

**RESOLUTION AGREEMENT**  
**District of Columbia Public Schools**  
**OCR Directed Inquiry No. 11-11-5901 and OCR Complaint No. 11-14-1260**

Without admitting to any violation of law, District of Columbia Public Schools (DCPS) agrees to implement this Resolution Agreement (the Agreement) in the above-referenced cases investigated by the U.S. Department of Education, Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106. The Agreement includes terms that resolve allegations for which OCR identified violations under Section 303(b) of OCR's *Case Processing Manual*. The Agreement also includes terms that DCPS has voluntarily entered into and agreed to in order to resolve allegations that were not fully investigated prior to the conclusion of the investigations in accordance with Section 302 of the *Case Processing Manual*.

Further, DCPS agrees to the following to ensure that it will: promptly and equitably respond to all incidents of sexual harassment and sexual violence (including sexual assault) of which DCPS has notice (including incidents that DCPS knows or reasonably should know about); take prompt and effective steps to end the sexual harassment and sexual violence; eliminate any hostile environment; prevent its recurrence; and as appropriate, remedy its effects, consistent with the requirements of Title IX.

**Action Item A: Title IX Coordinator**

DCPS will identify its designated Title IX Coordinator and her/his qualifications. DCPS will ensure that the Title IX Coordinator has sufficient expertise, experience, and required training on the substantive requirements of Title IX and how to investigate complaints/reports of all forms of sex discrimination, including sexual harassment and sexual violence, under Title IX, and that the Title IX Coordinator can fulfill all responsibilities specified in this Agreement. DCPS will develop a statement of roles and responsibilities and mandatory training requirements for the Title IX Coordinator to, at a minimum, include:

1. The Title IX Coordinator may not have other job responsibilities that create a conflict of interest with regard to the duties and responsibilities under Title IX.
2. The Title IX Coordinator will be responsible for the prompt and equitable investigation of complaints/reports alleging sex discrimination and sexual harassment/sexual violence; making findings as to whether sex discrimination or sexual harassment/violence occurred; and identifying remedies (including interim measures) necessary to address the sex discrimination or sexual harassment/violence, eliminate any hostile environment, prevent recurrence, and, as appropriate, address the effects. To the extent that any of these duties in this subpart will be delegated to other individuals at DCPS or an external entity, the statement will describe which duties will be delegated to whom, and how the Title IX Coordinator will retain oversight of/coordinate those who may be delegated such responsibilities in fulfilling these duties such that the Title IX Coordinator can still ensure the prompt and equitable investigation of complaints/reports alleging sex discrimination and sexual harassment/sexual violence.
3. The Title IX Coordinator will coordinate with appropriate administrators and administrative offices (e.g., Office of General Counsel (OGC), Office of Talent and Culture

(OTC)<sup>1</sup>, Counseling staff, Instructional Superintendents, School Security Teams (SSTs), and DCPS’s Metropolitan Police Department (MPD) liaisons) to identify and address any patterns or systemic problems under Title IX, and to assess the overall efficacy of the coordination among these various offices.

4. The Title IX Coordinator will be responsible for communicating with SSTs and/or DCPS’s MPD liaisons regarding DCPS’s obligations under Title IX and serving as a resource on Title IX issues. Where necessary, the Title IX Coordinator will collaborate with the DCPS staff responsible for investigating Title IX complaints and OGC to obtain police records related for Title IX cases.
5. The Title IX Coordinator will ensure the development, scheduling and implementation of necessary training and distribution of information for the DCPS community, as described in more detail in Action Items E and F below.
6. The Title IX Coordinator will be responsible for the periodic review and assessment of DCPS’s Title IX policies and procedures to ensure that they comply with Title IX; are consolidated to the maximum extent appropriate to provide an efficient resource for students/parents, faculty, and staff; are consistent with each other or have appropriate cross-references; and are easy to access and understand.
7. The Title IX Coordinator will be responsible for coordinating with other DCPS staff, as appropriate, regarding the development and implementation of annual assessments (e.g., surveys or focus groups) DCPS administers to gather information about campus climate with regard to sexual harassment and sexual violence.
8. The Title IX Coordinator will be responsible for coordinating with other DCPS staff, as appropriate, the development, scheduling, and implementation of regular events hosted by or supported by leadership on school campuses to raise awareness in the DCPS community about all forms of sex discrimination (including sexual harassment and sexual violence).
9. The Title IX Coordinator will ensure that students and their parents/guardians who file Title IX complaints, as well as other parties, including respondent students and their parents/guardians, as appropriate, are informed of the following:
  - a) The right to proceed with criminal charges, a Title IX investigation, or both simultaneously;
  - b) The limitations of confidentiality on DCPS’s ability to respond; and
  - c) The availability of appropriate, individualized remedies (including interim measures, as necessary).
10. The Title IX Coordinator will annually review all complaints/reports of discrimination on the basis of sex, including sexual harassment and sexual violence, in order to identify and address any patterns or systemic issues/problems, such as: how many complaints/reports involved particular groups of students; whether any individuals or organizations engaged in repeated misconduct; whether there are any patterns or barriers to reporting for any group of students; whether there are any school campus or off-campus locations which are repeatedly the site of alleged incidents (as described in Action Item G below); whether

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<sup>1</sup> DCPS’s Office of Labor Management and Employee Relations is contained within OTC.

complaints/reports were processed promptly and equitably in compliance with Title IX and the applicable policies and procedures; whether interim measures were consistently offered and implemented and how effective they were; and whether the steps taken to stop discrimination/harassment on the basis of sex found to have occurred, prevent its recurrence, eliminate any hostile environment based on sex, and remedy its discriminatory effects on the complainant and others, as appropriate, were effective.

**Reporting Requirements:**

- a) By October 1, 2018, DCPS will provide documentation to OCR demonstrating that it has established the responsibilities of the Title IX Coordinator position in accordance with Action Item A for OCR review and approval.
- b) By October 1, 2018, DCPS will provide OCR with a copy of the statement of the Title IX Coordinator’s responsibilities and corresponding training requirements to meet those responsibilities for OCR review and approval.
- c) By October 1, 2018, DCPS will provide OCR with the name and qualifications of the Title IX Coordinator and the Title IX Coordinator’s training schedule.
- d) By March 1, 2019, DCPS will provide OCR with copies of any electronic links to DCPS publications, websites or other materials where the statement of the Title IX Coordinator’s responsibilities has been published.

**Action Item B: Notice of Non-Discrimination**

DCPS will revise its notice of non-discrimination to state that inquiries concerning the application of Title IX and its implementing regulation may be referred to the designated Title IX Coordinator(s) or to OCR’s Assistant Secretary. DCPS will publish the revised notice of non-discrimination consistent with the requirements of the regulation implementing Title IX, at 34 C.F.R. § 106.9, and include the notice in each announcement, bulletin (including the student and employee handbooks), catalog or application form that it makes available to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the DCPS.

**Reporting Requirements:**

- a) By August 1, 2018, DCPS will provide to OCR for review and approval a copy of its revised notice of non-discrimination.
- b) Within 30 business days of OCR’s approval of the revised notice of non-discrimination, DCPS will provide documentation to OCR demonstrating its compliance with Action Item B, including a list of the titles of the publications in which the notice of non-discrimination appears (e.g. school catalogs; websites; and student, parent, and employee handbooks) and a copy of at least one publication disseminated to the DCPS community, or printouts or a link to an on-line publication containing the notice. Should DCPS require more than 30 business days due to periodic printing of materials, inserts may be used pending reprinting of those publications.

**Action Item C: Title IX Policies and Grievance Procedures**

DCPS will draft proposed revised Title IX policies and grievance procedures with the assistance of the Title IX Coordinator, and will initiate the process to adopt revised policies and grievance procedures within 45 business days, in consultation with required internal and external stakeholders, after receiving approval from OCR. DCPS will initiate its process to finalize and revise its policies and grievance procedures to address complaints/reports of sex discrimination (including sexual harassment and sexual assault/violence); to ensure that these procedures do not unnecessarily overlap with other policies and procedures; are clear and easily understood; and provide for the prompt and equitable resolution of student, employee, and third party complaints/reports alleging sex discrimination (including sexual harassment and sexual assault/violence) of a student filed against students, employees, and third parties. DCPS will ensure that all other documents, such as the Student Code of Conduct and disciplinary procedures, are internally consistent with the revised policies and procedures with respect to defined terms, reporting options and timelines, and investigation and appeal procedures, and will not contain any conflicting/contradictory information. DCPS's revisions to policies and procedures will include revising or adding cross-references and links between documents and/or deleting documents. The revised policies and grievance procedures will include, at a minimum, the following:

1. The name or title, office address, email address, and telephone number of the designated Title IX Coordinator(s).
2. If someone other than the Title IX Coordinator will accept, investigate, and resolve complaints/reports, clear and consistent designation of the DCPS employee and/or office that is responsible and the specific type of complaint/report (e.g., against employees) handled by that employee or office.
3. Clear and consistent assurance that, regardless of which DCPS employee or entity investigates and resolves the complaint/report, the Title IX Coordinator will: maintain oversight of the report, investigation and resolution; will be provided written notice of the complaint/report and the investigation determination; and where sex discrimination or sexual harassment/violence is found to have occurred, will oversee the steps the DCPS will take in response.
4. DCPS's commitment to respond to all complaints/reports of sex discrimination or sexual harassment/violence, as well as any other incidents of sex discrimination or sexual harassment/violence of which it knows of should have known.
5. Notification to students/parents, employees, and third parties about the policy and procedure that shall be utilized for complaints/reports of sex discrimination or sexual harassment/violence when filed by or against any member of the aforementioned groups, and clear and consistent explanations in all documents of the specific DCPS policy and/or procedure that applies to each type of complaint/report investigation.
6. Consistent definitions of sex discrimination and sexual harassment/violence, which must encompass *quid pro quo* and hostile environment

7. Consistent definitions or explanation of factors that may impact the ability to consent, including incapacitation.
8. A statement that, in determining whether sex discrimination or sexual harassment/violence against a student resulted in a sexually hostile environment, DCPS will consider the conduct in question from both a subjective and objective perspective.
9. A requirement that DCPS consider the effects of off-campus sex discrimination or sexual harassment/violence when evaluating whether there is a hostile environment on campus or in an off-campus education program or activity.
10. Reasonable and consistent time frames for each major stage of the procedure.
11. Sufficient time for any appeal body to review the investigation record and any supplemental materials prior to the appeal hearing, if an appeal is offered.
12. If DCPS elects to offer an informal resolution process, it will include a description of what the process entails and ensure that it is prompt and equitable.
13. A description of applicable interim measures, remedies, and sanctions.
14. A statement that the Title IX Coordinator, and/or her or his specific designee, will be responsible for coordinating the provision of interim measures through multiple DCPS departments or offices; and in determining and implementing such measures, the Title IX Coordinator will review all available information and seek to minimize the burden on the complainant or the respondent, if possible.
15. A statement that DCPS is obligated to identify witnesses, seek evidence, and ask questions of the parties and witnesses when resolving reports of sex discrimination or sexual harassment/violence.
16. Consistent and equitable rights and information provided to both/all parties (the complainant and the respondent) to a complaint/report, including but not limited to: an equal opportunity for the parties to access and review evidence, and to present witnesses and other evidence.
17. A statement recognizing that introduction of evidence of the complainant's past sexual relationships with individuals other than the respondent may have a prejudicial effect on the proceedings and should not be considered.
18. A statement that both/all parties will receive equitable written notice of the outcome of all stages of the grievance process, including but not limited to the investigation and appeal phases.
19. If DCPS chooses to permit appeals regarding its determinations of responsibility and/or disciplinary sanctions, a statement as to whether appeals are permitted (a) solely by the respondent or (b) by both the complainant and the respondent, in which case any appeal procedures must be equally available to both parties.

20. The standard of evidence used.
21. A definition of “responsible employee” that is consistent with Title IX requirements, and a statement that responsible employees must promptly, within 24 hours, report sex discrimination or sexual harassment/violence upon receiving notice.
22. An explicit prohibition against retaliation, which includes witness intimidation and interference, and clarification that complaints/reports of any of the aforementioned will be promptly investigated by DCPS under processes and standards that meet Title IX requirements.
23. A statement that DCPS will take steps to prevent recurrence of any sexual harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

**Reporting Requirements:**

- a) By September 1, 2018, DCPS will provide to OCR, for review and approval, its revised grievance procedures developed in accordance with Action Item C above.
- b) Within 45 calendar days of written notification from OCR of its approval of the revised grievance procedures, DCPS will provide documentation to OCR demonstrating that the process to finalize the revised procedures was initiated. When that process is completed, DCPS will notify OCR and that all faculty, staff, students, and parents/guardians were provided with written notice regarding the grievance procedures for resolving Title IX complaints/reports together with information on how to obtain a copy of the grievance procedures. DCPS, at a minimum, will publish this notification on DCPS’s website; through email messages to faculty, staff, and students/parents; and through any regularly issued newsletters (in print or online), as well as by any other additional means of notification the DCPS deems effective to ensure that the information is widely disseminated and easily located. DCPS will also provide to OCR copies of or a link to its revised student and parent handbooks, employee/faculty/staff handbooks, student codes of conduct, and any other publications that contain the procedures, and a link to its webpage where the revised Title IX procedures are otherwise located.
- c) Once DCPS adopts the revised policies and procedures, DCPS will not substantially modify them during the period of the Agreement without the review and approval of OCR. All requests to modify such policies and procedures must be made in writing at least 90 calendar days before DCPS proposes to adopt the modification.

**Action Item D: Documenting Title IX Complaints/Reports**

DCPS will develop and/or revise, with the assistance of the Title IX Coordinator, and submit to OCR for its review and approval, a confidential and centralized record-keeping procedure to document each incident or complaint/report of discrimination involving students on the basis of sex (including sexual harassment and sexual violence) received by DCPS, whether formal or informal, written or verbal. DCPS will provide OCR with the name of the individual(s) responsible

for collecting, maintaining, and reviewing these records, as well as the location where such records will be retained. The procedure will require DCPS to maintain all information, documentation, and evidence, and require, at a minimum:

1. Documentation describing the incident or complaint/report, including the date and location of the incident.
2. A record of when and how the incident or complaint/report was brought to the attention of DCPS, or how DCPS otherwise became aware of the incident or complaint/report, including the name of the individual who reported the allegation; the identification of the alleged complainant/victim and the alleged respondent/perpetrator (if names are not available, DCPS will collect all other identifying information available); whether the reporter/complainant made any request for confidentiality; who was responsible for assessing such a request for confidentiality; and an explanation of how the individual balanced such a request with DCPS's Title IX obligations to ensure campus safety.
3. Documentation regarding any investigation conducted by DCPS, including: when and how they provided the parties with an opportunity to present witnesses and evidence, witnesses interviewed, documents reviewed, transcripts, recordings and other information considered and related to the investigation, to include all relevant dates (e.g., notes, transcripts, advocate reports, DCPS police reports, etc.). [Note: If DCPS elects not to interview specific witnesses, review documents or other information, or otherwise excludes documents and information from consideration, DCPS should document these decisions, retain such information and documents, and provide an explanation why.]
4. Documentation describing DCPS's disposition of the incident or complaint/report, which includes the date of the disposition; the basis for the disposition; the standard of evidence used; and a description of any personal sanctions imposed, systemic remedies applied, and other DCPS action(s) taken.
5. Documentation of the dates that DCPS updated the parties regarding the status of the investigation.
6. Documentation (including dates) that DCPS promptly provided the parties written copies of any decisions, including any appeals, regarding the incident or complaint/report, even in cases where DCPS serves as the complainant for proceedings.
7. Documentation regarding any contacts with law enforcement/MPD regarding each incident or complaint/report, and any actions taken by law enforcement/MPD, if known to DCPS.
8. Documentation of any interim measures offered to the complainant/respondent pending DCPS's investigation; documentation of any interim measures used by the complainant/respondent during the investigative process; and documentation that the complainant/respondent was provided with notice of DCPS resources available and that DCPS took steps to ensure that these were provided (e.g., campus police, no contact orders, academic support, counseling, etc.).
9. Any other relevant official DCPS records related to the case.

10. Documentation of any remedies provided to individuals found to have been subjected to sex discrimination (including sexual harassment and sexual violence).
11. Where sex discrimination (including sexual harassment and sexual violence) is found to have occurred, documentation that DCPS followed up with the complainant(s) to ensure the sex discrimination (including sexual harassment and sexual violence) has not recurred, and that the discriminatory effects of the sex discrimination (including sexual harassment and sexual violence) have been remedied.

**Reporting Requirements:**

- a) By December 1, 2018, DCPS will provide to OCR, for review and approval, the above-referenced procedure developed in accordance with Action Item D above.
- b) Within 45 calendar days of OCR's approval of the procedure, DCPS will adopt the procedure as part of its Title IX complaint processing procedures; distribute copies of the procedure; and provide training on the procedure to its designated Title IX Coordinator(s) and all other personnel responsible for processing, investigating, and adjudicating complaints of sex discrimination (including sexual harassment and sexual violence).
- c) Within 90 calendar days of OCR's approval of the procedure, DCPS will provide OCR with information or documentation confirming that the procedure has been distributed; the Title IX Coordinator and other personnel responsible for processing, investigating, and adjudicating incidents/complaints of sex discrimination (including sexual harassment and sexual violence), have received training on the procedure; and the procedure is being used in DCPS's processing of Title IX incidents/complaints.
- d) For the 2018-2019 school year, by December 31, 2018 and again on July 31, 2019, DCPS will submit to OCR for its review a spreadsheet or other data collection summary tool documenting all complaints/reports involving students that it received/obtained that allege sexual harassment and sexual violence, as well as information relating to those complaints/reports, including but not limited to: the date the complaint/report was filed or otherwise obtained; the name or other personally identifiable retriever of the complainant(s) and the respondent(s), if available, and the status of each party available (e.g. student, employee, third party, unknown); whether the complainant requested confidentiality or to proceed with the complaint/report anonymously; a description of the allegations(s) and/or incident(s) at issue and where and when the incident(s) occurred; a description of the sexual misconduct violation(s) at issue (e.g., as specified in a Student Code of Conduct or other policy/procedure); whether the complainant(s) and the respondent(s) were provided with an opportunity to identify witnesses and submit evidence, and if so, a description of the witnesses and evidence submitted by the parties and witnesses; whether witness interviews were conducted; whether interim measures were offered and/or provided to the complainant(s) and/or respondent(s), and if so a description of such interim measures; whether the respondent(s) were found responsible/not responsible for alleged sexual misconduct violations; the standard of evidence used; the date the investigation concluded; whether any sanctions were imposed or final remedies provided, and a description of such sanctions/remedies; the date on which the complainant(s) and the respondent(s) were provided with written notice of the outcome; whether an appeal was



filed by the complainant(s) and/or the respondent(s), and the date of such filings; whether any appeal was substantiated; the date on which the complainant(s) and the respondent(s) were provided with written notice of the appeal outcome; whether the Title IX Coordinator was involved in responding to the complaint/report; whether DCPS contacted law enforcement or there was any involvement by law enforcement/MPD; and, the status of the investigation at the time of submission to OCR (e.g., the investigation/appeal is ongoing, the investigation is suspended due to a request from law enforcement/MPD, or DCPS is assessing discipline to be imposed). If DCPS submits any complaints/reports before they are complete, DCPS will flag those complaints/reports as incomplete and will re-submit those complaints/reports after they are completed. OCR may request a copy of the complete file for each complaint/report at a later date.

### **Action Item E: Title IX Staff Training and Professional Development**

DCPS will provide comprehensive training overseen by the Title IX Coordinator to Title IX investigators, Office of Talent and Culture (OTC) personnel, Instructional Superintendents, Principals, Grievance Points of Contact, and SSTs, as well as all other DCPS employees and contractors who work with students.

1. Specifically, the Title IX Coordinator will ensure the development and provision of annual comprehensive Title IX training to all DCPS employees and contractors who work with students. The training will provide an understanding of DCPS's responsibilities under Title IX to address allegations of sex discrimination and sexual harassment/violence and retaliation involving students. Any training materials should be free from sex stereotypes and generalizations. The training will include, at a minimum:
  - a) DCPS's revised policies and procedures for Title IX complaints/reports required by Action Item C.
  - b) How to inform students and complainants of their right to file Title IX complaints/reports and criminal complaints simultaneously.
  - c) An explanation of the duty for responsible employees to share information with the Title IX Coordinator.
  - d) Information about the prohibition on retaliation, how to prevent retaliation, and how to investigate complaints/reports of retaliation.
  - e) Information about the system for documenting complaints/reports required by Action Item D.
  - f) A post-training questionnaire to assess knowledge regarding how to provide a complaint/report and respond to a complaint/report.
2. Beginning with the 2018-2019 school year, DCPS will ensure that all new employees and contractors who work with students complete sexual harassment training in person or through an OCR-approved online training, pursuant to Action Item E (a-e) above, within six months of their employment start date.

3. The Title IX Coordinator will ensure the development and provision of Title IX training for all DCPS employees who are directly involved in receiving, investigating, and/or resolving complaints/reports of sex discrimination, including sexual harassment and sexual violence, involving students or who will otherwise assist in the coordination of DCPS’s compliance with Title IX. Any training materials, including with respect to investigative techniques and approaches, should be free from sex stereotypes and generalizations. This annual training will be conducted in person and will include, at a minimum:
  - a) DCPS’s revised policies and grievance procedures for Title IX complaints/reports.
  - b) DCPS’s responsibilities under Title IX to address allegations of sex discrimination, including sexual harassment and sexual violence, whether or not the actions are potentially criminal in nature.
  - c) Recognizing and responding to allegations and complaints/reports pursuant to Title IX, including conducting interviews of victims of sex discrimination, including sexual harassment and sexual violence, and communicating in an impartial and objective manner.
  - d) Recognizing and appropriately responding to allegations of retaliation, intimidation, and coercion pursuant to Title IX.
  - e) How to conduct and document equitable, adequate, prompt, reliable and impartial Title IX investigations, including the application of the DCPS’s stated standard of evidence for a Title IX investigation.
  - f) Protection of information regarding sex discrimination, including sexual harassment and sexual violence, allegations so that only DCPS employees with a need to know receive such information.
  - g) The link between alcohol and drug use and sexual harassment and sexual violence, including how to address the challenges of investigating incidents involving alcohol or drug use.
  - h) A written assessment requiring participants to demonstrate that they have learned the material in the Title IX training.
4. Beginning with the 2018-2019 school year, DCPS will ensure that all volunteers<sup>2</sup> who work with students in school activities are provided an informational document on sexual harassment rights and responsibilities under Title IX.

**Reporting Requirements:**

- a) By September 1, 2018, DCPS will provide OCR with DCPS’s sexual harassment training and volunteer information materials for review. OCR will determine if the materials meet Title IX training requirements within 30 calendar days of receipt.

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<sup>2</sup> Volunteer is defined as any person who is required to complete the DCPS “volunteer clearance process”.

- b) DCPS will implement the staff training as outlined in Action Item E within 60 business days of OCR review and approval and provide documentation that the training has been provided, including: a copy of the training and informational materials, dates(s), the name and contact information of the individual(s) who conducted the training or distributed the informational document, and the sign-in sheet identifying the name and position of each individual who received the training or information document, along with a list of DCPS employees, contractors, and volunteers who work with students within 45 calendar days of completion.

**Action Item F: Title IX Student Education**

The Title IX Coordinator will ensure implementation of annual mandatory training for all students in Grades K-12. The training should be designed for students at each school level, age appropriate, interactive, presented in lay terms familiar to students, and illustrated with examples relevant to student life at DCPS, and should provide in-person opportunities throughout the school year for students to engage in small group discussion about the information presented. Any training materials should be free from sex stereotypes and generalizations. The training will provide an introduction of the Title IX Coordinator, an explanation of his or her role, and provide the names and contact information for any other designated staff member(s) and alternate staff and/or counselors to whom students may report allegations of sexual harassment, the resources available to students who experienced sexual harassment or sexual violence, and will encourage students to report harassment they have experienced or observed.

1. The training will include, at a minimum, information about:
  - a) Title IX, the rights this law confers on students, the resources available to students who have experienced sex discrimination, including sexual harassment and sexual violence, and retaliation, and the role and authority of OCR to enforce Title IX.
  - b) DCPS’s revised sex discrimination and sexual harassment/sexual violence policies and procedures.
  - c) DCPS’s prohibition against sex discrimination, sexual harassment, sexual violence, and retaliation and how to recognize such forms of sex discrimination when it occurs.
  - d) How and to whom any incidents of sex discrimination, sexual harassment, sexual violence, and retaliation should be reported.
2. The training will also emphasize the following in age appropriate ways:
  - a) Definitions or explanation of factors that may impact the ability to consent, including incapacitation.
  - b) The role of alcohol and other drug use in incidents of sexual harassment and sexual violence, including how such use may relate to consent and incapacitation.
  - c) Clear examples of what types of actions may constitute sex discrimination in DCPS’s programs or activities, including but not limited to different types of sexual harassment and sexual violence.

- d) The role of bystanders.

**Reporting Requirements:**

- a) By October 1, 2018, DCPS will provide OCR, for review and approval, the proposed training materials and any agendas to be used in the trainings conducted pursuant to Action Item F. To the extent that DCPS has an existing program that addresses Title IX education, DCPS will provide those materials to OCR for review and approval as to whether they satisfy the Title IX student education requirements of Action Item F. DCPS will also provide OCR, for review and approval, information describing the expertise and experience with regard to Title IX of the person or persons conducting the training(s).
- b) By June 30, 2019, and by the same date annually thereafter until such time as OCR closes the monitoring of this Agreement, DCPS will provide documentation to OCR showing that the individuals who are required to receive the training required by Action Item F have done so.

**Action Item G: Sexual Harassment/Violence Hot Spots**

As part of the DCPS Security team’s annual physical security building assessments, beginning school year 2018-2019, DCPS will identify any “hot spots” where sexual harassment or sexual violence involving students is at a greater risk of occurring in its schools, including any indoor or outdoor locations where students congregate (e.g., stairwells and parking lots). Results of each physical security assessment will be shared with the principal and school-based security vendor to inform post order development. DCPS will provide students an online mechanism to report all Title IX issues including but not limited to the identification of “hot spots”. In consultation with the Title IX Coordinator, DCPS will take appropriate corrective actions to prevent and address sexual harassment or violence in the identified hot spots.<sup>3</sup> The corrective actions may include, but is not limited to, assigning staff to monitor hot spots and/or adding additional cameras in certain school locations and monitoring those cameras. DCPS shall ensure that any person designated to monitor a harassment hot spot has attended trainings on DCPS’s revised Title IX policies and grievance procedures. DCPS will ensure that those employees who begin employment after such annual training has occurred will work with the Title IX Coordinator to ensure each new employee designated to monitor a harassment hot spot receives training on the policies and procedures.

**Reporting Requirement:** By January 1, 2019, DCPS will provide to OCR documentation regarding its implementation of this item, including the location of the identified hot spots, a description of all steps that DCPS has taken or will take to prevent harassment or violence from occurring in these locations, and the source of the hot spot information.

**Action Item H (OCR Complaint No. 11-14-1260): Review of OCR’s Investigation and Assessment of the Complainant’s Individual Complaint/Report regarding the Student**

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<sup>3</sup> Because the Office of the State Superintendent of Education (OSSE) is the entity responsible for servicing, operating, and maintaining school buses used by DCPS students, and OSSE has its own investigation process and safety procedures, DCPS is responsible for referring to OSSE any hot spot identifications or complaints about Title IX issues pertaining to school buses.

DCPS will review OCR’s investigation of DCPS’s response to the Complainant’s complaints/reports of sexual assault regarding the Student. Upon review, DCPS will reassess whether it: appropriately sanctioned XXXXX and any other students, as applicable; took steps to prevent the recurrence of sexual harassment or sexual assault and addressed any hostile environment created by any harassment/assault; maintained appropriate records/documentation with respect to each complaint/report filed by the Complainant; and ensured the meaningful involvement and oversight by DCPS’s designated Title IX Coordinator. DCPS will assess and determine whether there are any appropriate remedies for the Student and/or other students.

**Reporting Requirements:**

- a) By December 1, 2018, DCPS will review OCR’s investigation of its response and provide to OCR for review and approval, the results of its assessment pursuant to Action Item H and its proposed actions as a result of that assessment.
  
- b) Within 10 days of OCR’s approval, DCPS will take any actions as a result of its assessment, as described above.

DCPS 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 the Agreement. Further, DCPS understands that during the monitoring of this Agreement, if necessary, OCR may visit DCPS, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether DCPS has fulfilled the terms of this Agreement. Upon DCPS’s satisfaction of the commitments made under this Agreement, OCR will close these cases.

DCPS 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 will give DCPS written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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Interim Chancellor or Designee  
District of Columbia Public Schools

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August 8, 2018  
Date