

**Resolution Agreement
Hillsborough County School District
OCR Docket Number 04-09-5002**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced compliance review of Hillsborough County School District (District), pursuant to 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 District agreed to resolve the issues of this review pursuant to Section 303(b) of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Title IX and its implementing regulation, and to resolve the issues of this review, the District voluntarily agrees to take the following actions.

TITLE IX GRIEVANCE PROCEDURES – EMPLOYEES/THIRD PARTIES

1. By October 31, 2011, 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 and sexual assault) alleged to have been committed by faculty, staff members or third parties (such as members of the general public or vendors) as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b). These grievance procedures may also address other types of discrimination based on classifications protected by law. 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. a notice that the procedures apply to complaints of sex discrimination (including sexual harassment and sexual assault) by employees, students or their parents or guardians, or third parties made against a faculty or staff member or third party;
 - b. a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation;
 - c. an explanation of how to file a complaint pursuant to the procedure;
 - d. the name or title, office address, including email address, and telephone number of the individual with whom a complaint is to be filed;
 - e. definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment and sexual assault);
 - f. provision for prompt, adequate, and impartial investigation of all complaints, including the opportunity for the complainant and subject of the complaint to present witnesses and other evidence;
 - g. timeframes for the major stages of the investigation;
 - h. written notification to the complainant and subject of the complaint of the outcome of the investigation;

- i. an assurance that the District will keep the complaint and investigation confidential to the extent possible;
- j. an assurance that remedial action will be taken to address and resolve any found incident of discrimination and to prevent the recurrence of any discrimination will be taken; such remedial action may include, as appropriate, disciplinary sanctions up to and including termination of employment if the harasser is an employee, strategies to protect the individual subject to the harassment and any witnesses from retaliation, counseling for the victim of the harassment, other steps to address any impact on the victim of the harassment, any witnesses and the broader student body, and any other necessary steps reasonably calculated to prevent future occurrences of harassment;
- k. maintenance of all documentation of the complaint investigation and any corrective action in a system by school site and throughout the District;
- l. referral of the matter to law enforcement, when appropriate;
- m. an assurance that the District will take interim preventive measures to protect victims and the school community during the investigation;
- n. an assurance that the District will maintain on-going contact with the victim throughout the investigation;

REPORTING REQUIREMENT - EMPLOYEES/THIRD PARTIES: By October 31, 2011, the District will submit to OCR for its review and approval its Title IX grievance procedures referenced in item #1.

2. Within 45 calendar days of written notification from OCR that the revised grievance procedures developed in accordance with item #1 above are consistent with Title IX requirements, the District will adopt and implement the procedures and will provide all faculty, staff and students as well as their parents or guardians with written notice regarding the grievance procedures for resolving Title IX complaints together with information on how to obtain a copy of the grievance procedures. The District, will make this notification through the District's website; electronic mail messages to faculty, staff and students as well as their parents or guardians; and employee and student handbooks.

REPORTING REQUIREMENT: Within 30 calendar days after the completion of Item #2, the District will provide OCR with documentation that it has implemented item #2 above, including copies of the written notices issued to faculty, staff, and students as well as their parents or guardians regarding the Title IX procedures and a description of how the notices were distributed; copies of its revised manager, faculty and student handbooks; and a link to its webpage where the revised Title IX procedures are located.

TITLE IX GRIEVANCE PROCEDURES – STUDENTS

3. By October 31, 2011, the District will promulgate procedures under and consistent with its Student Code of Conduct to provide appropriate Title IX grievance procedures, as required by 34 C.F.R. § 106.8(b), to address complaints of sex discrimination (including sexual harassment and sexual assault) involving students and will submit these procedures to OCR for their review and approval. 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. a notice that the procedures apply to complaints of sex discrimination (including sexual harassment and sexual assault) made against students by employees, students or their parents or guardians, or third parties;
 - b. a statement that Title IX prohibits retaliation against any individual who files a complaint or participates in a complaint investigation.
 - c. an explanation of how to file a complaint pursuant to the procedure;
 - d. the name or title, office address, including email address, and telephone number of the individual with whom a complaint is to be filed;
 - e. definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment and sexual assault);
 - f. provision for the prompt, adequate and impartial investigation of all complaints, including the opportunity for the complainant and subject of the complaint to present witnesses and other evidence;
 - g. timeframes for the major stages of the investigation;
 - h. written notification to complainant and subject of the complaint of the outcome of the investigation;
 - i. an assurance that the District will keep the complaint and investigation confidential to the extent possible;
 - j. an assurance that remedial action necessary to address and resolve any found incident of discrimination and to prevent the recurrence of any discrimination will be taken; such remedial action may include, as appropriate, provision of resources, including counseling, to the harasser as a means to prevent recurrence of future harassment, disciplinary sanctions, strategies to protect the individual subject to the harassment and witnesses from retaliation, counseling for the victim of the harassment, other steps to address any impact on the victim of the

harassment, witnesses and the broader student body, and any other necessary steps reasonably calculated to prevent future occurrences of harassment;

- k. maintenance of all documentation of the complaint investigation and any corrective action in a system by school site and throughout the District;
- l. referral of the matter to law enforcement, when appropriate;
- m. an assurance that the District will take interim preventive measures to protect victims and the school community during the investigation;
- n. an assurance that the District will maintain on-going contact with the victim throughout the investigation;

REPORTING REQUIREMENT: By October 31, 2011, the District will submit to OCR for review and approval its Title IX grievance procedures referenced in item #3.

- 4. Within 45 calendar days of written notification from OCR that the revised grievance procedures developed in accordance with item #3 above are consistent with Title IX requirements, the District will adopt and implement the procedures and will provide all students and their parents or guardians with written notice regarding the grievance procedures for resolving Title IX complaints together with information on how to obtain a copy of the grievance procedures. The District will make this notification through the District's website and student handbooks.

REPORTING REQUIREMENT: Within 30 calendar days after the completion of item #4, the District will provide OCR with documentation that it has implemented item #4 above, including copies of the written notices issued to faculty, staff, and students as well as their parents or guardians regarding the Title IX procedures and a description of how the notices were distributed; copies of its revised student handbooks; and a link to its webpage where the revised Title IX procedures are located.

NOTICE OF NONDISCRIMINATION/TITLE IX COORDINATOR

- 5. By September 30, 2011, the District will submit to OCR for review a notice of nondiscrimination pursuant to 34 C.F.R. § 106.9, which will notify faculty, staff, students 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 state that the requirement not to discriminate in the District's education programs and activities extends to employment with the District and that inquiries concerning the application of Title IX should be referred to the Title IX Coordinator(s). The policy shall include the name or title, office address, including email address, and telephone number for the District's Title IX

Coordinator(s). The District will publish this notice consistent with the requirements of the Title IX regulation at 34 C.F.R. § 106.9.

REPORTING REQUIREMENT: By September 30, 2011, the District will provide OCR with a copy of the District's Title IX notice of nondiscrimination referenced in item #5 above.

6. Within 90 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 the Title IX regulation at 34 C.F.R. § 106.9, each of its electronic and printed publications of general distribution that provide information to employees and students or their parents or guardians about District services and policies contain the notice of nondiscrimination.

REPORTING REQUIREMENT: Within 30 calendar days of the completion of item #6 the District will provide OCR with documentation that it has implemented item #6 above, including copies of any printed publications, and web links to any electronic publications containing the notice.

7. By November 30, 2011, the District will confirm the designation of the current Title IX Coordinator, or designate one or more employees to coordinate the District's efforts to comply with Title IX and will publish the name(s) or title(s), office address(es), including email addresses, and telephone number(s) of all such individuals consistent with the requirements of the Title IX regulation 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 faculty, staff and students), 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.

REPORTING REQUIREMENT: By November 30, 2011, the District will provide OCR with documentation that it has implemented item #7 above, including the name, title and contact information for the Title IX Coordinator(s), and will specify which individual has ultimate oversight responsibilities over the other coordinators.

8. By November 30, 2011, the District will develop a description of Title IX responsibilities and corresponding training requirements for its Title IX Coordinator and, as appropriate, any additional supporting coordinators. The description and corresponding training will cover the investigation of Title IX complaints filed by faculty, staff and students or their parents or guardians. 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, and that coordinator's description of Title IX responsibilities will clearly state that he/she has such oversight responsibility.

REPORTING REQUIREMENT: By November 30, 2011, the District will provide OCR with documentation that it has implemented item #8 above, including the name, title and contact information of the Title IX Coordinator(s), and a copy of the job description(s) and training requirement(s) for the position(s). The District will also provide a schedule and description of events to be held over the upcoming nine months, in accordance with Item #8.

TRAINING FOR TITLE IX COORDINATOR(S)/DISTRICT PERSONNEL

9. Within 45 calendar days of approval by OCR of the grievance procedures described in items #1 and #3 above, the District will make arrangements to provide training for its Title IX Coordinators, any other coordinators, and any District officials and administrators who will be directly involved in processing, investigating, and/or resolving complaints of sex discrimination (including sexual harassment and sexual assault), or who will otherwise coordinate the District's Title IX compliance, with training, to recur on an annual basis, on the District's Title IX grievance procedures. If requested by the District, OCR will provide technical assistance to the District in providing the training.

REPORTING REQUIREMENT: Within 30 calendar days of the completion of #9 above, the District will provide OCR with documentation that it has provided appropriate District staff with the training referenced in item #9, including the dates of the training, the names and titles of the trainer(s), an agenda, a copy of any material used or distributed during the training, and a sign-in sheet with the names and titles of the District staff who attended the training.

10. By December 31, 2011, the District, with OCR's assistance, will revise its existing online sexual harassment training or develop a new online Title IX training for employees. The training will provide essential guidance and instruction on recognizing and appropriately addressing, at a minimum, allegations and complaints of sex discrimination, including the differences between sex discrimination, sexual harassment, and sexual assault and 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 grievance procedures for Title IX complaints and the employees' obligation to refrain from sexual harassment of co-workers, students or any others in the educational setting. 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. The online training will be updated annually, if necessary, in order to reflect any changes to the law, District policy,

and District practices with respect to Title IX compliance. The District will notify District personnel of all such changes within 30 calendar days of such change.

REPORTING REQUIREMENT: Within 30 calendar days of completion of item #10, and annually thereafter until OCR closes the monitoring of this agreement, the District will provide OCR with documentation that it has implemented item #10 above, including copies of any notices provided to District staff regarding the required on-line training, and documentation of the names and titles of the District staff who have completed the training.

STUDENT-FOCUSED REMEDIES

11. By December 31, 2011, the District will take steps to establish a committee composed of middle and high school student leaders from across the District, the District's Title IX Coordinator(s), and others, as appropriate, to identify strategies to ensure that students understand their rights under Title IX, understand how to report violations of Title IX, and to ensure that the District takes each complaint seriously and provides a prompt and equitable response in accordance with the requirements of Title IX. Additionally, the committee will recommend additional strategies for the prevention of sexual harassment/sexual assault incidents including outreach and educational activities.

REPORTING REQUIREMENT: By December 31, 2011, the District will provide OCR with documentation showing that it has implemented item #11 above including a list of names and titles of the members of the committee, a copy of the committee's recommended actions, and a detailed description of any strategies the committee recommended to prevent incidents of sexual harassment/sexual assault, including any outreach or educational activities.

12. By August 30, 2012, 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, student orientation will include the District's updated grievance procedures 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: Within 30 calendar days of completion of item #12, and annually thereafter until OCR closes the monitoring of this agreement, the District will provide OCR with documentation that it has implemented item

#12 above, including copies of the new student orientation schedule, the names and titles of employees who presented on the required topics, an agenda, and copies of any materials that were used or distributed regarding the required topics.

13. By April 30, 2012, and annually thereafter, the District will conduct a climate survey of students in the District to assess the effectiveness of steps taken pursuant to this Resolution Agreement or otherwise by the District, to achieve its goal of a District free of sexual harassment and sexual assault. *See* April 4, 2011 Dear Colleague Letter (Sexual Violence).

REPORTING REQUIREMENT: By June 30, 2012, and annually thereafter until the monitoring of this agreement is closed, the District will provide OCR with documentation demonstrating implementation of item #13 above, including a description of how the climate surveys were completed, copies of any student responses to surveys, summaries of other information obtained, and proposed actions, if appropriate, that the District plans to take in response to the information gathered during the climate assessments.

14. By December 31, 2011, the District will review its school and Professional Standards Department records for the 2009-2010 and 2010-2011 school years and, for any complaint of sexual harassment or sexual assault that was treated solely as a criminal or disciplinary matter and/or where the Title IX Coordinator was not involved in responding or coordinating the response to the incident, and will review the matter to determine whether sexual harassment occurred in violation of Title IX and whether the remedies provided were effective. If not, the District will promptly take measures, should the victim or the perpetrator still be enrolled as a student, to ensure the sexual harassment was fully and effectively addressed and that steps have been taken to prevent recurrence of the harassment.

REPORTING REQUIREMENT: By December 31, 2012, the District will make available to OCR documentation demonstrating implementation of item #14 above, including copies of the initial report, any Professional Standards Department records, and the investigative files of both the Professional Standards Department and the District's Title IX Coordinator, showing the response and remedies obtained, if any.

15. By October 31, 2011, the District will develop a system for maintaining in the District's Office of Professional Standards records of all complaints of sexual harassment at the District's Schools, regardless of whether the incident is found to have merit, and the response the District took in making a determination in each matter; this requirement is separate and apart from, and has no impact upon, the District's system(s) of maintaining disciplinary or other educational records. Under no circumstances will any such record be maintained in the victims' student education files or employee personnel files. The sexual harassment records will be maintained by the District's Professional Standards

department in its capacity as a Law Enforcement Unit as defined at 34 C.F.R. § 99.8 of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g. The District will review the records, and at the conclusion of the investigation, unless the circumstances warrant earlier intervention, ensure that any instance of sexual harassment was fully and effectively addressed and that steps have been taken to prevent recurrence of the harassment.

REPORTING REQUIREMENT: By October 31, 2011, the District will provide a written description of the record keeping system described in #15 above, and will make the records available for inspection by OCR on an annual basis until the monitoring of this agreement is closed. OCR will coordinate the annual inspection visits with the District.

By December 31, 2011, the District will provide documentation demonstrating that it conducted the review and took the action steps described in Item #15.

16. By July 31, 2011, the District will expunge the female student's educational records of any discipline related to her reporting the 2007 incident at Middleton High School. The District will also notify the female student's parent/guardian in writing via certified mail of the record expungement.

REPORTING REQUIREMENT: By July 31, 2011, the District will provide OCR with written confirmation that the female student's record has been expunged as described above in #16. The District will also provide OCR with a copy of the written notification sent to the female student's parent/guardian informing them of the expunged record.

ADDITIONAL REPORTING REQUIREMENTS

17. Within 30 days of the end of each semester until the monitoring of this agreement is closed, the District shall provide to OCR a list summarizing the grievances filed under its revised grievance procedures described in #1 and #2 above, excluding any grievances covered under #15 above. The summary shall include the name of the grievant, whether the grievant is an employee, student, parent, etc., the nature of grievance, the date the grievance was filed and concluded, and the District's findings and action taken, if any. If OCR requests the documentation related to any grievances on the list, the District will provide the documentation within 15 calendar days of receipt of OCR's request.

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, 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 Title IX implementing regulation at 34 C.F.R. §§ 106.8(a) – (c), 106.9(a), 106.31(a) and (b), and 106.71.

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 regulation implementing Title IX, at 34 C.F.R. §§ 106.8(a) – (c), 106.9(a), 106.31(a) and (b), and 106.71, which were at issue in this review.

/s/
Superintendent or designee

8/12/11
Date