

RESOLUTION AGREEMENT
Fairfax County Public Schools
OCR Case No. 11-18-1277

Fairfax County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-18-1277. 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.¹

Action Item A: The Complainant

By November 1, 2018, the Division's Title IX Coordinator will review and assess the actions of the XXXXX (the School) in conjunction with XXXX. As a result of the assessment, and if determined that the School XXXX in retaliation for her sex-related advocacy on behalf of the Student, the Title IX Coordinator will recommend to the School any actions that should be taken to remedy the retaliation, including any actions for the Complainant.

Reporting Requirements:

- a. By December 15, 2018, the Division will submit, for OCR's review and approval, documentation demonstrating that the Title IX Coordinator reviewed and assessed the actions of the Principal in accordance with Action Item A above. The documentation will include, at a minimum, a description of the process used to conduct the review; the results of the review; any recommendations to the School regarding whether there are any actions that should be taken to remedy the retaliation, including any actions for the Complainant, and why; and, any proposed action(s) to be taken by the School.
- b. Within 15 calendar days of OCR's review and approval of the assessment and any proposed action(s) to be taken by the School, the Division will provide documentation to OCR demonstrating implementation of any proposed action(s).

Action Item B: Title IX/Retaliation Training

By November 1, 2018, and with the assistance of the Division's Title IX Coordinator, the Division will submit to OCR all administrator trainings conducted to date in 2018 regarding student peer sexual harassment under Title IX. OCR will assess whether the trainings addressed the following:

1. In-depth guidance to increase awareness of what constitutes sexual harassment between students or involving a student victim;
2. The School's obligations to investigate and respond to reports/complaints or incidents of harassment related to sex;

¹ Further, OCR has made no determination that the Division has violated Title IX or any other law enforced by OCR.

3. The School's policies and procedures applicable to Title IX complaints and to whom such complaints should be reported;
4. The requirement that schools take reasonable, timely, and effective action to investigate sexual harassment complaints/reports and incidents, and that the inquiry should be prompt, thorough, and impartial;
5. The requirement to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring; and,
6. Title IX's prohibition against retaliation, to include a discussion of: (a) examples of what constitutes a protected activity, including advocacy on behalf of students with respect to sex; (b) the prohibition on adverse actions in response to those protected activities; (c) recognizing acts of retaliation and intimidation; and (d) their effects on individuals who engaged in protected activities.

Reporting Requirements:

- a. By November 1, 2018, the Division will submit for OCR's review the training materials as described in Action Item B above. The Division will also identify the individual(s) who conducted the trainings and their qualifications.
- b. Within 90 calendar days of written notification from OCR of a areas that require additional training, including which topics from Items 1-6 above should be the focus of subsequent trainings, the Division will provide written documentation to OCR demonstrating that the training was provided consistent with Action Item B above, including the following:
 - i. The name(s) of the individual(s) who conducted the training;
 - ii. A list of the individuals who attended the training and their positions;
 - iii. The date(s) the training was conducted; and
 - iv. Copies of any training materials disseminated.

Action Item C: Review of Complaints/Reports of Incidents of Sexual Harassment

By December 31, 2018, the Division will review and assess its responses to the Complainant's complaints/reports of incidents of peer sexual harassment involving the Student at the School during the 2017-2018 school year. If the Division determines that sexual harassment occurred, it will assess whether it knew or reasonably should have known that the harassment occurred; and if so, whether it took prompt and effective steps reasonably calculated to end the harassment, eliminate a hostile environment if one was created, and prevent harassment from recurring. If the Division determines that it failed to take these steps, it will further assess whether its own inaction permitted students to be subjected to a hostile environment, and if so, it will remedy the effects on students that reasonably could have been prevented had it responded promptly and effectively.

Reporting Requirements:

