

**Resolution Agreement**  
**Prince George's County School District**  
**OCR Docket Number 03131196**

In order to resolve the allegations in 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 Prince George's County School District (the District) voluntarily enters into this Resolution Agreement and commits to implement the provisions set forth in this agreement in order to resolve the allegations in this complaint. This Agreement does not constitute an admission of liability on the part of the District as to any finding reached by OCR, and has been entered into voluntarily by the District.

Sexual harassment means unwelcome conduct of a sexual nature, which can include sexual assault, sexual violence, sexual misconduct, unwelcome sexual advances, requests for sexual 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.

The District agrees to take all reasonable steps to ensure that students enrolled in the District are not subject to sexual harassment. To this end, the District will promptly investigate all incidents of sexual harassment of students that are known or reasonably should be known to the District. The District will take prompt and effective responsive action reasonably designed to end the harassment, prevent its recurrence and take steps to remedy the effects of the harassment on the victim and the larger school community.

**ACTION STEPS**

**Anti-Harassment/Anti-Retaliation Statement**

1. By January 30, 2016, the District will issue a statement to all District students, parents and staff that will be printed in the District's newsletter(s), posted in prominent locations in the District, and published on the District's website, stating that the District does not tolerate sexual harassment. The statement will also state that retaliation against individuals who file complaints about sexual harassment, or participate in the investigation of such complaints, is prohibited. The statement will encourage any student who believes he or she has been subjected to sexual 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 or retaliation 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 found to have engaged in sexual harassment or

retaliation will be promptly disciplined, and that such discipline may include, if circumstances warrant, termination of employment. The statement will encourage students, parents and District staff to work together to prevent sexual harassment.

**Reporting Requirement:** By February 15, 2016, the District will submit to OCR documentation substantiating that it printed the Anti-Harassment/Anti-Retaliation Statement in each school's and/or District's newsletter, posted it in prominent locations at the District's schools and published it on the District's website, in accordance with action step #1.

**XXXXXX**

2. XXXXXX

**Reporting Requirements:** XXXXXX

**Revision of the Administrative Procedure for Discrimination and Harassment (Procedure 4170)**

3. The District will revise its *Administrative Procedure for Discrimination and Harassment (Procedure 4170)* and *Administrative Procedure for Bullying, Harassment or Intimidation (Procedure 5143)* to provide for the prompt and equitable resolution of complaints alleging sexual harassment. The revised Procedure 4170 and 5143 will include the following:
  - a. notice to students and employees of the grievance procedures, including where complaints may be filed;
  - b. the name or title, office address, e-mail address and telephone number of the individual(s) with whom to file a complaint and those responsible for investigating complaints of discrimination or sexual harassment under the grievance procedures and taking appropriate interim measures during the grievance process;
  - c. application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination or sexual harassment carried out by employees, other students, or third parties;
  - d. provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
  - e. designated and reasonably prompt time frames for the major stages of the complaint process;
  - f. written notice to the complainant and alleged perpetrator of the outcome of the complaint;
  - g. a statement of the school's jurisdiction over Title IX complaints;
  - h. adequate definitions of sexual harassment (which includes sexual violence) 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 complaint with local law enforcement authorities, as well as with the District;
- m. notice that the District will comply with requests from law enforcement authorities to suspend the District's investigation while the law enforcement authorities gather evidence, and that the District will promptly resume its Title IX investigation as soon as it is notified that the law enforcement authorities have completed their evidence gathering;
- n. notice of available interim measures to assist and/or protect the alleged victim in the educational setting, including providing academic, counselling and/or other support services, changing class schedules, assignments, or tests, and providing increased monitoring, supervision, or security;
- o. 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;
- p. notice of potential remedies necessary to address and resolve an incident, including, as appropriate, provision of academic resources and counselling for the individual harassed and for the perpetrator of the harassment, other steps to address any impact on the individual harassed, witnesses and the broader student body, and any other necessary steps to protect the individual subject to the harassment and witnesses from retaliation, as well as other steps reasonably calculated to prevent future occurrences of harassment;
- q. notice of potential sanctions against perpetrators;
- r. prohibition of retaliation, and
- s. sources of counseling, advocacy, and support.

**Reporting Requirements:** By April 15, 2016, the District will submit to OCR for its review and approval the revised Procedure 4170 and 5143 in accordance with action step #3. Within 45 calendar days of written notification from OCR that the revised Procedure 4170 and 5143 are approved, the District will adopt, implement and publish the revised Procedure 4170 and 5143 and will provide all students, parents/guardians and District employees with written notice regarding the revised procedure 4170 and 5143 for resolving Title IX complaints together with information on how to obtain a copy of the revised Procedure. The District will make this notification through the District's website, electronic mail messages to employees 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.

Within 15 calendar days after the District adopts, implements and publishes the approved revised Procedure 4170 and 5143, the District will provide OCR with copies of the written notices issued to all students, parents/guardians and employees regarding the revised Procedure 4170 and 5143, and a description of how the notices were distributed; copies of its revised student and employee handbooks; regularly issued newsletters (in print or online) and a link to its webpage where the revised Procedure 4170 and 5143 are located.

### **Student Code of Conduct**

4. By April 1, 2016, the District will revise its Student Code of Conduct to ensure that it is consistent with revised Procedure 5143 that was approved for adoption, implementation and publication by OCR.

**Reporting Requirements:** By April 15, 2016, the District will provide OCR with a draft copy of its revised Student Code of Conduct in accordance with action step #4. Within 15 calendar days after OCR's approval of the revised Student Code of Conduct, the District will provide OCR with documentation confirming that it has publicized and disseminated its revised Student Code of Conduct, including a description of how it was distributed, copies of its revised student handbook(s) and a link to its webpage where the revised Student Code of Conduct is located.

### **Title IX Coordinator**

5. By December 15, 2015, the District will develop a job description for its Title IX Coordinator. The job description will set forth the responsibilities of the Title IX Coordinator to coordinate the District's compliance with Title IX, including the District's revised Procedure 4170, and to oversee the District's responses to all complaints involving possible sex discrimination, including sexual harassment, which includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the student community. In addition, the Title IX Coordinator is responsible for developing and participating in activities designed to raise awareness within the District regarding sex discrimination, including sexual harassment. If the District opts to designate additional coordinators to assist the Title IX Coordinator, it will make clear the scope of each coordinator's duties and will ensure that the Title IX Coordinator has ultimate oversight responsibility over the other coordinators, which will be clearly stated in that coordinator's job description.
6. By January 15, 2016, the District will ensure that it has designated one (or more) employee(s) to coordinate the District's efforts to comply with Title IX and will publish this individual's name or title, office address, telephone number and electronic mail (e-mail) address. If the District opts to designate more than one such coordinator, its publications will make clear the scope of each coordinator's responsibilities (e.g., who will handle complaints by students and District employees), and will designate one coordinator, who will be titled "Title IX Coordinator" and who will have ultimate oversight responsibility over the other coordinators, whose titles will clearly indicate that they are in a deputy or supporting role to the Title IX Coordinator. Inserts may be used pending reprinting of the publications.

**Reporting Requirements:** By January 30, 2016, the District will provide OCR with the name/title of the person designated as the Title IX Coordinator, including the address and contact information and job description, in accordance with action steps #5 and #6. In addition, the District will provide OCR with documentation substantiating that it published this individual's name or title, office address, telephone number, and email address.

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

7. By February 1, 2016, and annually thereafter, the District will conduct training for its Title IX Coordinator, deputy coordinators (if any), and all District personnel who are directly involved in processing, investigating and/or resolving complaints of sex discrimination, including sexual harassment, or who otherwise address the District's compliance with Title IX. The training will cover the District's revised Procedure 4170 for Title IX complaints, and will provide attendees with instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title IX, as well as sex discrimination, including sexual harassment/assault and violence, and the District's responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature and to ensure that victims of sexual offenses that are criminal in nature are aware of the District's Title IX obligations and its Title IX grievance procedures. Additionally, the training will include instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation (which differ from a criminal investigation), and conducting interviews of victims of harassment in a fair, non-biased, and objective manner. The District may request OCR Philadelphia staff to assist in providing the training.
8. By February 1, 2016, the District will revise its existing online sexual harassment training or develop a new online Title IX training program for all District employees. The training, which must be conducted annually, will provide essential guidance and instruction on preventing, recognizing and appropriately responding to allegations and complaints of sex discrimination, including sexual harassment and an understanding of the District's responsibilities under Title IX to address allegations of sexual harassment. In addition, the training will cover the District's revised Procedure 4170 for Title IX complaints. The District shall require all District personnel, including volunteers, who interact with students on a regular basis to complete online training on an annual basis. Any District personnel hired, or new volunteer, will be required to complete the online training, even if in an acting capacity. The online training will be updated annually, if necessary, in order to reflect any changes to the law, District policy and/or practice with respect to Title IX compliance. The District will notify District personnel of all such changes within 30 calendar days of such change.

**Reporting Requirements:**

By March 15, 2016, the District will provide OCR with documentation that it has conducted the training of its Title IX Coordinator, any deputy coordinators, and all District personnel who require training, in accordance with action step #7, including the following information: the date the training was conducted; the name(s) of the individual(s) who conducted the training; copies of any written materials (i.e., slides, handouts) used or distributed during the training; and a list of all District staff who attended the training.

By March 15, 2016, the District will provide OCR for review and approval a copy of its revised online sexual harassment training or newly developed online Title IX training for employees in accordance with action step #8. Within 60 days of OCR's approval of the revised or newly developed online Title IX training, the District provide documentation

substantiating that all District staff and employees took the online training program, including a list of all District staff and employees who completed the online training.

### **Student-Focused Remedies**

9. By January 1, 2016 the District will create a Committee consisting of the District's Title IX Coordinator; parents/guardians; at least three students; representatives from community-based organizations that provide services to the District related to sexual harassment prevention; and such other individuals as the District determines appropriate, such as XXXXXX.

**Reporting Requirement:** By January 1, 2016, the District will provide OCR with documentation that it has constituted a Committee, including a list of names and titles of the members of the Committee, in accordance with action step #9.

10. By February 1, 2016, the Committee will make recommendations for educating students, parents and employees about issues related to sexual harassment, including what constitutes sexual harassment and the impact it has on individual students and the educational environment, the prohibition of sexual harassment in the educational setting, the importance of reporting sexual harassment, how and to whom to report incidents of sexual harassment, the District's obligation to respond appropriately to notice of sexual harassment, and potential consequences and corrective action if harassment is found.

**Reporting Requirement:** By February 15, 2016, and annually thereafter until OCR closes the monitoring of this Agreement, the District will provide OCR with a report summarizing the Committee's recommendations and the District's responses thereto, including whether and how they were implemented, in accordance with action step #10.

11. By June 1, 2016, and annually thereafter, the District will conduct a climate check or series of climate checks in each District middle and high school to assess the effectiveness of steps taken pursuant to this Agreement, or otherwise by the District, to assess students' attitudes and knowledge regarding sexual harassment, gather information concerning students' experience with sexual harassment, determine whether students know when and how to report sexual harassment, and assess the effectiveness of steps taken pursuant to this Agreement or otherwise by the District to ensure that its schools are free of sexual harassment. The 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; interviews of employees, students and parents; or other such assessment tools and techniques as deemed appropriate. Any survey used 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.

**Reporting Requirement:** By February 15, 2016, the District will provide OCR for review and approval, a draft of the climate survey in accordance with action step #11. By July 30, 2016, and annually thereafter until OCR closes the monitoring of this Agreement, the District will provide OCR with copies of the survey results, a written description of the information obtained and proposed actions based on that information.

12. By September 1, 2016, the District will include in all new student orientations at the middle and high school levels, informational age-appropriate topic(s) to ensure that students are aware of the District's prohibition against sex discrimination (including sexual harassment and sexual assault); can recognize such sex discrimination and sexual harassment when they occur; and understand how and with whom to report any incidents of sex discrimination (including sexual harassment and sexual assault). The District shall inform students that they may speak with a District counselor or other District personnel if they are concerned about issues of sexual harassment and/or sexual assault. In addition, the student orientation will include the District's revised Procedures 4170 for Title IX complaints and, as well as a general overview of what Title IX is, the rights it confers on students, the resources available to students who believe they have been victims of sexual harassment/sexual assault, and the existence of OCR and its authority to enforce Title IX.

**Reporting Requirement:** By September 15, 2016, and annually thereafter until OCR closes the monitoring of this Agreement, the District will provide OCR with copies of the new student orientation schedule, an agenda for each orientation, and copies of any materials that were used or distributed at the orientations, in accordance with action step #12.

### **Record-keeping**

13. By March 1, 2016, the District will develop a centralized record-keeping process for documenting and tracking complaints of sexual 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, any interim steps taken to assist and/or protect the alleged victim, notes from witness interviews, documentation of investigative steps completed, the determination, including any remedial actions, including disciplinary actions, taken to address and resolve the complaint, including impact on the broader student community, and any actions taken to prevent recurrence of the harassment. The District will also indicate the individual(s) responsible for maintaining and reviewing this information and the location where the records will be maintained.
14. By July 1, 2016 and by July 1 of the 2016-2017 and 2017-2018 school years, the District will submit to OCR a report summarizing all incidents alleging sexual harassment investigated at the School during the preceding school 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; any interim steps taken to assist and/or protect the alleged victim, 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 Requirement:** By March 15, 2016, the District will provide OCR with a description of its record-keeping process.

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 shall provide data and other 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, 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 complied with 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 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.

/s/

19 OCT 15

\_\_\_\_\_  
Superintendent/Designee  
Prince George's County School District

\_\_\_\_\_  
Date