

**Resolution Agreement  
Kalamazoo Public School District  
OCR Docket Number 15-15-1267**

Kalamazoo Public Schools (the District) has entered into the following agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure the District's compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104. This Agreement was entered into voluntarily by the District in order to resolve the complaint, and does not constitute an admission of wrongdoing by the District or its employees.

**A. Title IX Policies and Grievance Procedures**

The District revised its Title IX grievance procedures and other procedures designed to address complaints of discrimination on the basis of sex (including sexual harassment and sexual assault) in July 2018. By August 31, 2018, the District will adopt and implement the revised Title IX procedures. Within 60 calendar days of this Agreement, the District will do the following to communicate its revised Title IX policy statement and grievance procedures to the school community, including students, parents and employees: (1) include the Title IX policy statement and grievance procedures in the District's 2018-2019 student code of conduct; (2) post the Title IX policy statement and grievance procedures on the District's website; and (3) publish notice of the new Title IX policy statement and grievance procedures and their location on the District's website in the District's beginning-of-school publication of its Excelsior newsletter.

**Reporting Requirements:**

Within 60 calendar days of the date of this Agreement, the District will provide OCR with information demonstrating its compliance with Item A above, including copies of its 2018-2019 student code of conduct, the link to where the Title IX policy statement and grievance procedures are published on the District's website, and a copy of the 2018-2019 Excelsior document.

The District will submit to OCR, at 120 and 240 calendar days after the District's implementation of the revised Title IX policy statement and grievance procedures, copies of all Title IX grievances and other reported incidents that the District received and/or processed during the preceding 120 calendar days, and documentation of the District's response to each.

**B. Documentation of Complaints, Reports, and Other Notice of Alleged Sex Discrimination and the District's Response**

1. The District has developed a procedure to document each incident or complaint of discrimination on the basis of sex (including harassment and/or sexual assault)

received by the District, whether formal or informal, written or verbal, from any source. The procedure requires that the District maintain:

- a. documentation describing the incident or complaint;
- b. a record of when and how the incident or complaint was brought to the attention of the District;
- c. documentation indicating the date the appropriate Title IX coordinator(s) was notified of the incident;
- d. documentation regarding any investigation conducted by the District, including witnesses interviewed; documents reviewed; and transcripts, recordings and other information considered related to the investigation;
- e. documentation of the District's disposition of the complaint or incident, including the date of the disposition, the basis for the disposition, and a description of any sanctions, remedies, and/or other District action determined to be needed;
- f. documentation that the District promptly provided the parties written copies of any decisions, including any appeals, regarding the complaint or incident;
- g. documentation regarding any contacts with law enforcement regarding each incident or complaint, and any actions taken by law enforcement, if known to the District;
- h. documentation of any interim measures offered to the parties pending the District's investigation; documentation of any interim measures used by the parties during the investigative process; and documentation of District communication with the parties concerning interim measures;
- i. documentation of any remedies provided to individuals found to have been subjected to sex discrimination (including sexual harassment and/or sexual assault) and any other appropriate persons;
- j. where sexual harassment and/or sexual assault is found to have occurred, documentation that the District followed up with the party who was harassed, and the party's parents/guardians if the party is a minor, to ensure the harassment has not recurred, and that the discriminatory effects of the harassment have been remedied; and
- k. The District's Title IX Investigation Form, drafted in July 2017, will be used as a checklist and guide to facilitate documentation of Title IX investigations.

**Reporting Requirements:**

By September 1, 2018, the District will provide OCR with information or documentation confirming that the procedure and Title IX Investigation Form have been distributed, the Title IX coordinators and District staff have received training on the procedure and the form, and the procedure and form are being used in the District's processing of Title IX complaints.

**C. Title IX Training for District Staff**

The District has provided documentation to OCR demonstrating that it has provided Title IX training to its staff during the 2017-2018 academic year.

By September 15, 2018, the District will begin providing annual, mandatory Title IX training to its Title IX coordinators, and other administrators (e.g., principals, assistant principals) and other employees who participate in Title IX investigations. The District will also provide, in person or online, mandatory training to all other District staff. The training, at a minimum, will cover: (a) the District's revised Title IX policy statement and grievance procedures; (b) the role and duties of the Title IX coordinators; (c) how to recognize and appropriately address incidents and complaints under Title IX, including where and with whom to report such incidents; (d) how to identify sex discrimination, including sexual harassment and/or sexual assault; (e) the District's responsibilities under Title IX to address such incidents, even without a formal Title IX complaint; and (f) explanation of the District's response to reported sex discrimination and harassment, including investigation, provision of interim measures prior to and during an investigation, and the actions that may be necessary to stop discrimination and harassment found to have occurred, prevent its recurrence, and remedy its discriminatory effects for the victim and others as appropriate. During the training, the District will provide copies of its nondiscrimination notice and Title IX grievance procedures to all attendees, or refer them to their location within the publications they already possess or on the District's website. The District will provide any new employee with the above-referenced training within 60 calendar days of his or her start date.

In addition to the above, the training for Title IX coordinators and any other employees who participate in Title IX investigations will also include instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, as well the District's policy prohibiting retaliation. The training will also inform attendees what to do to respond to additional incidents of alleged sexual harassment and retaliatory harassment that the District receives notice of during an investigation. During the training, the District will provide copies of its revised Title IX grievance procedures to all attendees, or refer them to their location within the publications they already possess or on the District's website.

**Reporting Requirements:**

The District will provide by September 30, 2018, documentation to OCR demonstrating that training was provided by the District in accordance with Action Item C above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s); the date(s) and time(s) of the training(s); a description of each training; the type of

audience; sign-in sheets for each session with the names and titles of those attending; and copies of any training materials distributed.

**D. Student Information Sessions**

By **September 30, 2018**, the District will begin to provide annual, age-appropriate training on sex discrimination, including sexual harassment and sexual assault, to all of its middle school and high school students. The training will include: information regarding the role and duties of the Title IX coordinators; the District's revised policies and procedures (once they have been approved by OCR); how to recognize incidents of sex discrimination, including sexual harassment and sexual assault; how and where to report incidents of sex discrimination, including sexual harassment and sexual assault; the consequences for violating the District's policy against sex discrimination, including sexual harassment and sexual assault; the District's prohibition against retaliation and retaliatory harassment and how to recognize such incidents; and remedies available to students who have been subjected to sex discrimination, including sexual harassment and sexual assault, such as counseling and academic support.

**Reporting Requirements:**

By **October 31, 2018**, the District will provide documentation to OCR demonstrating its compliance with Action Item D above, including a list of dates and times when the training sessions were held; the audience attending each training; the names, titles, and qualifications of the individuals who presented the training; and copies of any materials that were used or distributed at each training.

**E. Title IX Coordinators: Monitoring Program**

By **August 31, 2018**, the Title IX coordinators will develop a monitoring program to assess the effectiveness of the District's overall Title IX anti-harassment efforts at XXXXXX XXXXX High School (the School). At a minimum, the Title IX coordinators or a qualified designee will annually: review all reports, incidents and complaints, whether formal or informal, involving discrimination on the basis of sex (including sexual harassment and sexual assault ) received regarding the School; obtain input from a broadly representative sample of School students and employees regarding any ongoing hostile climate based on sex at the School; compile, evaluate, and analyze data collected, including a disaggregated assessment of whether the reported incidents of harassment have increased or decreased in number and severity and whether there are any particular locations, or programs at the School where a sexually hostile climate might exist; and propose recommendations for improvement of the District's anti-harassment efforts and timelines for implementation of the recommendations.

**Reporting Requirements:**

By **October 30, 2018**, the District will provide documentation to OCR of a proposed monitoring program. By **September 15, 2019**, the District will provide documentation to OCR demonstrating that the Title IX coordinators, or a qualified designee, completed the annual reviews, the results of the reviews, any recommendations made, and any action steps taken as a result of the reviews.

**F. Individual Remedies for Student A**

By **September 1, 2018**, the District will offer Student A and Student A’s parent, in writing, to have the Title IX coordinators meet with them in person, via telephone, through correspondence, or through other means preferred by Student A regarding the District's handling of the investigation into the alleged sexual assault of Student A in October and November 2014. The letter will provide them with a written notice of the outcome regarding their complaint, including steps taken by the District. The letter will explain that the District is revising its Title IX policies and procedures to ensure that complaints of sex discrimination, including sexual harassment and assault, are timely processed and addressed.

**Reporting Requirements:**

By **September 30, 2018**, the District will provide OCR a copy of the letter it sent to Student A and her parent pursuant to Action Item F.

By **October 31, 2018**, the District will submit to OCR copies of any responses received to the letter issued pursuant to Action Item F. By **December 15, 2018**, the District will submit documentation of any actions it has taken as a result, e.g., documentation that the District met with the Student and/or her parents.

**General Requirements**

The District understands that by signing this Agreement, it agrees to provide the foregoing 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. §§ 106.8, 106.9(a), and 106.31, and the regulation implementing Section 504 at 34 C.F.R. § 104.33. Upon completion of the obligations under this Agreement, OCR shall close 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

/s/

August 6, 2018

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Michael F. Rice, Ph.D.  
Superintendent

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Date