

**Resolution Agreement  
Clarenceville School District  
OCR Docket No. 15-12-1314**

The Clarenceville School District (the District) voluntarily submits the following agreement to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to ensure compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, and to resolve the above-referenced complaint. Accordingly, the District agrees to take the following actions:

**Individual Remedies**

1. By May 30, 2014, the District will draft and submit to OCR for review and approval a letter to the Student's parent, to be issued by June 6, 2014, including the following:
  - a. XX XXX XXXXXXXX XXXXXXXX XX XXXXXXXX XX XXX XXXXXXXXXX an offer to provide academic support, including tutoring, to address any academic deficits.
  - b. Notice that XX XXX XXXXXXXX XXXXXXXX XX XXXXXXXX XX XXX XXXXXXXXXX the school that the Student attends will designate a District staff member to serve as the Student's first point of contact to report any harassment or bullying and a timeframe for the same, as well as a timeframe for the District to provide information to the Student's family regarding its investigation and response. XX XXX XXXXXXXX XXXXXXXX XX XXXXXXXX, the District will organize a meeting between the Student and the District's point of contact to develop, as needed, a plan to ensure her participation in school safe from harassment.
2. Within 5 calendar days of the District's receipt of the OCR-approved letter to the Student's parent, or by June 6, 2014, whichever is earlier, the District will send the letter described in item 1 to the Student's parent by certified mail, return receipt requested, as well as telephonically contact the parent if the letter is returned to the District for any reason. The letter will include notice of the contact information for the District staff member.
3. If the parent opts to have the District provide any academic services outlined in paragraph 1, above, the District will work with the parent and the Student to develop a plan to provide the services throughout the 2014-2015 school year. XX XXX XXXXXXXX XXXXXXXX XX XXX XXXXXXXXXX the District will convene the meeting described in item 1.b and develop any necessary safety plan within 7 school days of her return.

**Reporting Requirements:** By May 30, 2014, the District will provide OCR with the draft letter required by item 1 above. By July 9, 2014, the District will provide documentation verifying that it issued the letter to the Student's parent, indicating whether the Student's parent either accepted or refused the District's offer, and verifying any reimbursement and services provided by the District through that date. If the Student's parent accepted the offer, then by December 31, 2014, and June 14, 2015, the District will provide OCR with documentation verifying any counseling and academic services provided.

X---multiple sentences redacted---X. XXXXXX X XXXX XX XXX XXXXXXXXXXX XXXXXX  
XX XXX XXXXXXXXXXX the District shall organize a meeting with the Student's point of contact,  
as designated by the District, to discuss the reporting of any harassment or bullying, as described  
in Item 5. Within 7 days after that meeting, the District shall provide the Student and OCR with  
a letter summarizing the discussion at that meeting and providing the point of contact's name and  
relevant contact information.

### **District-wide Remedies**

4. By July 9, 2014, the District will revise and submit to OCR for review and approval its policies and procedures regarding sex-based discrimination and harassment. The revised policies and procedures will include, at a minimum:
  - a. consolidation of the grievance procedures presently identified as 5040-R, Non-Discrimination on the Basis of Sex, and 5050-R, Sexual Harassment and Intimidation, into one procedure, and reconciliation of the procedures with the District policy regarding discrimination based on sex and sexual harassment and the procedures described in the District's NEOLA policies (documents #5517 and #2260);
  - b. a requirement that school personnel report incidents of alleged student-to-student, staff-to-student, and staff-to-staff harassment that may be based on sex, including incidents that school personnel witness or receive reports or information about, whether or not such incidents are verbal or physical or amount to harassment in other forms to the District's Title IX coordinator;
  - c. a requirement that if a student files a complaint with the school, regardless of where the conduct occurred, the school will process the complaint in accordance with its established procedures and, if the conduct occurred off-campus, will consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus;
  - d. an explanation of how to report harassment and/or file a complaint, including specific information as to the name or title and contact information (including office and email address and telephone number) for the District employee(s) responsible for receiving and/or investigating reports of harassment and the District's Title IX coordinator;
  - e. a requirement that the Title IX coordinator oversee the District's investigations of discrimination based on sex and that each District staff member designated in accordance with item 4.d above document all reported incidents of harassment as well as any incidents they observe. It is further required that the District establish and submit to OCR a protocol for District-level recordkeeping of each of the reports submitted by the designated staff members, including the investigatory report described below in item 4.g;
  - f. to the extent that the District wishes to maintain an informal complaint process, as well as a formal one, it must state that the informal process will not be used with respect to allegations of sexual violence;
  - g. a description of the District's complaint procedures, including a requirement that an investigatory report be filled out by the District's designated staff member or his/her

designee during the course of the investigation. The report should include, at a minimum: (1) the name or a description/identifying information available and protected class of the alleged victim and, if different, the name or a description/identifying information available and protected class of the person reporting the allegation; (2) the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident; (3) the name(s) and protected classes of all persons alleged to have committed the alleged harassment, if known, or a description/identifying information available if the name is not known; (4) the name(s) or description/identifying information and protected classes of all known witnesses to the alleged incident; (5) any written statements of the reporter, the victim (if different from the reporter), the accused student(s), and any known witnesses; (6) the outcome of the investigation; and (7) the response of school personnel and, if applicable, District-level officials, including the date any incident was reported to the police;

- h. designated and prompt timeframes for the major stages of the investigation, with a provision indicating that, to the extent permitted by law, the District will comply with law enforcement requests for cooperation and such cooperation may require the District to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence and that the District will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process. Except in extenuating circumstances, the suspension of the investigation will not exceed ten calendar days;
- i. clarification that the District will implement appropriate interim steps during its own and the law enforcement agency's investigation period to provide for the safety of the victim(s) and the school community and to avoid retaliation, and clarification that such interim steps will not be at the detriment of the complainant;
- j. a requirement that written notice of the outcome of the investigation, to the extent permitted by law, be provided to the parties;
- k. identification of the means the District will use to investigate incidents of harassment, including but not limited to the following:
  - i. the various steps the District will take to conduct adequate, reliable and impartial investigations of reported incidents;
  - ii. the action steps the District will take to stop, remedy, and prevent recurrence of the alleged harassment; and
  - iii. a statement that the District will use a preponderance of the evidence standard to determine whether a hostile environment exists; and
  - iv. clarification that, if a complainant requests confidentiality or asks that the complaint not be pursued, the school should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation. If a complainant insists that his or her name or other identifying information not be disclosed to the alleged perpetrator, the school should

inform the complainant that its ability to respond may be limited. The school also should tell the complainant that Title IX prohibits retaliation and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs;

- l. a prohibition of retaliation against persons who report alleged harassment or participate in related proceedings;
  - m. current contact information for OCR, and an explanation that individuals may choose to file a complaint with OCR at any time and that OCR does not serve as an appeal body for District decisions;
  - n. an appeal process that is available to both parties on an equitable basis; and
  - o. the development of a plan for a comprehensive Title IX training program for District officials, administrators, staff, and security personnel responsible for implementing and enforcing federal anti-discrimination and anti-harassment laws and related policies and procedures.
5. Within 45 calendar days of the District's receipt of the OCR-approved revised policies and procedures, the District will adopt and implement the OCR-approved revised policies and procedures, publish them on its website, and include them in its student and parent handbooks, if any. The District may add inserts to any existing handbooks and distribute those inserts to parents and students until such time as the hard copy handbooks may be appropriately updated. The District will further certify that it has reviewed all of its existing policies and procedures and related documents that cover sexual harassment (e.g., 5030, Non-Discrimination; 5040, Non-Discrimination on the Basis of Sex; 5050, Sexual Harassment and Intimidation; and Sexual Harassment Reporting Form) to ensure that they are consistent, or, to the extent necessary, withdrawn, so as to eliminate confusion for students and staff. The District will further notify staff, students, and parents of where copies of the policies and procedures may be obtained.

**Reporting Requirements:** By July 9, 2014, the District will submit to OCR the policies and procedures revised as described in item 4 for review and approval. Within 45 calendar days of the District's receipt of the OCR-approved revised policies and procedures, the District will provide documentation to OCR verifying its implementation of item 5, including copies of the published policies, a link to the policies and procedures on the District's website, and any notices issued to staff, students, and parents.

6. Within 90 calendar days of the District's receipt of the OCR-approved revised policies and procedures, the District will provide training to all District administrators and staff regarding sexual harassment. The training will address, specifically, the responsibility of staff to report incidents of possible harassment and the procedures for doing so and will provide instruction on how to recognize and take steps reasonably designed to prevent and respond appropriately to such harassment. The training will further review the content of the District's policies and procedures revised per item 4 above. This training will be conducted by a person knowledgeable and trained about these subjects.

7. Within 90 calendar days of receipt of the OCR-approved revised policies and procedures, the District will provide age-appropriate training to all students at the District's middle school and high school regarding sexual harassment. The training will specifically address the responsibility of students to report incidents of possible harassment and the procedures for doing so and will provide instruction on how to recognize, prevent, and respond appropriately to such harassment. It will further review the content of the District's policies and procedures revised per item 4 above, and potential disciplinary consequences for engaging in sexual harassment. This training will be conducted by a person knowledgeable about these subjects.

**Reporting Requirement:** Within 90 calendar days of receipt of the OCR-approved revised policies and procedures, the District will provide documentation to OCR to verify its implementation of items 6 and 7 above. Specifically, the District will provide verification of the attendees at the trainings, a list of any staff who did not participate in the staff training(s), a description of the qualifications of the presenters, outlines of the topics covered in the trainings, and any materials distributed during the trainings.

8. The District will appoint an administrator or staff person to conduct a climate assessment with respect to sexual harassment at the District's middle school and high school during the 2014-2015 and 2015-2016 school years, as well as any follow-up activities the individual conducting the climate assessment determines to be necessary. The individual conducting the climate assessment will also review and maintain documentation of all written and verbal complaints of sexual harassment reported to the District during the 2013-2014, 2014-2015, and 2015-2016 school years, as well as documentation of the District's investigation and resolution of those complaints. The individual conducting the climate assessment will maintain copies of the surveys, questionnaires, and any other writings related to the climate assessment and complaints of sexual harassment and will develop findings and recommendations as a result of the assessment and any follow-up. If the climate assessment involves a survey, participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.

**Reporting Requirements:** By September 30, 2014, the District will provide OCR with documentation showing that item 8 has been implemented, including the name and job title of the individual appointed to conduct the climate assessment, a description of the climate assessment, and any resulting findings and recommendations. Also, by July 29, 2014, the District will provide OCR with documentation of all written and verbal complaints of sexual harassment reported to the District during the 2013-2014 school year, as well as documentation evidencing the District's investigation and resolution of such complaints. By June 14, 2015, the District will provide OCR with documentation showing what recommendations with respect to the climate assessment for the 2014-2015 school year were implemented and a written rationale as to why any particular recommendations were not implemented. The District will provide OCR the same type of documentation on June 14, 2016, for the 2015-2016 school year.

### **General Requirements**

