

RESOLUTION AGREEMENT
Shelby County School District
Compliance Review 04-20-5001

The Shelby County School District (District) agrees to resolve Compliance Review 04-20-5001 initiated by the U.S. Department of Education, Office for Civil Rights (OCR) by voluntarily entering into this Resolution Agreement (Agreement) to address the findings that OCR identified during its Compliance Review 04-20-5001, covering the time period of 2017-2020. The District submits this Agreement to ensure compliance with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Sections 1681 et seq., and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of federal financial assistance. Nothing in this Agreement constitutes an admission by the District that it failed to comply with any relevant law.

In order to address the findings and concerns identified in OCR Compliance Review 04-20-5001, the District agrees to the following items:

I. TITLE IX COORDINATOR(S):

- a. The District will ensure the Title IX Coordinator(s)'s name or title, office address, electronic mail address, and telephone number is publicized to applicants for employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or similar professional agreements with the District.
- b. If the Title IX Coordinator position becomes vacant, within fourteen (14) days of the vacancy the District will designate a new Title IX Coordinator and update its notices regarding the name, title and contact information for the coordinator. During said fourteen (14) day period, the District shall ensure that the electronic mail address(es), phone number(s), and office mail for the person(s) identified as the Title IX Coordinator(s) shall be monitored, forwarded, or reviewed.

Reporting Requirement:

Within seven (7) days of execution of this Agreement, the District will provide OCR with the name and contact information of the person(s) it has designated as its Title IX Coordinator(s) and documentation sufficient to show how this information is publicized, as required.

If, during the pendency of OCR's monitoring of this agreement, the Title IX Coordinator(s) position(s) becomes vacant or a new person is hired or designated to fill the position, the District will notify OCR of the event and the identity of the new Coordinator(s) within 21 days from the date that the Title IX Coordinator position is vacant.

II. NOTICE OF NONDISCRIMINATION

Within 30 calendar days of execution of this Agreement, the District will review, and incorporate any needed revision, to its current notice(s) of nondiscrimination (Notice) disseminated to the District’s applicants for admissions and employment, and students, and employees, to ensure that the contents include all of the information required by the Title IX regulation.

Reporting Requirement:

1. **Within 30 calendar days of execution of this Agreement**, the District will provide a copy of its revised Notice to OCR for its review and approval.
2. **Within 60 calendar days of OCR’s review and approval**, the District will provide OCR with documentation of the District’s dissemination of the approved Notice, including copies of any publications and web links to any electronic publications containing the Notice, and confirmation that the District has reviewed all current District publications containing an older notice of nondiscrimination and replaced any such notice of nondiscrimination with the approved Notice.

III. TITLE IX POLICIES AND GRIEVANCE PROCEDURES

a. **Revisions to Policies**

Within 120 calendar days of execution of this Agreement, the District will submit to OCR for its review and approval revised versions of all policies that describe the District’s response to sexual harassment, including but not limited to Policies 6046 and 6022. The District shall revise these policies to ensure they are both compliant with the requirements of Title IX and consistent with each other. If the District determines information about sexual harassment complaints will be addressed in more than one policy, each policy on that topic must also direct the reader to each other applicable policy and explain the applicability of each policy.

Reporting Requirement:

Within 120 days of execution of this Agreement, the District will provide for OCR’s review and approval a draft of the revised policies and procedures.

b. **Distribution of Revised Policies**

Within 60 calendar days after OCR provides notice that it approves the policies submitted in compliance with Action Item III(a), the District will notify all students and employees of the existence of the revised policies and procedures and ensure that these revised policies and procedures are widely distributed.

Reporting Requirement:

Within 90 days of written notification from OCR that the revised policies and procedures conform with Title IX and this Agreement, the District will certify to OCR

that the District has formally adopted the revised policies and procedures, updated all printed publications and online publications with the revised policies and procedures (inserts may be used pending reprinting of these publications) and any related documents, and electronically disseminated the revised policies and procedures to students and employees.

The District will provide OCR the following documentation:

1. evidence of the electronic dissemination of the revised policies and procedures to students and employees (e.g., an email showing said distribution);
2. a list of the titles of the publications in which the information appears (e.g., website, student handbook, Title IX brochure); and
3. a copy of any such publications or a link to a website containing the revised publication.

IV. CASE PROCESSING

a. Review of Prior Case Files

Within 180 days of execution of this Agreement the District will review all reports of student-to-student and staff-to-student sexual misconduct during the 2022-2023 and 2023-2024 school years to ensure each report was resolved in compliance with Title IX. If the District determines that any of the reports were not resolved in compliance with Title IX, it shall decide upon and enact appropriate remedies to correct said lack of compliance.

Reporting Requirement:

Within 210 days of execution of this Agreement, the District will provide OCR an Excel spreadsheet capturing the following information for each complaint:

1. a description of the alleged sexual misconduct and the name of the complainant and respondent, including whether the respondent was a student or staff member;
2. the name of the school;
3. the investigator and decision-maker for the complaint;
4. whether the District conducted interviews of both the respondent and complainant;
5. whether the District provided any interim measures prior to completion of an investigation (identifying the type of interim measures provided) or remedies following a determination that the respondent engaged in sexual assault or harassment and whether, upon review, the District determined it should have provided interim measures or remedies;
6. whether the investigation, including all communications, was equitable to all parties; and
7. any steps taken to remedy any compliance concerns identified during the District's review.

b. Review of Case Files under Revised Policies

For a period covering one year following the implementation of the revised grievance procedures as reviewed and approved by OCR in accordance with **Action Item III(a)**, the District will submit documentation sufficient to show that its current process is compliant with all applicable regulations. The documentation shall include, at a minimum:

- i. An Excel spreadsheet tracking all sexual harassment complaints through the stages of the Title IX grievance process so that OCR and the District can identify any systemic issues or any delays in the process. This spreadsheet shall include:
 1. the date the complaint/report is received by the District;
 - a. a description of the alleged sexual misconduct (or in the alternative a copy of the complaint or other document summarizing the complaint);
 - b. the name of the complainant and respondent, including whether the respondent was a student or staff member;
 2. the date an investigation was initiated;
 3. whether the respondent and/or complainant were interviewed and, if not, an explanation as to why;
 4. whether an appeal was filed and, if so, the date it was filed; and
 5. the date the process was completed;
 6. the report of the outcome to the parties; and
 7. the report(s) from any appeals

Reporting Requirement:

Within one year and 60 calendar days after the implementation of the revised grievance procedures in accordance with **Action Item III** as calculated from the **TITLE IX POLICIES AND GRIEVANCE PROCEDURES** Reporting Requirement, the District will provide OCR with one year of its documentation as described in **Action Item IV(b)** (Review of Case Files under Revised Policies).

After Review of Case Files under Revised Policies, Action Item IV (b), if OCR determines that the District must take any different or further action(s) and/or provide any different or further remedies, OCR will provide the District with notice of the proposed corrective action and an opportunity to discuss the scope of the action. The District will initiate the corrective action(s) within **45 calendar days** of receipt of OCR's determination and provide OCR with documentation of the corrective action taken within **90 calendar days** of receipt of OCR's determination.

V. TITLE IX TRAINING

a. Training on the Title IX Process

Within 30 calendar days after OCR approves the policy revisions described in **Action Item III**, the District will provide training as required by the Title IX regulation, and training on the District’s grievance procedures, to its Title IX Coordinator(s), investigators, decision- makers. The District will have **90 days** to provide said training to school-level administrators and any person who facilitates an informal resolution process.

Reporting Requirement:

Within 120 calendar days of OCR’s approval of the policies described in **Action Item III**, the District will certify to OCR that the trainings described in **Action Item V(a)** have occurred. The District will provide OCR the following documentation: the date(s) of the trainings, the name(s) and title(s) of the trainer(s), a copy of any materials used or distributed during the trainings, and a sign-in sheet or other evidence of attendance with the names and titles of the individuals who attended the trainings.

b. Training for Teachers

Within 120 calendar days after OCR approves the policy revisions described in **Action Item III**, the District will conduct training for all teachers on the District’s obligation to respond to conduct that may implicate Title IX and their responsibilities upon observing or receiving allegations of such conduct. The training must include:

- i. Recognizing what conduct might constitute sexual harassment, including sexual assault;
- ii. The location of the District’s Title IX policies and how to direct any students to said policies;
- iii. The teachers’ responsibilities upon observation, or receipt of an allegation of, conduct that might constitute sexual harassment, including sexual assault; and
- iv. The contact information for any individual a teacher should contact upon observation, or receipt of an allegation, of conduct that might constitute sexual harassment, including sexual assault.

Reporting Requirement:

Within 180 calendar days of OCR’s approval of the policies described in **Action Item III**, the District will certify to OCR that the trainings described in **Action Item V(b)** have occurred. The District will provide OCR the following documentation: the date(s) of the trainings, the name(s) and title(s) of the trainer(s), a copy of any materials used or distributed during the trainings, and a sign-in sheet or other evidence of attendance with the names and schools of the individuals who attended the trainings.

VI. TRACKING OF REPORTS OF SEXUAL HARASSMENT

Within 90 calendar days of execution of this Agreement, the District will develop or revise its procedure for documenting the date and substance of each report or formal complaint of sexual harassment received by the District, and actions taken by the District in response to the report or formal complaint, including: internal correspondence; internal dialogue involving Title IX Coordinators or staff involved in the investigative or disciplinary process; correspondence or dialogue with parties, witnesses, and/or other entities; interim or supportive measures offered or provided to parties; interim restrictions (if any) and justification for same; informal resolutions; investigations conducted, including evidence gathered; findings or determinations of responsibility at each stage, including on appeal if applicable; post-investigation remedies; written notice of outcome provided to the parties; and disciplinary sanctions imposed.

The District will also ensure that the Title IX Coordinator(s) has access to these records as necessary to coordinate the District's efforts to comply with and carry out its responsibilities under Title IX, including the resolution of reports and formal complaints of sexual harassment filed against students, employees, and/or third parties.

Reporting Requirement:

1. **Within 120 calendar days of execution of this Agreement,** the District will provide to OCR for review and approval the detailed description of its system for tracking and reviewing the records as described in **Action Item VI.**
2. **Within 60 calendar days** of OCR's approval of the record keeping system, the District will implement the system and provide verification to OCR that the system has been implemented.

VII. DISTRICT CLIMATE SURVEY

Within 120 days of the execution of this Agreement, the District will conduct a climate check with students and parents to assess the steps and measures taken pursuant to the Agreement and otherwise by the District to achieve its goal of an environment free of sexual harassment. The climate check may be accomplished through the use of a voluntary written or electronic survey, and additional measures, including: (i) focus groups, (ii) open forum information session, (iii) and/or publicized walk-in hours for community input. Students and parents receiving the survey must be notified of a contact person, such as a counselor, should they wish to discuss this issue in person. The survey should also contain questions about the survey respondent's knowledge of sexual harassment, any experiences with alleged sexual harassment while they or their family members attended District schools, and the survey respondent's awareness of the District's Title IX policies and procedures. The District will analyze the results of the climate check and provide OCR, for its review and approval, a proposed plan of action(s) to address all concerns identified in the climate check responses not otherwise addressed by the terms of this Agreement.

Reporting Requirement:

1. **Within 180 days of the execution of this Agreement**, the District will provide documentation to OCR demonstrating implementation of **Action Item VII** above, including a description of how the climate check(s) were completed, and summary frequency tables of the responses formatted in a manner that does not disclose the responses of individual respondents.
2. **Within 210 days of the execution of this Agreement**, the District will provide OCR with a description of the proposed actions that the District plans to take in response to the information gathered during the climate checks, for OCR review and approval, to the extent that any concerns identified in the climate check survey responses are not otherwise addressed by the terms of this Agreement.
3. **Within 270 days of the Execution of this Agreement**, if the District proposed any corrective actions in Reporting Requirement 2 for **Action Item VII**, the District will provide documentation sufficient to show its implementation of those actions, including a description of the corrective actions and how they were implemented.

VIII. CIVIL RIGHTS DATA COLLECTION (CRDC) ASSESSMENT

Within 120 days of the execution of this Agreement, the District will develop a plan (Plan) to ensure timely submission of complete and accurate data to the CRDC in the future and ensure that all employees who are responsible for reporting data to the CRDC receive instructions regarding how to report data to the CRDC in accordance with the Plan.

Reporting Requirement:

Within 180 days of the execution of this Agreement, the District will provide OCR with a copy of its Plan to ensure timely submission of accurate and complete reporting to the CRDC. The District will also provide documentation to OCR showing the District has shared the Plan with its employees who are tasked with submitting data to the CRDC and instructed them regarding how to implement it.

GENERAL REQUIREMENTS

By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the 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 the Agreement. The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the agreement and the statute and regulations at issue in the case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement sets forth the entire Agreement and understanding between the Parties with respect to the matters herein.

/s/

August 28, 2024

District Superintendent or Designee

Date

Marie N. Feagins, Superintendent

Printed Name & Title