

**Resolution Agreement
New London Public Schools
OCR Compliance Review No. 01-20-5001**

New London Public Schools (District) has entered into the following agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the above-referenced compliance review, and to ensure the District's compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 et seq., and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. All references to the Title IX regulation in this Agreement shall include the amendments to the Title IX regulation that went into effect on August 14, 2020.

In order to address the findings and concerns identified in OCR compliance review 01-20-5001, the District assures that it will take the following actions:

1. SEXUAL HARASSMENT GRIEVANCE PROCEDURES

The District will review and revise as necessary its grievance procedures for the resolution of reports and formal complaints alleging sexual harassment perpetrated by students, employees, and/or third parties, to ensure that these procedures fully comply with the Title IX regulation.

- a. The revised procedures will also specifically highlight:
 - i. The District's obligations under 34 C.F.R. § 106.44(a) to treat complainants and respondents equitably by offering supportive measures to a complainant; follow a grievance process that complies with 34 C.F.R. § 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent; and have the Title IX Coordinator promptly contact the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint, consider the complainant's wishes with respect to supportive measures, and explain the process for filing a formal complaint.
 - ii. The District's obligation to conduct a Title IX grievance process, including an investigation, under reasonably prompt timeframes, allowing for the temporary delay of the grievance process or the limited extension of time frames for good cause shown, such as for concurrent law enforcement activity.
 - iii. Upon receipt of a formal complaint, providing written notice to the parties who are known in accordance with 34 C.F.R. § 106.45(b)(2)(i).
 - iv. The range of supportive measures available to complainants and respondents (34 C.F.R. § 106.45(b)(1)(ix)), and the range of possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility (34 C.F.R. § 106.45(b)(1)(vi)).
 - v. Provide remedies designed to restore or preserve equal access to the District's education program or activity. Such remedies may include the same individualized services described in 34 C.F.R. § 106.30 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent (34 C.F.R. § 106.45(b)(1)(i)).
- b. As part of this process, the District will ensure that its sexual harassment grievance procedures are consistent across District websites and publications, and explain how the grievance procedures, and other related policies or procedures, interact and apply,

- and will make revisions, if necessary, to comply with the Title IX regulation.
- c. The District also agrees to prominently display the name or title, office address, email address, and telephone number of its Title IX Coordinator(s) on its website and in its revised sexual harassment grievance procedures.

Reporting Requirement:

By December 1, 2023, the District will provide OCR with a copy of its revised sexual harassment grievance procedures for OCR’s review and approval. **Within 30 calendar days of OCR’s final approval of the revised procedures**, the District will provide proof that the procedures were adopted and published on the District’s website.

2. RECORDKEEPING

The District will review, and revise as necessary, its procedure for maintaining documents relating to formal complaints or other reports of sexual harassment to comply with the Title IX regulation.

Reporting Requirement:

By December 1, 2023, the District will provide to OCR a written description of the tracking system described in Action Item 2. The District agrees to promptly make changes if requested by OCR.

- a. **By January 15, 2024**, the District will provide to OCR a spreadsheet, sorted by school, of all reports and formal complaints of sexual harassment received during the 2021-2022, and 2022-2023 school years. **Within 30 calendar days of the end of the 2023-2024 and 2024-2025 school years**, the District will also provide to OCR a spreadsheet, sorted by school, of all reports and formal complaints of sexual harassment received during those school years. The spreadsheets shall include the following:
 - i. the date of the alleged incident;
 - ii. the date the report or formal complaint was received;
 - iii. the nature of the alleged conduct;
 - iv. the results of the investigation, including the District’s determination regarding responsibility and whether notice of the determination was provided to all known parties;
 - v. any and all disciplinary sanctions issued;
 - vi. any supportive measures offered;
 - vii. the results of any appeals;
 - viii. the results of any informal resolutions; and

- ix. contacts with law enforcement and/or the Connecticut Department of Children and Families related to the alleged incident, and any actions taken by these entities, if known to the District.

The District agrees to produce any underlying documentation within 30 calendar days of OCR's request.

3. TITLE IX COORDINATOR

The District will provide OCR a detailed description of the responsibilities of its Title IX Coordinator(s) to ensure those responsibilities are consistent with the Title IX regulation. The responsibilities will include the following:

- a. Coordination and oversight of the District's compliance with Title IX.¹
- b. Ensuring delegation of Title IX compliance duties to a designee knowledgeable about the responsibilities set forth in Action Item 3 in the event the Title IX Coordinator is on extended leave.
- c. Oversight of any building-level personnel the District designates to assist the Title IX Coordinator(s);
- d. Coordination of the effective implementation of supportive measures, in accordance with 34 C.F.R. 106.30(a), and remedies, in accordance with 34 C.F.R. 106.45(b)(7)(iv).
- e. Receiving training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias, in accordance with 34 C.F.R. 106.30(b)(1)(iii).
- f. Access to and assessment of the records described in Action Item 2 to coordinate the District's efforts to comply with and carry out its responsibilities under Title IX. This includes:
 - i. Annually reviewing all reports of sexual harassment in order to identify and address any patterns or systemic problems; whether any individuals or organizations engaged in repeated misconduct; whether there are any patterns of barriers to reporting for any group of students; and/or if reports were not processed in compliance with the applicable policies and procedures.
 - ii. Reviewing and implementing changes to the District's recordkeeping practices with respect to allegations of sexual harassment against students, employees, and third parties, to ensure that the Title IX Coordinator is able to adequately oversee the District's response to all such allegations and identify trends or other systemic problems regarding the District's response.

Reporting Requirement:

- a. **By December 1, 2023**, the District will provide for OCR review and approval, a copy of the Title IX Coordinator(s)'s responsibilities.

¹ If the District designates more than one employee to coordinate its compliance with Title IX, the District will clarify, in writing, each employee's role to ensure overall coordination of Title IX responsibilities.

- b. Within **30 calendar days of OCR’s approval**, the District shall provide documentation substantiating that the District implemented and distributed the Title IX Coordinator(s)’s responsibilities to the Title IX Coordinator(s) and any building-level Title IX coordinators.

4. TRAINING

- a. The District will annually conduct a mandatory Title IX training for District staff and administrators. The training will include, at a minimum:
 - i. Title IX’s prohibition on discrimination based on sex;
 - ii. the District’s revised sexual harassment grievance procedures;
 - iii. the definition of “sexual harassment” and examples of sexual harassment;
 - iv. the responsibility of a District employee to report incidents of possible sexual harassment, the procedures for doing so, and instructions on how to recognize, prevent, and respond appropriately to sexual harassment;
 - v. the requirement that a student or parent/guardian who has reported alleged incidents of sexual harassment must be notified of their right to file a formal complaint pursuant to the District’s Title IX grievance procedures, and be offered a copy of the procedures;
 - vi. the availability of supportive measures before or after the filing of a formal complaint or where no formal complaint has been filed;
 - vii. the District’s obligation to conduct a Title IX investigation exists regardless of whether there is a concurrent law enforcement investigation;
 - viii. identification of the Title IX Coordinator(s), by name or title, and contact information;
 - ix. the existence of OCR and its authority to enforce Title IX; and
 - x. distribution of written materials that contain the information discussed.
- b. The District will annually conduct a mandatory Title IX training for its Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process, that covers the topics in Action Item 4, and all other topics required by the Title IX regulation. The District shall make these training materials publicly available on its website.

Reporting Requirement:

Within 90 calendar days of OCR’s approval of the sexual harassment grievance procedures described in Action Item 1, the District will certify to OCR that the trainings described in Action Items 4(a) and (b) have occurred. The District will provide OCR the following documentation: (1) a copy of the Title IX training materials; (2) the name(s), title(s)/position(s), and credentials of one or more qualified individuals to provide the training; (3) a sign-in sheet or other evidence of attendance with the names and titles of the individuals who attended the trainings, a list of the required employees who did not attend, and a plan for training those employees who did not attend; and (4) the URL for the training materials required by Action Item 4.

5. CLIMATE ASSESSMENT

The District will administer a climate survey to students in grades 6-12 to assess the presence and effect of sexual harassment, students' understanding of how to report sexual harassment, and suggestions for improving the School/District climate. The survey can be part of a larger survey regarding school climate already being used, or planned to be used. Participation will be voluntary and answers may be submitted anonymously. Information gathered during this climate assessment will be used to inform future proactive steps that will be taken by the District. The survey will be tailored to the ages of the students being surveyed and will include questions designed to gather the following information:

- a. level of perceived safety;
- b. the prevalence of sexual harassment in the School/District;
- c. knowledge of the process by which students might make reports of sexual harassment;
- d. the willingness to report incidents of sexual harassment to District personnel;
- e. the perception of the District's handling of reports and complaints of sexual harassment; and
- f. suggestions for reducing incidents of sexual harassment in the School/District and improving the District's response to reports and complaints of sexual harassment.

The District will identify a group of staff members and administrators to serve as a District Climate Survey Working Group (Working Group), to analyze the results of the climate survey and make recommendations to the District based on these results. The Working Group will: (i) assess whether any additional student or other training is needed to further improve the climate at each school; and (ii) develop a proposal to improve the climate at each school identified as having climate concerns. The District will review the Working Group's proposal, adopt its recommendations as appropriate, and develop a plan for OCR's review and approval.

Reporting Requirement:

- a. **By January 15, 2024**, the District will provide OCR with a copy of the survey(s) together with a report summarizing the results and the assessment of whether additional student or other training is needed to further improve the climate at each school. The District will also provide OCR with the written plan developed in accordance with Action Item 5 above for OCR's review and approval.
- b. The District agrees to promptly incorporate OCR's feedback. Within **30 calendar days** of OCR's final approval of the plan, the District will implement the plan.

* * *

By signing the resolution agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution 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 resolution 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(s) and regulation(s) 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.

The resolution agreement will become effective immediately upon the signature of the District's representative below.

/s/

Dr. Cynthia Ritchie
Superintendent of Schools

October 16, 2023

Date