

RESOLUTION AGREEMENT
Charlotte-Mecklenburg Schools
OCR Case No. 11-16-1415

Charlotte-Mecklenburg Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1415. 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.

STUDENT AND COMPLAINANT-SPECIFIC PROVISIONS

1. Within fifteen days of the effective date of this agreement, excluding school holidays, the District will review the XXXX, incident involving Students A, B, and C to determine whether appropriate remedies were provided to the Complainant and, if not, what remedies are needed, such as counseling or academic adjustments, and take all necessary steps beyond remedies for Complainant to address any hostile environment that exists. The District will provide written notice to the parties of the outcome of the review and, if appropriate, any steps it will take to prevent the recurrence of sexual harassment and remedy the effects of the hostile environment created at the District.

REPORTING REQUIREMENT: Within fifteen (15) days of completing the review, the District will provide for OCR's review and approval the results of the review as described above, including any actions taken by the District and remedies put in place by the District as a result of its review. If OCR determines that the District must take any different or further action(s) and/or provide any different or further remedies, the District will do so within fifteen (15) days of receipt of OCR's determination. Within 5 calendar days after the outcome notice is provided to the Complainant, the District will provide OCR with a copy of the written notice.

2. By April 10, 2017, the District will complete a prompt and equitable investigation with regard to the conduct of a sexual nature by Student B of which it had notice as a result of the investigation of the XXXX incident that is the subject of this complaint. The District's investigation will include a review of all possible incidents of sexual harassment involving Student B during the 2015-2016 school year, including the related conduct learned as a result of the alleged incident with Student A; consideration of the impact any such incidents had on other students' ability to access the educational program at the School; the opportunity for the parties to present witnesses and other evidence; a review of the disciplinary file for Student B to determine whether there have been other incidents of unwelcome conduct of a sexual nature involving Student B; use of the preponderance of the evidence standard; and notice of the outcome in writing to the parties involved. Interviews of all witnesses will be documented and will be maintained in a central database or location within the District. The review will include a determination regarding whether a sexually hostile environment existed at the School during the 2015-2016 school year, and whether it warrants measures intended to stop the harassment, prevent its recurrence, and remedy its effects on the School community.

REPORTING REQUIREMENT: By April 30, 2017, the District will provide OCR for its review and approval documentation of its investigation, including interview notes, investigative reports, and written findings. OCR will approve the District's investigation when it determines that the investigation process complies with the regulatory requirements of Title IX.

3. If, as a result of the District's investigation outlined in Action Item 2, the District determines that a sexually hostile environment existed at the School, a District administrator, such as its Title IX Coordinator, will ensure that a plan is put in place and implemented to stop the harassment, prevent its recurrence, and remedy its effects on the School community.

REPORTING REQUIREMENT: Within 10 calendar days after the investigation outlined in Action Item 2 is complete, the District will provide OCR with a copy of a written plan, as described in Action Item 3 above.

4. Within 15 calendar days after OCR determines that the District's investigation was conducted in compliance with Title IX, the District will provide written notice to the parties of the outcome of the investigation and, if sexual harassment and a hostile environment were found to have existed, any steps it will take to prevent the recurrence of sexual harassment and remedy the effects of the hostile environment created at the District.

REPORTING REQUIREMENT: Within 10 calendar days after the notice is provided, the District will provide OCR with a copy of the notice.

TITLE IX EDUCATION AND TRAINING

5. Within 45 calendar days of OCR's approval of the training materials and the trainers, the District will provide mandatory Title IX training to all XXXX instructional staff who have not completed Title IX training between February 1, 2016 and the effective date of this agreement.

At a minimum, the training will include:

- a. Guidance to increase awareness of what constitutes sexual harassment among students or involving an alleged student victim, including what constitutes a hostile environment under Title IX;
- b. A review of the District's responsibility under its own policy and Title IX to address allegations of harassment, including specific guidance on the District's grievance procedures, the District's responsibility for responding to sexual harassment whether or not a grievance is filed and regardless of whether the actions are potentially criminal in nature, how to report possible harassment, and how to respond to harassment; and
- c. Notice that failure to respond appropriately to sexual harassment violates the District's policy and federal law.

REPORTING REQUIREMENTS: By March 1, 2017, the District will provide OCR with the name and qualifications of the trainer and either an outline of the training content or a copy of the training presentation for OCR approval.

Within 30 calendar days of the completion of the above training, the District will provide documentation of participation for each participant. This documentation will include, at a minimum, the name and title of each participant.

6. Within 45 calendar days of OCR's approval of the training materials and the trainers, the District will provide mandatory Title IX training to the designated Title IX liaison(s) for XXXX on how to conduct, document, and formulate any corrective actions for a sexual harassment investigation.

REPORTING REQUIREMENTS: By March 1, 2017, the District will provide OCR with the name and qualifications of the trainer and either an outline of the training content or a copy of the training presentation for OCR approval.

Within 30 calendar days of the completion of the above training, the District will provide documentation of participation for each participant. This documentation will include, at a minimum, the name and title of each participant.

SEXUAL HARASSMENT COMPLAINTS

7. Within 30 calendar days after the end of the Spring 2017 semester and 30 calendar days after the end of the Fall 2017 semester, the District will provide to OCR a list of all complaints or reports of possible sexual harassment that took place at the School for the immediately preceding semester so that OCR can ensure that the District's response is consistent with Title IX. The District will also provide all supporting documentation related to these incidents, including but not limited to the complaints, the incident reports, correspondence (including e-mail), interview notes, documentary evidence, written notices of outcome, and appeals.

REPORTING REQUIREMENT: Within 30 calendar days after the end of the Spring 2017 semester and 30 calendar days after the end of the Fall 2017 semester, the District will provide OCR with the information and documentation described in Action Item 7 above.

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 regulations implementing Title IX, at 34 C.F.R. Part 106.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 regulations 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.

By: _____ /s/ _____ Date: _____ 02/27/2017 _____

Superintendent or Designee,
Charlotte-Mecklenburg Schools