

**Resolution Agreement  
Morrisville Borough School District  
OCR Docket Number 03-15-1104**

The Morrisville Borough School District (the District) voluntarily enters into this Resolution Agreement (Agreement) and makes the following commitments to OCR. The District submits this Agreement to ensure compliance with the requirements of Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulation, 34 C.F.R. Part 106, Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation, at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), and its implementing regulation at 28 C.F.R. Part 35.

**DEFINITIONS**

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.

**ACTION STEPS and REPORTING REQUIREMENTS**

**Title IX Grievance Procedures**

1. Within 45 days of signing this Agreement, the District will revise its Title IX grievance procedures to address complaints of sex discrimination (including sexual assault 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 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;
- 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 (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 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:** Within 60 days of signing this Agreement, 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 written notification from OCR that the revised Title IX grievance procedures developed in accordance with Action Step #1 are consistent with the requirements of Title IX, the District will adopt and implement the procedures and will provide all students, parents/guardians and employees with written notice regarding the new 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 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.

**Reporting Requirement:** Within 60 calendar days of written approval from OCR that the revised Title IX procedures referenced in Action Step #1 are consistent with Title IX, 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. Within 45 days of signing this Agreement, the District will revise its draft notice of nondiscrimination pursuant to 34 C.F.R. § 106.9, which will notify students, parents/guardians, 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. The notice will advise that prohibited sex discrimination includes sexual harassment and sexual violence. The notice will 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, email 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:** Within 60 days of signing this Agreement, the District will submit to OCR a copy of the District’s revised notice of nondiscrimination for OCR’s review and approval.

4. Within 45 calendar days of written notification from OCR that the revised notice of nondiscrimination developed in accordance with Action Step #3 is consistent with Title IX, the District will adopt and implement the notice of nondiscrimination and will provide all students, parents/guardians and employees with written notice regarding the new notice of nondiscrimination. The District, at a minimum, 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.

**Reporting Requirement:** Within 60 calendar days of written approval from OCR that the revised notice of nondiscrimination referenced in Action Step #3 is consistent with Title IX, the District will provide OCR with documentation that it has implemented Action Step #3 above, including copies of the written notices issued to students and employees regarding the new notice of nondiscrimination and a description of how the notice was distributed; copies of its revised student and employee handbooks; and a link to its webpage where the revised notice of nondiscrimination is located.

**Anti-Harassment Statement**

5. Within 45 days of signing this Agreement, the District will issue a statement to all students, parents and staff that will be printed in each school’s and/or District’s newsletter, posted in prominent locations at the District, and published on the District’s website, stating that the District does not tolerate sexual or disability harassment. The statement will encourage any student who believes he or she has been subjected to sexual or disability 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 or disability 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 or disability 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 and disability harassment.

**Reporting Requirement:** Within 60 days of signing this Agreement, the District will submit to OCR documentation substantiating that it printed the anti-harassment statement in each school's and/or District's newsletter, posted it in prominent locations at the District schools and published it on the District's website.

### **Title IX Coordinator**

6. Within 45 days of signing this Agreement, the District will ensure that it has designated one or more employees to coordinate the District's efforts to comply with Title IX and will publish this individual's name or title, office address, and telephone number consistent with the requirements of Title IX at 34 C.F.R. § 106.8(a). 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, employees, and faculty), 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. The Title IX coordinators should not have other job responsibilities that may create a conflict of interest. Inserts may be used pending reprinting of the publications. The District will ensure that any such coordinators are free from any potential conflicts of interest.

**Reporting Requirements:** Within 60 days of signing this Agreement is signed, the District will provide OCR with the name/title of the person designated as the Title IX Coordinator, including the address and contact information, job description and training program developed in compliance with action step #6. In addition, the District will provide OCR with documentation substantiating that it published this individual's name or title, office address and telephone number in compliance with Action Steps #3 and #5 .

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

7. Within 60 calendar days of written notification from OCR that the revised Title IX grievance procedures developed in accordance with Action Step #1 are consistent with the requirements of Title IX, the District will develop and provide Title IX training to its Title IX Coordinator and any other District employees who will be directly involved in processing, investigating, and/or resolving complaints of sex discrimination (including sexual harassment) or who will otherwise assist in the coordination of the District's compliance with Title IX. This training will be in person and 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 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; 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.

8. Within 60 calendar days of written notification from OCR that the revised Title IX grievance procedures developed in accordance with Action Step #1 are consistent with the requirements of Title IX, the District will provide Title IX training to all staff at Morrisville Middle School (the School) 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 the differences between sex discrimination, sexual harassment, sexual assault 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 new 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 Requirement:** Within 15 days of the completion of the trainings, the District will provide documentation to OCR that the training sessions required by Action Steps #7 and #8 took place, including copies of sign-in sheets, agendas, and identification of any presenters or trainers. The District will also provide verification that any materials used during these training sessions were disseminated to any individuals covered by Action Steps #7 and #8, who were unable to attend the training session(s), including the names and titles of the individuals who received the information.

### **Disability Harassment Policies and Procedures**

9. Within 45 days of signing this Agreement, the District will revise its Section 504/ADA grievance procedures to ensure they incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any prohibited actions under Section 504, in accordance with 34 C.F.R. § 104.7(b), and Title II of the ADA at 28 C.F.R. § 35.107(b). As part of this process, the District will review and revise, as necessary, all complaint procedures that can be used for filing disability discrimination complaints to ensure that there is a clear and consistent process. The District's disability grievance procedures will contain, at a minimum, the following elements:
  - a. notice to students, parents, and employees of the procedure, including how and where to file a complaint;
  - b. application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;
  - c. adequate, reliable, and impartial investigation, including the opportunity to present witnesses and other evidence;
  - d. designated and reasonably prompt timeframes for the major stages of the complaint process;
  - e. notice to the parties of the outcome of the complaint, and the basis for the decision; and
  - f. an assurance that the District will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate.

**Reporting Requirement:** Within 60 days of signing this Agreement, the District will submit to OCR a copy of the District's revised Section 504/ADA grievance procedures for OCR's review and approval.

10. Within 45 calendar days of written approval from OCR that the District's disability discrimination grievance procedures are consistent with the requirements of Section 504 and the ADA, the District will adopt and implement the procedures and will provide all students, parents/guardians and employees with written notice regarding the new procedures for addressing and resolving complaints alleging disability discrimination together with information on how to obtain a copy of the procedures. The District, at a minimum, will make this notification through its 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.

**Reporting Requirement:** Within 60 calendar days of OCR’s approval of the disability discrimination grievance procedures, the District will provide OCR with documentation demonstrating that it has implemented Action Steps #9 and #10 of the Agreement, including copies of the written notices issued to students, parents and employees regarding the new Section 504/ADA grievance 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 policy is located.

### **Training**

11. Within 60 days of OCR’s approval of the Section 504/ADA grievance procedures, the District will provide training to School staff and administrators on the District’s revised disability discrimination grievance procedures. The training will remind staff and administrators that Section 504 and Title II prohibit discrimination on the basis of disability, including harassment based on disability.

**Reporting Requirement:** Within 45 days after the completion of the training required in Action Step #11, the District will provide OCR with documentation that it provided the training in accordance with Action Step #11, including the date(s) of the training(s), information/credentials regarding the trainer(s) and sign in sheets reflecting the employee name and titles, topics covered during the training sessions and the amount of time spent on each topic, as well as copies of the materials used in the training.

### **Student Training**

12. Within 30 days after the completion of the trainings required in Action Steps ##7, 8, and 11, the District will develop a plan to be implemented at the XXXXXX for educating students and parents about issues related to harassment, including what constitutes harassment on the basis of sex and on the basis of disability, the impact it has on individual students and the educational environment, the prohibition of all forms of 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 harassment, and potential consequences and corrective action if harassment is found. The District will train students on the plan and 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:** Within 15 days of the completion of the training, the District will provide OCR with documentation that it has implemented Action Step #12, including a copy of the plan developed by the District and how it has been implemented at the Morrisville Middle School.

**Climate Checks**

13. By June 3, 2016, and by the end of the subsequent two academic years, the 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 Morrisville Middle School is free of sexual harassment. 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 Requirement:** By June 17, 2016, and at the end of the subsequent two academic years, the District will provide OCR with documentation demonstrating implementation of a climate check pursuant to Action Step #13 above, including summaries of the information obtained and proposed actions based on that information.

**Record Keeping**

14. Within 30 days of signing this Agreement, the District will develop a centralized record-keeping process for documenting and tracking complaints of harassment, including sexual and disability harassment, sexual violence, and sexual assault. 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, notes from witness interviews, documentation of investigative steps completed, and the determination, including disciplinary actions, if any of all parties involved. The District will also indicate the individual(s) responsible for maintaining and reviewing this information and the location where the records will be maintained.

**Reporting Requirement:** Within 15 days of the development of the record-keeping system described under Action Step #14, the District will provide OCR with a description of the process. In addition, by June 17, 2016, the District will provide OCR with information collected concerning all incidents of alleged sexual and disability harassment, including sexual assault, at the School during the 2015-16 school year and for the subsequent two school years by June 17, 2017, and June 17, 2018.

**Remedial Services**

15. XXXXXX

**Reporting Requirements:** XXXXXX

**Re-investigation of XXXXXX**



16. XXXXXX

17. XXXXXX

**Reporting Requirements: XXXXXX**

The District understands that OCR will not close the monitoring of this Agreement until it determines that the District has fulfilled all of the terms of this Agreement and is in compliance with the regulations implementing Title IX at 34 C.F.R. §§ 106.31, 106.8, and 106.9, Section 504 at 34 C.F.R. §§ 104.4(a) and (b) and 104.7(b), and Title II of the ADA at 28 C.F.R. §§ 35.130 and 35.107(b) 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 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 the regulations implementing Title IX at 34 C.F.R. §§ 106.8 and 106.9, Section 504 at 34 C.F.R. §§ 104.7(b) and 104.4(a) and (b), and Title II of the ADA at 28 C.F.R. §§ 35.130 and 35.107(b) 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/

\_\_\_\_\_  
Superintendent or designee  
Morrisville Borough School District

2/19/16

\_\_\_\_\_  
Date