

Voluntary Resolution Agreement
Surry County Public Schools
OCR Complaint #11-14-1223

Surry County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1223. This Agreement does not constitute an admission by the Division of a violation of Title IX of the Education Amendments of 1972 (Title IX) or any other law enforced by OCR.

ANTI-HARASSMENT STATEMENT

By January 31, 2017 or sixty days after the signing of this agreement (whichever occurs later), the Superintendent will issue a statement stating that the Division does not tolerate acts of sexual or gender-based harassment. The statement will be sent via e-mail to all Division students, parents, and staff, will be posted in prominent locations at the Division's schools, and will be published on individual school and Division websites. The statement will encourage any student who believes he or she has been subjected to sexual or gender-based harassment to report the harassment to the Division and will note the Division'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 or gender-based harassment; it also will warn that harassers may be disciplined, including, if circumstances warrant, suspension or expulsion. The statement will encourage students, parents, and Division staff to work together to prevent sexual and gender-based harassment. The Division will distribute this statement in languages other than English, as necessary.

REPORTING REQUIREMENTS: By January 3, 2017, the Division will provide a draft of the anti-harassment statement to Offi for review and approval. Within 5 days of OCR's approval of the anti-harassment statement, the Division will issue the statement as required in the immediately preceding provision, and provide OCR with links to the policy posted on school and Division websites and documentation that parents, students, and staff received the statement.

POLICIES AND PROCEDURES

- I. By February 15, 2017, the Division will revise its policies and procedures as necessary to, at a minimum, provide for:
 - a. notice to students and employees of the procedures that is easily understood, easily located and widely distributed, including: where complaints may be filed; and that the procedures apply to complaints against students, employees, and third parties;
 - b. the identity of the person to whom an allegation of harassment and bullying issues related to sex and gender should be addressed, including name, title and contact information;
 - c. a statement that responsible employees must promptly report sexual harassment and sexual violence of which they know or learn about;

- d. provision stating the protocol for confidential reporting;
- e. identification of the employee(s) responsible for evaluating requests for confidentiality;
- f. definitions of sexual harassment (which includes sexual violence) and an explanation as to when such conduct creates a hostile environment;
- g. provision for the adequate, reliable, and impartial investigation of complaints;
- h. if the Division requires that a complaint be filed within a certain timeframe, a provision for extension of that timeframe for a reasonable period at the discretion of the Division's Title IX Coordinator and for good cause;
- i. designated and reasonably prompt timeframes for all major stages of the grievance process, as well as the process for extending timelines;
- j. notification of the complainant's right to proceed with a criminal investigation and a sexual harassment complaint simultaneously;
- k. notice of available interim measures that may be taken to protect the student in the educational setting;
- l. the evidentiary standard that must be used (preponderance of the evidence) (i.e., more likely than not that sexual harassment occurred) in resolving a complaint;
- m. notice of potential remedies for students;
- n. notice of potential sanctions against perpetrators;
- o. equal appeal rights for both parties;
- p. notice that questions about complaints of student-on-student or employee-on-student sexual harassment and sources of support for the student, including counseling, may be directed to the Title IX Coordinator; and
- q. the name, title, and contact information for the Division's Title IX Coordinator.

REPORTING REQUIREMENT: By February 15, 2017, the Division will provide OCR with its draft revised policies and procedures for review and approval.

2. Within 30 days of OCR's approval of the sexual harassment policies and procedures, the Division will finalize the policies and procedures and will widely publicize the policies and procedures by sending written notification to students, parents, and employees; at the next regular printing of publications directed at students and parents, publishing the policies and procedures; and posting a link to the policies and procedures in easily accessible locations on the Division's website. In doing so, the Division will ensure that there is a clear explanation, including cross-referencing related policies and procedures, for how a student or parent may file a sexual harassment complaint in the Division and what the complaint processing procedure will be.

REPORTING REQUIREMENT: Within 5 days of finalizing the policies and procedures, the Division will submit to OCR documentation that it has publicized these policies and procedures.

3. The Division will develop a written procedure for its staff on how to investigate and respond to student complaints of sexual and gender-based harassment. The procedures will include:
 - a. a process for investigating and documenting harassment issues related to sex and gender, including how to conduct interviews with the alleged harasser, the victim,

and other witnesses; the responsibility to keep the parties informed about the status of the investigation; implementation of any interim measures; the standard for determining whether harassment occurred; and notifying the parties of the outcome;

- b. a direction to follow the Division's investigative procedure regardless of whether the alleged harassment also is being investigated by a School Resource Officer or a law enforcement agency, unless the fact-finding process would impede the law enforcement investigation; in such cases, the Division will implement appropriate interim steps to provide for the safety of the victim and the school community and the avoidance of retaliation, and the Division will promptly resume its Title IX investigation as soon as notified that the law enforcement agency has completed the evidence gathering portion of its proceeding. The Division must note that the terms of any existing Memorandum of Understanding (MOU) between the Division and a law enforcement agency does not limit the investigation procedure as set forth above;
- c. development of a centralized recordkeeping process for documenting and tracking complaints of sexual harassment, including a description of the allegations, where it occurred, a copy of any documentation of the Division's response, including interview notes, investigative reports, written findings, and records of any corrective action taken, including any disciplinary action. The process will require Division personnel to maintain information that includes the name of the individual who reported the allegation, the identification of the alleged victim and alleged perpetrator, notes from witness interviews, documentation of investigative steps completed, a description of all interim measures, and the determination, including any corrective and/or disciplinary action taken and other remedies to support the victim and eliminate a hostile environment.
- d. the steps necessary to ensure that the school environment is free from harassment, including disciplinary measures for the harasser, remedies for the victim, and broader remedies for the student body;
- e. a clear statement that some student misconduct that falls under a school's anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws, and, by limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider
- f. whether the student misconduct also results in discriminatory harassment¹; and,
- g. the Division personnel (by name and title), including that of the Title IX Coordinator, responsible for coordinating schools' responses to student complaints of sexual and gender-based harassment, and a process for notifying the Title IX Coordinator of all reports of sexual and gender-based discrimination, including harassment.

¹ For additional guidance on this issue, see OCR's 2010 Dear Colleague letter on Harassment and Bullying,

REPORTING REQUIREMENT: By February 15, 2017, the Division will provide OCR with its draft investigation procedure for review and approval.

4. Within 10 days of OCR's approval of the investigation procedure, the Division will finalize the procedure and will distribute the procedure to the Title IX Coordinator, all administrators, and any individuals responsible for investigating and/or responding to sexual and gender-based harassment complaints by students and parents.

REPORTING REQUIREMENT: Within 5 days of finalizing the investigation procedure, the Division will submit to OCR documentation that it has distributed the procedure.

SCHOOL-WIDE TRAINING, EDUCATION, AND CLIMATE ASSESSMENT

5. By February 17, 2017, the Division will provide mandatory training to Division-wide training of all Division school administrators and staff on the Division's sexual harassment policies and procedures and the procedures for responding to peer sexual harassment, examples of such harassment, and how to investigate and respond to student complaints of harassment and bullying issues related to sex and gender.

REPORTING REQUIREMENTS:

- a. By January 31, 2017, the Division will provide OCR with its draft training materials (including presentation materials and trainer identification and credentials) for review and approval.
 - b. By February 24, 2017, the Division will provide OCR with a copy of the training sign-in sheets.
6. By February 17, 2017, the Division will provide age-appropriate education and training to School students designed to increase awareness of sexual and gender-based harassment and the Division's sexual harassment policies and procedures. The training will explain what constitutes sexual and gender-based harassment and provide examples, inform students of the consequences of sexual and gender-based harassment, explain what they should do if they believe they or another student is being harassed based on sex or gender, and encourage them to report harassment. The education materials will use age-appropriate terminology and the instruction will promote sensitivity to and tolerance of the diversity of the student body, and will specifically address harassment and bullying issues related to sex and gender.

REPORTING REQUIREMENTS:

- a. By January 31, 2017, the Division will provide OCR with its draft training and education materials (including presentation materials and trainer identification and credentials) for review and approval.
- b. By February 24, 2017, the Division will provide OCR with confirmation that the education and training session occurred.

7. The Division will develop or adopt and administer age-appropriate school climate surveys at the School on an annual basis for students and staff to assess the effectiveness of steps taken pursuant to this Agreement or otherwise by the Division to ensure that it is free of harassment related to sex and gender.

REPORTING REQUIREMENTS:

- a. By April 7, 2017, the Division will provide OCR with its draft climate surveys for review and approval.
- b. By April 14, 2017, the Division will administer the climate surveys to School students and staff and will provide OCR a summary of the survey results and a description of the steps it will take in response to the results.

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. Part 106, which was at issue in this case.

The Division 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 Division understands that during the monitoring of this Agreement, if necessary, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. Part 106, which was at issue in this case.

The Division 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 Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

FOR THE DIVISION: Surry County

NAME/TITLE

DATE