

**Resolution Agreement  
Southern Tioga School District  
OCR Docket Number 03121170**

In order to resolve the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulation, 34 C.F.R. Part 106, the Southern Tioga School District (the District) commits to implement the provisions set forth in this Resolution Agreement (Agreement).

**DEFINITIONS**

Sexual harassment means unwelcome conduct of a sex nature, which can include sex assault, sex violence, sex misconduct, unwelcome sexual advances, requests for sex favors, or other verbal, nonverbal, or physical conduct of a sexual nature. It can include conduct such as touching of a sexual nature; making sexual comments, jokes or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity; or circulating, showing, or creating electronic mail messages (e-mails) or websites of a sexual nature. Sexual harassment includes gender-based harassment, which includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, but which are not necessarily sexual in nature. Gender-based harassment includes harassment of an individual either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity and femininity.

**ACTION STEPS**

**Title IX Grievance Procedures**

1. By July 1, 2015, the District will submit to OCR for its review and approval draft Title IX grievance procedures to address complaints of sex discrimination (including sexual and/or gender-based harassment and sexual violence), as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b). The District will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sex discrimination and will include, at a minimum, the following:
  - a. notice to students and employees of the grievance procedures, including where complaints may be filed;
  - b. application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination or sexual and/or gender-based harassment (including sexual violence) carried out by employees, other students, or third parties;
  - c. provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
  - d. designated and reasonably prompt time frames for the major stages of the complaint process;
  - e. written notice to the complainant and alleged perpetrator of the outcome of the complaint in compliance with FERPA;
  - f. assurance that the school will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, if appropriate;
  - g. a statement of the school's jurisdiction over Title IX complaints;
  - h. adequate definitions of sexual harassment (including gender-based harassment) and an explanation as to when such conduct creates a hostile environment;

- i. reporting policies and protocols, including provisions for confidential reporting;
- j. identification of the employee or employees responsible for evaluating requests for confidentiality;
- k. notice that Title IX prohibits retaliation;
- l. notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously;
- m. notice of available interim measures that may be taken to protect the student in the educational setting;
- n. a statement that preponderance of the evidence (*i.e.*, more likely than not that sexual violence occurred) will be the standard used in investigating a complaint;
- o. notice of potential remedies for students;
- p. notice of potential sanctions against perpetrators; and
- q. sources of counseling, advocacy, and support.

Recognizing that Title IX does not require a separate sexual harassment complaint procedure, the District assures OCR that if it chooses to maintain a separate sexual harassment complaint procedure, it will comply with the requirements outlined above.

**Reporting Requirement:** By July 1, 2015, the District will submit to OCR a copy of the District's revised Title IX grievance procedures for OCR's review and approval.

2. Within 45 calendar days of the start of the 2015-2016 school year and after written notification from OCR that the revised grievance procedures developed in accordance with Action Step #1 above are consistent with Title IX requirements, the District will adopt and implement the procedures and will provide all students, faculty, staff, and administrators with written notice regarding the revised grievance procedures for resolving Title IX complaints together with information on how to obtain a copy of the grievance procedures. The District, at a minimum, will make this notification through the District's website, electronic mail messages to faculty, staff, administrators and students, and any regularly issued newsletters, (in print or online), as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

**Reporting Requirement:** Within 60 calendar days of the start of the 2015-2016 school year and after OCR's approval of the Title IX procedures referenced in Action Step #1 above, the District will provide OCR with documentation that it has implemented action step #2 above, including copies of the written notices issued to students and employees regarding the new Title IX procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to its webpage where the revised Title IX procedures are located.

### **Notice of Nondiscrimination**

3. By July 1, 2015, the District will submit to OCR for review and approval its notice of nondiscrimination pursuant to 34 C.F.R. § 106.9, which will notify students, faculty, staff, personnel, employees, and other relevant persons that it does not discriminate on the basis of sex in the education programs or activities that it operates and that it is required by Title IX not to discriminate in such a manner. Additionally, the notice will state that the requirement not to discriminate in the District's education programs and activities extends to employment with the District. The notice will also state that inquiries concerning the application of Title IX should be referred to the Title IX Coordinator, and it shall include the name or title, office address, and telephone number for the District's Title IX Coordinator. The District will publish this notice consistent with the requirements of Title IX at 34 C.F.R. § 106.9.

**Reporting Requirement:** By July 1, 2015, the District will provide OCR with a copy of the District's notice of nondiscrimination referenced in Action Step #3 above.

4. Within 45 calendar days of written notification from OCR that the District's notice of nondiscrimination complies with Title IX, the District will ensure that, to the extent required by Title IX at 34 C.F.R. § 106.9, each of its electronic and printed publications of general distribution that provide information to students, faculty, staff and personnel about District services and policies contain the notice of nondiscrimination. Inserts may be used pending reprinting of these publications.

**Reporting Requirements:** Within 60 calendar days of OCR's approval of the District's notice of nondiscrimination, the District will provide OCR with documentation that it has implemented Action Step #4 above, including copies of any printed publications, and web links to any electronic publications containing the notice.

### **Training for Title IX Coordinator and District Personnel**

5. By October 1, 2015, the District will develop and provide Title IX training to its Title IX Coordinator, and any other coordinators and District personnel who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual and/or gender-based harassment) or who will otherwise coordinate the District's compliance with Title IX. The training will address:
  - a. The District's new policies and grievance procedures for Title IX complaints;
  - b. Sex discrimination and the District's responsibilities under Title IX to address allegations of sexual and/or gender-based harassment, whether or not the actions are potentially criminal in nature;
  - c. recognizing and appropriately responding to allegations and complaints pursuant to Title IX, including conducting interviews of victims and communicating in a fair, non-biased, and objective manner that does not discourage victims from reporting or continuing with their complaints;
  - d. how to conduct and document adequate, prompt, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation and how they differ from those in a criminal investigation;
  - e. how to notify complainants of the right to file a criminal complaint and how to file one;
  - f. how to coordinate and cooperate with law enforcement during parallel criminal and Title IX proceedings; and
  - g. a written assessment requiring participants to demonstrate that they have learned the material in the Title IX training.

The District may request OCR Philadelphia staff to assist in providing the training.

6. By October 1, 2015, the District will ensure that Title IX training has been conducted for all District staff, including security and police personnel, who interact with students on a regular basis. The training will provide attendees with essential guidance and instruction on preventing, recognizing and appropriately responding to allegations and complaints of sex discrimination, including sexual and gender-based harassment and sexual violence, and an understanding of the District's responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature. In addition, the training will cover the District's revised grievance procedure for Title IX complaints. This training will be provided separately to staff who work with particular grade levels (i.e., elementary, middle and high school) and will

specifically target staff responsibilities by employment designation (e.g., site supervisors, school counselors, teachers, etc.). The District may request OCR Philadelphia staff to assist in providing the training.

**Reporting Requirements:** By October 15, 2015, the District will have provided the training required by Action Steps #5 and #6, and the District will provide verification to OCR that the training sessions were conducted, including the sign in sheets for the training sessions, agendas, identification of the presenters and a copy of the training materials used. If any individuals covered by action steps #5 and #6 were unable to attend the training sessions, provide a list of the names and titles of those individuals and documents confirming that the training materials were disseminated to them.

7. By October 1, 2015, the District will develop an ongoing Title IX training program that it will provide to all District staff, faculty and personnel to recur on an annual basis, to ensure that they receive adequate training each year. The goal of the training will be to ensure that District administrators and staff are aware of any changes to the law, District policy, and District practices in this area.

**Reporting Requirement:** By October 15, 2015, the District will submit to OCR for its review and approval its newly developed Title IX training program in accordance with Action Step #7.

### **Student Training**

8. By November 1, 2015, the District will develop a plan to be implemented at the XXXXXX for educating students and parents about issues related to sexual and gender-based harassment, including what constitutes sexual and gender-based harassment, and the impact it has on individual students and the educational environment, the prohibition of sexual and gender-based harassment in the educational setting, examples of prohibited conduct, the importance of reporting harassment, how and to whom to report incidents of harassment, the District's obligation to respond appropriately to notice of sexual harassment, and potential consequences and corrective action if harassment is found. The District will implement the plan and monitor its effectiveness. In developing the plan as it relates to students, the District will consider a variety of age-appropriate approaches to student education, including, for example, small group student instruction and integration of relevant curriculum in the classrooms and expansion of relevant programs already being provided. Educational outreach for parents may include, for example, evening classes, mailings sent home and posted in the schools, and collaboration with existing parent groups, such as Parent Teacher Associations.

**Reporting Requirement:** By December 30, 2015, the District will provide OCR with documentation that it has implemented Action Step #8, a copy of the plan developed by the District and how it will be or has been implemented at the School.

### **Student-Focused Remedies**

9. By October 1, 2015, the District will create and charge a focus group consisting of representative leaders from the student community and District officials to identify strategies for ensuring that students understand their rights under Title IX, how to report possible violations of Title IX, feel comfortable that the District official to whom they make such reports will take them seriously and are aware of the District's obligation to promptly and equitably respond to Title IX complaints.

**Reporting Requirement:** By November 1, 2015, the District will provide OCR with documentation that it has implemented Action Step #9 above, including a list of names and titles of the members of the focus group, the dates of and copies of any minutes of focus group meetings, and a copy of the focus group’s recommended actions.

10. Following the implementation of the student focus group and the reporting requirements implemented in Action Step 9 above, and at the end of the academic year 2015-2016 and 2016-2017, XXXXXX, with the support and assistance of student group leaders, will conduct a climate check or series of climate checks with students to assess the effectiveness of steps taken pursuant to this agreement or otherwise by the District, to ensure the School is free of sexual and gender-based harassment and sexual assault. This climate check may be accomplished through a written or electronic survey, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss this issue in person. If this method is selected, the written survey must be provided to OCR for review and approval prior to its use. Information gathered during these climate checks will be used to inform future proactive steps taken by the District. OCR may provide assistance with the first climate survey.

**Reporting Requirements:** By July 1, 2016, and July 1, 2017, the District will provide OCR with documentation demonstrating implementation of a climate check pursuant to Action Step #10 above, including summaries of the information obtained and proposed actions based on that information.

### **Anti-Harassment Statement**

11. At the beginning of the school year 2015-2016, the District will publish its anti-harassment policy to all students, faculty and staff which will be published on the District’s website and posted in a prominent location in the XXXXXX, stating that the District does not tolerate sexual harassment, including gender-based harassment. The statement will encourage any student who believes he or she has been subjected to sexual harassment 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 warn that students found to have engaged in sexual harassment will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion. The statement will further make clear that District staff and faculty found to have engaged in sexual harassment will be promptly disciplined, and that such discipline may include, if circumstances warrant, termination of employment. The statement will encourage students and District staff and faculty to work together to prevent sexual harassment.

**Reporting Requirement:** By October 1, 2015, the District will submit to OCR documents establishing the District’s compliance with Action Step #11.

### **Record Keeping**

12. By October 1, 2015, the District will develop a centralized record-keeping process for documenting and tracking complaints of sexual harassment, including gender-based harassment. The process will require the District to maintain information that includes the name of the individual who reported the allegation, the identification of the alleged victim and alleged perpetrator, documentation of investigative steps completed, and the determination, including disciplinary actions, if any of all parties involved. The District

will also indicate the title of the individual(s) responsible for maintaining and reviewing this information and the location where the records will be maintained.

It is not the intention of Action Step #12 to allow disclosure of this documentation maintained by the District to waive any objections to disclosure or discovery in a court proceeding nor is it the intention of this Action Step #12 to violate the provisions of FERPA.

**Reporting Requirement:** By November 1, 2015, the District will provide OCR with a description of its record-keeping process developed under Action Step #12.

13. By August 1, 2015 and again at the end of the 2015-2016 school year, the District will prepare a report summarizing all incidents alleging sexual harassment, including gender-based harassment, investigated at the District during the preceding academic year, including for each incident the following information: a description of how the incident came to the District's attention (i.e., whether reported by a student or parent, or witnessed by a staff member); a description of the incident; a detailed written narrative describing how the District investigated the incident, including the names of all witnesses interviewed and a list of any documents or other evidence reviewed; a statement as to whether the District concluded that sexual harassment occurred or did not occur; and a description of the steps taken by the District to remedy any harassment that occurred, and prevent its recurrence.

**Reporting Requirements:** By September 15, 2015, and 2016 the District will provide OCR with documentation demonstrating that it has implemented Action Step #13, including copies of the initial report, any records, and the investigative files, including those of the District's Title IX Coordinator, showing the response and remedies obtained, if any.

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. §§ 106.8, 106.9, and 106.31, which were at issue in this complaint.

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. §§ 106.8, 106.9, and 106.31, which are applicable to were at issue in this complaint.

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.

/s/

5/1/2015

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Superintendent or Designee  
Southern Tioga School District

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Date