

**Resolution Agreement
Spartanburg School District Seven
OCR Complaint #11-15-1155**

The Office for Civil Rights (OCR) of the U.S. Department of Education initiated an investigation of OCR Complaint Number 11-15-1155 (the Complaint) with Spartanburg School District Seven (the District) on April 2, 2015, pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and its implementing regulation, 34 C.F.R. Part 106 (collectively Title IX). The District and OCR enter into this Resolution Agreement (the Agreement) to resolve the Complaint.

PRELIMINARY STATEMENT

The District voluntarily enters this Agreement to resolve the issues in the Complaint and to reaffirm its commitment to providing a safe education environment by effectively preventing, responding to, and remedying allegations of sex discrimination and sexual harassment. The District expressly denies the allegations of the Complaint and any fault or liability arising under Title IX. This Agreement shall not constitute or be construed as evidence or an admission of any liability, wrongdoing, or violation of Title IX or any other laws or regulations enforced by OCR. Accordingly, the District agrees to take the following actions:

Spartanburg School District Seven (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-1155. This Agreement does not constitute an admission by the District of a violation of Title IX of the Education Amendments of 1972 (Title IX) or any other law enforced by OCR.

ANTI-HARASSMENT STATEMENT

1. By February 29, 2016, the Superintendent will issue a statement stating that the District does not tolerate acts of sexual or gender-based harassment. The statement will be made available to all District students, parents, and staff by: (i) remote upload to all District-owned computers, including without limitation District-owned computers issued to students; (ii) inclusion in 7 *Headlines*, the District's electronic newsletter; (iii) posting in appropriate locations at the District's schools; and (iv) publication on individual school and District 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 District and will 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 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 District staff to work together to prevent sexual and gender-based harassment. The District will distribute this statement in languages other than English, as necessary.

REPORTING REQUIREMENTS:

- a. By January 31, 2016, the District will provide a draft of the anti-harassment statement to OCR for review and approval.

b. Within 30 days of OCR’s approval of the anti-harassment statement, the District will issue the statement as required in the above provision and will provide OCR with links to the statement posted on school and District websites and documentation of all means by which the statement was made available to parents, students, and staff.

POLICIES AND PROCEDURES

2. The District will review its sexual and gender-based harassment policies, procedures and administrative rules to determine how to appropriately reinforce that they provide for prompt and equitable resolution of complaints of student sex discrimination of which the District has knowledge, including sexual harassment and gender-based harassment, as required by Title IX. The District will make such revisions to its policies, procedures and administrative rules as may be necessary to, at a minimum, provide for:
 - a. Notice to students and parents of the procedures for resolving complaints, including where complaints may be filed and who is subject to the procedures;
 - b. A definition of sexual harassment, including specific examples of prohibited conduct;
 - c. Mandatory reporting by teachers, administrators, and staff of alleged sex or gender-based discrimination of which they become aware, including sexual harassment, to the appropriate designated school and District administrators;
 - d. Designated and reasonably prompt timeframes for all major stages of the grievance process, as well as the process for extending timelines;
 - e. The adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence, and the requirement that the investigation will be documented and maintained in a central database or location with other related complaints;
 - f. Written notice to the parties of the outcome of the complaint;
 - g. Protection against retaliation;
 - h. An assurance that the District will take reasonable steps to prevent recurrence of harassment in the educational setting and to correct its discriminatory effects on the harassed student and others in the educational setting, if appropriate;
 - i. Reasonable steps to protect the harassed student and others in the educational setting as necessary, including interim steps before the final outcome of the individual school and/or District’s investigation; and
 - j. Notification of the complainant’s right to make a criminal complaint with law enforcement and a sexual harassment complaint with the District simultaneously.

REPORTING REQUIREMENT: Within 90 days after the execution of this Agreement, the District will provide OCR with its draft revised policies, procedures and/or administrative rules for review and comment as to compliance with Title IX.

3. Within 30 days after receipt of OCR’s response to the draft sexual harassment policies, procedures and/or administrative rules, the District will finalize such policies, procedures and administrative rules and present them for any necessary approvals. Upon approval, District will widely publicize such policies, procedures and/or administrative rules, including: (i) sending written notification to students, parents, and employees no later than the end of the first week of school for the 2016-2017 academic year; (ii) at the next regular printing of publications directed at students and parents, publishing such policies,

procedures and administrative rules; and (iii) posting a link to such policies, procedures and/or administrative rules in easily accessible locations on the District's website.

REPORTING REQUIREMENT: By May 30, 2016, the District will submit to OCR documentation that it has publicized such revised policies, procedures and/or administrative rules.

4. The District will review its written procedure for its Title IX Coordinator and other designated school and District administrators on how to investigate and respond to student complaints of sexual and gender-based harassment. The District will revise its procedures, as necessary, to include:
 - a. a process for investigating and documenting harassment complaints related to sex and gender, including how to conduct interviews with the alleged harasser, the victim, and other witnesses; providing the parties with periodic status updates 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 District'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 District's investigation would impede or interfere with the law enforcement investigation; in such cases, the District may need to delay its Title IX investigation and, if necessary, the District will implement appropriate interim steps to provide for the safety of the victim and others in the educational setting and the avoidance of retaliation, and the District will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that the agency has completed its investigation;
 - c. the creation of a centralized database or location in the District in which documentation of District investigations and outcomes of sexual and gender-based harassment complaints are compiled and maintained;
 - d. the steps reasonably necessary to end any harassment and prevent harassment from occurring again, including disciplinary measures for the harasser, remedies for the victim, and environmental measures 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 Title IX; and,
 - f. the District 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 complaints of sexual and gender-based discrimination, including harassment.

REPORTING REQUIREMENT: Within 90 days after the execution of this Agreement, the District will provide OCR with its draft investigation procedure for review and comment as to compliance with Title IX and approval.

5. Within 30 days after receipt of OCR's response to the draft investigation procedure, the District will finalize the procedure and present the final procedures for such approval as is necessary in accordance with Board policy and procedures. Upon any such approval, the District will distribute the procedure to the Title IX coordinator, all District and

school-level administrators, and any individuals responsible for investigating and/or responding to sexual and gender-based harassment complaints by students and parents.

REPORTING REQUIREMENT: Within 30 days after any such approval of the investigation procedure, the District will submit to OCR documentation that it has distributed the procedure.

SCHOOL-WIDE TRAINING, EDUCATION, AND CLIMATE ASSESSMENT

6. Prior to commencement of the 2016-2017 school year, the District will provide mandatory in-service training to Spartanburg High School (the School) administrators and appropriate faculty and staff on any revised sexual harassment policies, procedures and/or administrative rules and any revised procedure on how to investigate and respond to student complaints of harassment related to sex and gender.

REPORTING REQUIREMENTS: Within 90 days after any necessary approval and of revised policies, procedures and/or administrative rules, the District will provide OCR with its draft training materials for review and comment as to compliance with Title IX. Within 30 days after completing the training, the District will provide OCR with a copy of the training sign-in sheets and/or verification of completion of computer training.

7. No later than the end of the first week of school for the 2016-2017 academic year, the District will provide age-appropriate education to School students designed to increase awareness of sexual and gender-based harassment and the District's any revised sexual harassment policies, procedures and/or administrative rules. The program will 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 related to sex and gender.

REPORTING REQUIREMENTS: Within 30 days after completing the program, the District will provide OCR with confirmation that the education session occurred, copies of its program materials, and the identity and credentials of the presenters conducting the program.

8. The District 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 District to ensure that it is free of harassment related to sex and gender.

REPORTING REQUIREMENTS:

- a. By May 30, 2016, the District will provide OCR with its draft climate surveys for review and approval.
- b. No later than the end of the first week of school for the 2016-2017 academic year, the District 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.

SEXUAL HARASSMENT COMPLAINTS

- 9. For the 2015-16 and 2016-2017 school years, the District will maintain records of all complaints of sexual and gender-based harassment at the School.

REPORTING REQUIREMENTS:

- a. Within 60 days after the end of the 2015-2016 school year, the District will provide OCR with documentation regarding each complaint of alleged sexual or gender-based harassment at the School, including any complaints, incident reports, correspondence, investigative reports, interview notes, written findings, and records of any corrective action taken.
- b. Within 60 days after the end of the 2016-2017 school year, the District will provide OCR with documentation regarding each incident complaint of alleged sexual or gender-based harassment at the School, including any complaints, incident reports, correspondence, investigative reports, interview notes, written findings, and records of any corrective action taken.

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 C.F.R Part 106, which was at issue in this case. The District also 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, at 34 C.F.R. Part 106, which was at issue in this case.

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.

FOR THE DISTRICT:

_____/S/_____

_____12/18/15_____

NAME /TITLE

DATE