XXXX incident alleged in the complaint. The investigation will include interviewing the Student, the XXXX, and witnesses. The District will issue a final determination in writing to the Complainant. The District will take any and all appropriate steps to prevent re-occurrence, including reviewing its policies on visitors to the School campus, and will provide the Student with any needed services, such as counseling and other interventions determined by the District, in consultation with the Complainant, the Student and counselors.

REPORTING REQUIREMENTS:

By July 31, 2014, the District will provide OCR with a copy of the investigative file and its final determinations.

By September 30, 2014, the District will provide OCR with written confirmation, such as copies of any meeting notes or other documentation, detailing the completed interventions.

By September 30, 2014, the District will provide OCR with a copy of the correspondence sent to and received from the Complainant and the Student regarding the interventions. The District's correspondence to the Complainant will include an invitation for the Complainant to respond to the District's offer.

III. DISCRIMINATION, HARASSMENT AND BULLYING COMPLAINT POLICIES AND PROCEDURES

The District revised its Discrimination, Harassment and Bullying Complaint Procedure (Grievance Procedure and Policy) recently to address complaints alleging discrimination on the basis of race. Further revisions are needed to address complaints alleging discrimination on the basis of sex (including sexual harassment, sexual assault, and sexual violence) to comply with OCR's April 4, 2011 Dear Colleague Letter on sexual violence. The District will ensure that there is no duplication or contradiction between its Grievance Procedure and Policy and its Student-To-Student Policy, and that their relationship and interactions are clearly explained.

1. By July 31, 2014, the District will submit to OCR for its review and approval, a draft Grievance Procedure and Policy. The Grievance Procedure and Policy will

provide for the prompt and equitable response to, and resolution of, complaints including complaints alleging sexual harassment, sexual assault and sexual violence. and will include:

- notice that the Grievance Procedure and Policy apply to complaints alleging sex discrimination (including sexual harassment such as sexual assault and sexual violence) by employees, students, and all third parties;
- the name or title, office address, and telephone number of the individual(s) with whom to file a complaint;
- clarification that any informal resolution mechanism set forth in the procedures will be used only if the parties voluntarily agree to do so, the complainant should not be required to resolve the problem directly with the respondent and there will be instances when the informal resolution mechanism may be inappropriate (e.g., mediation is prohibited in cases of sexual assault, and those involving a student complaining of sexual harassment against an employee in a position of authority over the student); and the complainant must be notified of the right to end the informal process at any time and begin the formal stage of complaint process;
- the timeframes for the District to attempt to informally resolve a complaint;
- definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment such as sexual assault and sexual violence);
- provisions to indicate that the District has an obligation to make reasonable efforts to investigate and address instances of sex discrimination when it knows or should have known about such instances, regardless of complainant cooperation and involvement;
- provisions for the adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- designated and reasonably prompt timeframes for the major stages of the investigation;
- an assurance that the District will keep the complaint and investigation confidential to the extent possible;
- written notification to the parties of the outcome of the complaint; and

- a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.
2. After receiving written notification from OCR that the revised Grievance Procedures and Policy developed in accordance with item #1 above are consistent with Title IX requirements, the District will place the Grievance Procedures and Policy on the agenda for the next regularly scheduled meeting for the Board of Education for the Public Schools of Robeson County and will adopt and implement the Grievance Procedures and Policy and will provide all students and employees with electronic or written notice regarding the new Grievance Procedure and Policy together with information on how to obtain a copy. The District, at a minimum, will make this notification through the District's website, electronic mail messages to employees and students, as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENTS:

By July 31, 2014, the District will submit to OCR for its review and comment the Grievance Procedures and the Policy referenced in item #1 above.

Within 45 calendar days after OCR's approval of the Grievance Procedure and Policy, the District will provide OCR with documentation that it has implemented item #2 above, including copies of the written notices issued to students and employees regarding the new Grievance Procedure and Policy, and a description of how the notices were distributed; copies of its revised student and employee handbooks beginning with the 2015 -2016 school year; and a link to its webpage where the revised Grievance Procedure and Policy are located.

IV. STAFF TRAINING

1. By October 1, 2014 and recurring on an annual basis, the District will provide training to all District staff regarding the prevention of and response to possible sexual harassment and sexual assault. The training will include, at a minimum:
 - a. In-depth guidance to increase awareness of what constitutes sexual harassment between students or involving a student target, and the negative impact that it has on the educational environment;
 - b. A focused review of the District's Grievance Procedure and Policy, including specific guidance on what constitutes sexual harassment, how to recognize sexual harassment versus bullying; the District's responsibility for responding to sexual harassment, how to respond to sexual harassment when a student is involved, and the appropriate recording of sexual harassment investigations;

- c. Notice that failure to respond appropriately to notice of sexual harassment violates District policy and Federal law; and
- d. The District will also provide, on an annual basis, training for individuals with responsibility for conducting investigations or supervising investigators, including the Title IX Coordinator, on how to conduct sexual harassment and sexual assault investigations, and the appropriate standards to apply in reaching determinations. The training should also include responsibilities on how to actively monitor their school, respond to incidents of sexual harassment, and exhibit the proper level of professionalism.

REPORTING REQUIREMENTS:

By July 31, 2014 and by July 31, 2015, the District will notify OCR of when it will provide the training described above. The District will also notify OCR of who will conduct the training including their qualifications and the material to be covered.

Within 30 days, OCR will review the information and provide any comments.

Within two (2) weeks of the completion of the training the District will forward all sign in sheets and materials to OCR. The sign in sheets shall include the name, school and job titles of the staff that participated.

V. STUDENT TRAINING

1. The District will incorporate age-appropriate student training into its annual curriculum. The training will be designed to increase awareness of what constitutes sexual harassment and sexual assault, inform students of the consequences of sexual harassment and sexual assault, and encourage students to report sexual harassment and sexual assault.

REPORTING REQUIREMENTS:

By October 15, 2014 and by October 15, 2015, the District will notify OCR of who will be providing the high school student training for the 2014-2015 and 2015-2016 school years, including their qualifications and the material to be covered with sample scenarios that are age-appropriate for discussion.

Within 45 days, OCR will review the information and provide any comments.

By December 12, 2014 and by December 12, 2015, the District will notify OCR that it has provided the requisite training, including a description of the content covered, copies of any materials provided and the date and name of each high school at which the training occurred.

VI. NOTIFICATION

1. The District will provide continuing notice to District students, parents/guardians and staff, of the Grievance Procedure and Policy regarding sexual harassment. The notice will take the form of, at a minimum:
 - a. Annual mail/email distribution to students and parents/guardians of the Grievance Procedure and Policy, and the Title IX Coordinator contact information;
 - b. Inclusion of the Grievance Procedure and Policy, and the Title IX Coordinator contact information in the Parent/Student Handbook and in the Staff 's Handbook and any equivalent publication for teachers and/or staff;
 - c. Posting of the Grievance Procedure and Policy, the Title IX Coordinator contact information, and the identity and contact information of any individuals at each school site to whom concerns about sexual and gender-based harassment may be brought, in an area clearly visible to students, parents/guardians, faculty, and staff at the school; and
 - d. Posting notice of the Grievance Procedure and Policy, and the Title IX Coordinator contact information on a readily accessible portion of the District's website.

INTERIM REPORTING REQUIREMENTS:

By October 31, 2014, the District will notify OCR that it will provide all students and their parents or guardians with a verbal or written reminder notice of the District's policies against sexual harassment and sexual assault. Prior to distributing the notice the District will indicate how this notice will be provided, (i.e., by a one page summary sheet or through school assemblies, etc.) and the contents. If the notice to students will be provided through a presentation/assembly, the District will provide the name of the persons providing the information, their qualifications, and the materials they will be using. If the information will be provided in writing, the District will provide OCR a draft of the written document or the information to be shared with students.

Within 30 days, OCR will review the information and provide any comments.

By December 15, 2014, the District will notify OCR that it provided the students with the reminder notice. The District will provide OCR with any handouts.

REPORTING REQUIREMENT:

By October 31, 2014, the District will inform OCR of the steps taken to disseminate the above information to students and parents/guardians.

VII. COMPLAINT REVIEW

The District will review all its sexual harassment/sexual assault, and related concerns and complaint records for the 2012-2013 and 2013-2014 school years. The District will inform OCR which complaints or concerns were investigated and which were not investigated. For concerns or complaints not investigated, the District will explain why the concern or complaint was not investigated and/or reported to the Title IX Coordinator. For complaints that were investigated, the District will indicate whether the complaints or concerns were reported to the Title IX Coordinator. If the Title IX Coordinator was not involved, the Title IX Coordinator will review the matter to determine whether sexual harassment and/or sexual assault occurred in violation of Title IX and whether the remedies were effective in making the victim whole. If sexual harassment and/or sexual assault occurred and remedies were not effective, the District will promptly take measures, should the victim still be enrolled as a student, to ensure the sexual harassment was fully and effectively addressed.

REPORTING REQUIREMENT:

By July 31, 2014, the District will provide OCR with documentation demonstrating its implementation of this provision, including but not limited to lists of concerns and/or complaints brought to the District's attention, whether those concerns and/or complaints were investigated, and by whom, whether the Title IX Coordinator was informed of the concerns and/or complaints and summaries of the information obtained and actions taken based on the information gathered.

VIII. CLIMATE

1. The District will conduct an annual climate check at all high schools to assess the effectiveness of steps taken pursuant to this Agreement or otherwise by the District to address sexual harassment concerns. The District will notify OCR how the climate checks will be conducted. For example, the climate check may be accomplished through a written or electronic survey, focus groups, listening circles, etc., provided that students receiving the survey are also notified of a contact person, such as a counselor, should they wish to discuss this issue in person. Information gathered during the climate checks will be used to inform future proactive steps taken by the School.

REPORTING REQUIREMENTS:

By December 12, 2014, the District will inform OCR of how the District intends to conduct the climate checks and, if the District intends to use a survey, to provide the survey to OCR for review.

Within 45 days, OCR will review the information provided and provide any comments or revisions.

By April 1, 2015, the District will conduct the climate checks. Within 60 days of completing the climate checks, the District will inform OCR of the results of the climate checks and any changes made to address the climate check results.

By September 15, 2015, the District will inform OCR when it will conduct the climate checks for the 2015-2016 school year at all high schools. If the District intends to revise how the climate check was conducted during the 2014-2015 school year, the District will provide OCR with the new plan or revisions for review.

Within 45 days, OCR will review the information the District submitted and provide any comments or revisions.

By April 1, 2016, the District will conduct climate checks for the 2015-2016 school year. Within 60 days of completing the climate checks, the District will inform OCR of the results of the climate checks and any changes planned.

By July 31, 2016, the District will provide OCR with documentation regarding any additional changes made to address climate check results.

IX. MONITORING

1. If the District is unable to meet any of the provisions and reporting timeframes listed above, it will submit to OCR, at least 30 calendar days before the submission deadline, a written explanation of why timely compliance cannot be achieved and a timetable for achieving compliance with this Agreement.
2. 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 Section 504, which was at issue in this case.
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 regulation implementing Title IX, at 34 CFR Section 106.31, which was at issue in this case.

/S/
Superintendent
Public Schools of Robeson County

5/16/2014
Date