

Resolution Agreement
Adams County School District 12 and Stargate School
OCR Case Number 08-17-1353

Adams County School District 12 ("District") and Stargate School ("School") enter into this Agreement to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District or the School (collectively, "Recipients"). The Recipients assure OCR that they will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 ("Title IX"), 20 United States Code (U.S.C.) Section 1681, and its implementation regulations, at 34 Code of Federal Regulations (C.F.R.) Part 106.

Term I: Title IX Coordinator(s)

- A. Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval the name(s), title(s) or position(s), and qualifications of one or more individuals to serve as the Title IX Coordinator(s) for the School.¹
- B. The School will promptly respond to OCR's concerns, if any, about the proposed Title IX Coordinator(s) until OCR considers the concerns resolved and issues final approval of the Title IX Coordinator(s).
- C. Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval a written description of the Title IX Coordinator's (or Coordinators') roles and responsibilities.
- D. The School will promptly respond to OCR's concerns, if any, about the proposed roles and responsibilities until OCR considers the concerns resolved and issues final approval of the roles and responsibilities.
- E. Within thirty (30) calendar days of the OCR's final approval of the Title IX Coordinator(s), the School will submit to OCR for review and approval a revised *Community Handbook* that includes the name(s), title(s) or position(s), phone number(s), email address(es), and mailing address(es) of the approved Title IX Coordinator(s).
- F. The School will promptly respond to OCR's concerns, if any, about the proposed *Community Handbook* revisions until OCR considers the concerns resolved and issues final approval of the revisions.

Term II: Staff Training

- A. Within ninety (90) calendar days of this Agreement being signed, the School will submit to OCR for review and approval draft materials to train all School staff about sex discrimination, including, at a minimum:
 - i. The definition, types, and examples of sexual harassment;

¹ If the School and District agree that the School will utilize the District's Title IX Coordinator, rather than having its own Title IX Coordinator(s), the Recipients will provide OCR with a written agreement, signed by duly authorized representatives of the School and District, which details the arrangement. As of the date this Agreement was signed by the parties, the District had no intention to enter into such an agreement with the School.

- ii. The definition of a hostile environment, factors used to evaluate a hostile environment, and examples of a hostile environment;
 - iii. The School's responsibility to address sexual harassment, including its responsibility to determine whether a hostile environment exists regardless of whether a formal complaint is filed, provided the School knows or should have known of the underlying behavior;
 - iv. Investigating sexual harassment and hostile environments on campus caused by off-campus sexual harassment, including documenting investigations;
 - v. Interim safety measures, including written safety plans;
 - vi. Reasonable, timely, age-appropriate, and effective corrective actions, including ending harassment, eliminating hostile environments, preventing harassment from reoccurring, and preventing retaliation;
 - vii. Confidentiality, as it relates to sexual harassment; and
 - viii. The School's Title IX Coordinator(s) and his/her/their roles and responsibilities (see Term I).
- B. Within ninety (90) calendar days of this Agreement being signed, the School will submit to OCR for review and approval the name(s), title(s) or position(s), and qualifications of one or more proposed individuals to provide the training to staff.
 - C. The School will promptly respond to OCR's concerns, if any, about the training materials and trainer(s) described in Terms I(A)-(B) of this Agreement until OCR considers the concerns resolved and issues final approval of the materials and trainer(s).
 - D. Within sixty (60) calendar days of receiving OCR's final approval of the materials and trainer(s), the School will provide the training to all School staff.
 - E. Within thirty (30) calendar days of the training(s) being provided, the School will provide to OCR:
 - i. The date(s), time(s), and location(s) of the training(s);
 - ii. Confirmation that the approved trainer(s) delivered the training(s);
 - iii. The agenda and materials from the training(s);
 - iv. The names and titles of all individuals who attended the training(s); and
 - v. The name(s) and title(s) of all individuals who did not attend the training, an explanation for each person's absence, and a plan to train each person (if possible).

Term III: Title IX Complaint Form

- A. Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval a Title IX Discrimination Report Form ("Report Form").
- B. The School will promptly respond to OCR's concerns, if any, about the Report Form until OCR considers the concerns resolved and issues final approval of the Report Form.
- C. Within thirty (30) calendar days of receiving OCR's final approval of the Report Form, the School will provide to OCR:
 - i. A link to or screen shot of the School's "Forms and Files" webpage showing that the Report Form is available on the webpage;
 - ii. A revised *Community Handbook* that includes the Report Form;² and

- iii. Written assurances that the Report Form will be provided to anyone who raises concerns about discrimination based on sex at the School.

Term IV: [REDACTED]

- A. Within fifteen (15) calendar days of this Agreement being signed, the School will invite the Complainant, in writing, to a meeting to discuss services and a written safety plan for [REDACTED] for at least the remainder of the 2017-2018 school year and the entire 2018-2019 school year. The invitation will specify that the Complainant may bring [REDACTED] to the meeting and may invite [REDACTED] to the meeting. The School will give the Complainant at least ten (10) calendar days to respond. The School will send a copy of the invitation to OCR at the time it sends the invitation to the Complainant.
- B. If the Complainant accepts the invitation to meet,³ the meeting will be scheduled within thirty (30) calendar days of the acceptance. The School will ensure that the following staff members attend the meeting, unless the Complainant objects to his/her/their attendance: the Executive Director, Psychologist, Elementary Counselor [REDACTED], Elementary Principal, the Secondary Counselor [REDACTED], and Secondary Principal. At the meeting, attendees will discuss, at a minimum: [REDACTED] related to the sexual harassment committed by and the hostile environment created [REDACTED] at School and the School's failure to adequately respond to that hostile environment, if any; and a plan, which shall be reduced to writing, to alleviate any challenges and to meet any needs.⁴
- C. If the meeting takes place, the School will provide to OCR for review and approval, within fifteen (15) calendar days of the meeting:
 - i. The date, time, and location of the meeting;
 - ii. A list of individuals who attended the meeting, including each person's name and title or position;
 - iii. Minutes or notes from the meeting, including a list of issues that were discussed, the input from the attendees, and descriptions of any disagreements among attendees; and
 - iv. A copy of any plan(s) that is/are created.
- D. The School will promptly respond to OCR's concerns, if any, about the meeting and plan(s) until OCR considers the concerns resolved.

Term V: Additional Reports to OCR

- A. By June 22, 2018, the Recipients will submit to OCR all reports, grievances, or complaints (including those utilizing the Report Form) regarding peer-on-peer sexual harassment among School students, if any, whether oral or written, from December 1, 2017 to May 31, 2018, as well as the Recipients' response(s).

² e.g., as an exhibit or appendix.

³ If the Complainant rejects the invitation to meet or does not respond to the invitation after ten (10) calendar days, the School will notify OCR.

⁴ Examples of what may go into the plan include, school-based mental health services, extra time on assignments and tests, and a plan for what they should do if they feel scared or anxious.

- B. OCR will review the reports, grievances, and complaints, if any, and the Recipients' response(s). The Recipients will promptly respond to OCR's concerns, if any until OCR considers them resolved.
- C. By January 25, 2019, the Recipients will submit to OCR all reports, grievances, or complaints (including those utilizing the Report Form) regarding peer-on-peer sexual harassment from students, parents, and guardians, if any, whether oral or written, from August 1, 2018 to December 31, 2018, as well as the Recipients' response(s).
- D. The Recipients will promptly respond to OCR's concerns, if any, about the reports, grievance, or complaints, and the Recipients' responses, until OCR considers the concerns resolved.

The Recipients understand and acknowledge 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. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the Recipients written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Recipients understand that by signing this Agreement, they agree to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement.⁵ Further, the Recipients understand that, during the monitoring of this Agreement, if necessary, OCR may visit the Recipients, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Recipients have fulfilled the terms of this Agreement and are in compliance with Title IX and its implementation regulations. Upon completion of the obligations under this Agreement, OCR will close this case.

For Adams County School District 12:

Tracy Dorland on behalf of Chris Golowski 12/1/17
 Chris Golowski, Superintendent Date
Tracy Dorland, acting superintendent
 For Stargate School:

Josh Cochran 12/1/17
 Josh Cochran, Executive Director Date

⁵ The School will provide to the District a copy of each its monitoring reports to OCR and notice of its proposed actions in accordance with this Agreement.