

Resolution Agreement
Williamsburg-James City County Public Schools
OCR Complaint No. 11-14-1295

Williamsburg-James City County Public Schools (the Division) agrees to fully implement this resolution agreement (the Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1295. 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. Moreover, OCR has not substantiated the allegation in the complaint. OCR agrees that the full implementation of this Agreement by the Division will resolve the complaint. Upon confirmation that the Division has fulfilled the terms of this Agreement, OCR will close its monitoring of the Agreement.

Action Item: Title IX Complaint Policy

1. By **April 15, 2015**, the Division will revise its sexual harassment/sexual violence complaint policy to ensure that the procedures provide for the prompt and equitable resolution of complaints by students, employees, and third parties alleging all forms of discrimination on the basis of sex. The complaint policy will, at a minimum, provide:
 - a) Written notice to the parties of the outcome of the investigation;
 - b) An opportunity for the complainant and the alleged perpetrator to submit witnesses and evidence during the investigation;
 - c) Reasonably prompt timeframes for the investigation and adjudication of the grievance;
 - d) That the complainant and/or student are not encouraged to work out his or her concerns directly with the alleged perpetrator; and
 - e) A standardized process that requires all Title IX complaints, including complaints of sexual harassment and sexual violence, to be reported to the Title IX Coordinator, or his or her designee, and which establishes a centralized recordkeeping process for documenting and tracking all Title IX complaints, which will require the Title IX Coordinator, or his or her designee, to maintain information that includes the name of the individual who reported the allegation, the identification of the alleged victim and alleged perpetrator (if known), documentation of investigative steps completed, any interim actions taken to ensure equal access to education programs and activities and protect the complainant as necessary before the final outcome of the investigation, and any disciplinary/remedial actions that were taken.

2. In addition, the Division will ensure that all allegations of sexual harassment/sexual violence will be investigated utilizing the policy described in paragraph 1 and not the Division policy entitled "Equal Education Opportunities/Nondiscrimination."

Reporting Requirements:

- a) By **April 15, 2015**, the Division will provide its revised complaint policy, including any modifications to make clear the policy that controls in all sexual harassment/sexual violence complaints, to OCR for review and approval to ensure its compliance with the Title IX regulation.
- b) Within sixty-five (65) school days of the Division's receipt and incorporation of agreed upon OCR's comments regarding the revised complaint policy, the Division will provide OCR with documentation to substantiate that the Division Superintendent has submitted for approval by the Williamsburg-James City County School Board the revised complaint policy; updated any printed publications and on-line publications with the revised complaint policy (inserts may be used pending reprinting of these publications); and electronically disseminated the revised complaint policy to students, parents, and employees by posting it on the Division's website. This documentation will include at a minimum: (i) printouts or a link to online publications containing the revised complaint policy; (ii) evidence of the electronic dissemination of the revised complaint policy to students and employees; and (iii) if not yet finalized, copies of inserts for printed publications.

Action Item: Training

3. As part of the School's employee orientation week at the beginning of the 2015-2016 school year, the Division will provide Title IX training to review the revised complaint policy and address what can constitute sexual harassment under Title IX and the appropriate standards to determine whether a sexually hostile environment exists. The training will be provided to the Title IX Coordinator and to all School personnel involved in processing, investigating, and/or resolving complaints of sexual harassment. The Division will also provide information about the revised complaint policy and what can constitute sexual harassment under Title IX to all Division employees who may be required to report violations of Title IX.

Reporting Requirements:

- a) Thirty (30) days before the employee orientation week, the Division will submit its proposed training materials, including the name and qualifications of the trainer, to OCR for review and approval.
- b) The Division will demonstrate that it provided training in accordance with paragraph 3 above within thirty (30) days of the training. The documentation will include the name(s) and credentials of the trainer(s), the date(s) and time(s) of the training(s), the names of staff in attendance, and copies of any training materials distributed. The Division also will provide verification of the dissemination of information about the revised complaint policy and what can constitute sexual harassment to all Division

employees who may be required to report violations of Title IX consistent with paragraph 3 above within thirty (30) days of its dissemination.

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 the provisions Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which were 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 and with at least 14 days prior notice to the Division, 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 the provisions of Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which were 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.

| _____ /S/ _____
Superintendent
Williamsburg-James City County Public Schools

_____ 1/23/15 _____
Date