

**Resolution Agreement
Central Bucks School District
OCR Case No. 03-15-1249**

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 Central Bucks School District (the District) enters into this Resolution Agreement (Agreement) and commits to implement the provisions set forth in this Agreement.

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

Title IX Grievance Procedures

1. Within 45 days of signing this Agreement, the District will submit to OCR for its review and approval draft Title IX grievance procedures to address complaints of sex discrimination (including sexual harassment, 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 the signing of 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 the signing of this Agreement, the District will submit to OCR for its review and approval a 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 the execution of 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.

Title IX Coordinator

5. Within 45 calendar days from the date of 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. Inserts may be used pending reprinting of the publications.

6. Within 60 calendar days from the date of this agreement, the District will develop a job description and corresponding training requirements for its Title IX Coordinator and, as appropriate, any deputy coordinators. The job description and corresponding training will cover the investigation of Title IX complaints filed by students, staff, and faculty and the responsibility of the Title IX Coordinator to regularly develop and participate in activities designed to raise awareness within the District regarding sex discrimination (including sexual harassment, sexual assault, and sexual violence), the existence of OCR and its responsibility to enforce Title IX, and the District's policies and procedures regarding such matters. 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.

Reporting Requirements: Within 60 days of the date the 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 30 calendar days following OCR's approval of the revised Title IX procedures referenced in Action Steps 1 and 2, the District will schedule Title IX training for its Title IX Coordinator, any deputy coordinators, and any District personnel who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual harassment, sexual assault, or sexual violence) or who will otherwise coordinate the District's compliance with Title IX. The training will cover the District's new grievance procedures 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). The District may request OCR Philadelphia staff to assist in providing the training.
8. Within 60 days following OCR's approval of the revised Title IX procedures referenced in Action Steps #1 and #2, the District will schedule Title IX training to all District staff

that interacts 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

The District agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until it 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(a) and (b) and 106.9, which are 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(a) and (b) and 106.9, which are at issue in this complaint.

If the District anticipates that it will be unable to meet any of the deadlines set forth in this Agreement, OCR may provide a reasonable extension of time for the District to do so. 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 Institute written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent/Designee
Central Bucks School District

____12/28/15_____
Date