

RESOLUTION AGREEMENT

Wallingford Board of Education
U.S. Department of Education, Office for Civil Rights
Complaint No. 01-13-1204

The U.S. Department of Education's Office for Civil Rights (OCR) opened the above-referenced complaint for investigation because the allegations fell within OCR's jurisdiction under Title IX of the Education Amendments of 1972 and its implementing regulation found at 34 C.F.R. Part 106 (Title IX). The Wallingford Board of Education ("District") has voluntarily agreed to take the following steps to resolve the Complaint. Nothing in this Agreement shall be interpreted as an admission by the District of any violation of Title IX or that OCR has made a finding of a violation of Title IX.

Resolution Terms

Individual

- 1) By December 1, 2014, the District's Title IX Coordinator will notify the Complainant in writing of the outcome of the District's investigations into: 1) the alleged spring 2013 sexual assault incident on the Student's XXXXXXXX; and 2) the alleged student-on-student retaliation that occurred on the XXXXX subsequent to the report of sexual assault.
- 2) By November 30, 2014, the District will extend an invitation to the Complainant and Student to meet with School administrators to seek their input for developing and updating the Student's 2014-2015 school year safety plan to facilitate her transition back into the District high school. This meeting will include discussion of whether additional tutoring and/or counseling services are warranted.
- 3) By December 30, 2014, the District will provide documentation to OCR showing that it offered the Student counseling and other remedies as appropriate, to address any effects of the alleged sexual assault alleged in this case.

Systemic

- 4) By November 30, 2014, the District will develop and submit for OCR's approval a roles and responsibilities document for the Title IX Coordinators. The responsibilities, at a minimum, will include:
 - a) Communicating to students, parents, and staff the District's responsibilities under Title IX;
 - b) Having the training necessary to understand sexual harassment including sexual violence as well as training appropriate to understand and implement the District's grievance procedures.

- c) Responding to any and all complaints/reports or incidents of sex discrimination following the approved grievance procedure;
 - d) Tracking complaints/reports for trends and repeat offenders;
 - e) Assessing the school's climate on these issues by soliciting input from parents and students on any problems of sex discrimination existing in the school and the District's efforts to address these concerns;
 - f) Developing and providing age appropriate training or orientation for all students on the grievance procedures, and prevention of sexual harassment, including assault; and
 - g) Consulting regularly with key stake holders about response and prevention efforts related to Title IX, including convening a working group comprised of, at a minimum, school Title IX coordinator designees, and high school student representatives.
- 5) By February 28, 2015, and by December 30 annually thereafter for new employees, the District will provide training to all teachers, staff and administrators at XXXXXXXXXXXX School on sexual harassment, the District's policies and procedures addressing sexual harassment, and how to investigate sexual harassment allegations. The training shall include, at a minimum:
- a) the District's responsibility under Title IX to maintain a non-discriminatory environment and its obligation to take prompt and effective action to address sexual harassment and prevent its recurrence when incidents of sexual harassment occur;
 - b) the responsibilities of teachers and other school staff regarding, and the procedure to follow when they become aware of incidents of sexual harassment;
 - c) what constitutes protected class harassment and discrimination under Title IX, including examples of sexual harassment;
 - d) the District's commitment to investigating complaints of sexual harassment and taking prompt, appropriate, and effective responsive action;
 - e) how to investigate harassment allegations in compliance with Title IX pursuant to the District's complaint and investigation procedures;
 - f) examples of appropriate remedies for such harassment including types of possible interim measures and remedies designed to address the effects of harassment and prevent its recurrence;
 - g) the District's procedure for raising concerns or complaints to school employees regarding sexual harassment, including identifying the name and contact information for the designated employee(s) responsible for receiving complaints and responding to concerns; and
 - h) information about the District's complaint procedures for addressing students' and parents' complaints of sexual harassment.
- 6) Eight weeks prior to providing the January 30, 2015 training, the District will submit for OCR review and approval a copy of training materials and information about who will be providing the programming (i.e. the trainer's CV). At that time, OCR will have the opportunity to provide input on the programming.

- 7) By December 30, 2014, and by the same date annually thereafter, the District will provide training to all XXXXXXXX on bullying and harassment (including sexual harassment and assault) policies/ reporting procedures. Four weeks prior to providing the first such training, the District will provide OCR with a copy of training materials and information about who will be providing the programming (i.e. the trainer's CV). At that time, OCR will have the opportunity to provide input on the programming.
- 8) During the 2014-15 school year, the District will retain an outside consultant with specialized expertise in student programming to provide school-wide training/programming for students at XXXXXXXXXXXX School to address bullying and harassment based on protected classes, including sexual harassment. Four weeks prior to providing such programming, the District will provide OCR with a copy of programming materials and information about who will be providing the training. At that time, OCR will have the opportunity to provide input on the programming.
- 9) During the 2014-2015 school year, the District will conduct climate surveys at the School, including with respect to any reporting barriers, and inform OCR of any follow-up plans/programming relative to the survey results. Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable state law. Four weeks prior to implementing the survey instrument(s), the District will provide OCR with the proposed survey instrument(s) for OCR review and approval.
- 10) During the 2014-2015 school year, the District will consult regularly with the existing District and school climate committees, about response and prevention efforts related to Title IX and any barriers to reporting at the School. Consultations should include the District and school Title IX coordinators/designees, a building administrator, school counseling staff, a teacher, a parent, and as, appropriate, a student representative.
- 11) By December 30, 2014, the District will revise and submit for OCR's approval grievance procedures (including those for students, parents, and third parties) that provide for the prompt and equitable resolution of complaints alleging sex discrimination. The grievance procedures, at a minimum, will:
 - a. Provide the contact information of the person with whom to file a complaint;
 - b. Inform interested parties that they may file a complaint in writing or contact the designated person for assistance in filing a complaint, and that the procedures apply to third parties;
 - c. Include a reference to Title IX coverage of gender-based harassment; define "hostile environment"; and include sexual violence.

- d. Provide for the adequate, reliable, and impartial investigation of complaints, including the opportunity for the parties to present witnesses and other evidence;
- e. Inform complainants of the availability of interim measures such as counseling, stay-away mechanisms, academic adjustments. Interim measures should not disproportionately burden the complainant(s);
- f. Designate reasonably prompt timeframes for major stages of the complaint process;
- g. Include an assurance that steps will be taken to promptly and effectively end the discrimination, prevent its recurrence, and to remedy its effects. Appropriate steps to end harassment may include separating the victim and harasser, providing counseling for the victim and/or harasser, and/or taking disciplinary action against the harasser. These steps should not penalize the victim.
- h. Provide written notice to the parties of the outcome of the complaint. This may include informing the wider community of issues that affect the community as a whole;
- i. Include a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in an investigation;
- j. Clarify the policy and procedure applies to third parties;
- k. Include a statement regarding coordination with law enforcement for alleged acts that are criminal in nature;
- l. Include statement that the “preponderance of evidence” standard will be used;
- m. Include a prominent statement that the complainant has the option to pursue a criminal complaint with an appropriate law enforcement agency, to pursue a sexual harassment complaint under the District’s complaint procedures, or to pursue both processes simultaneously and that even if a criminal investigation is ongoing, the District will conduct its own Title IX investigation and will not wait for the conclusion of a criminal investigation or proceeding to begin its Title IX investigation;
- n. a requirement that designated employee(s) at the school document all reports of incidents of sexual harassment, and that the District establish a protocol for recordkeeping of such incidents;

- o. a statement that the District will take appropriate disciplinary action against students and staff who violate the District policies and procedures addressing sexual harassment, and examples of the range of possible disciplinary sanctions; and
- p. Clarify that both parties may have access to an appeal process.

12) By January 30, 2015, the District will review and revise its bullying policy and regulations, as needed, to include a reference to Title IX protected class harassment and to inform prospective complainants that when bullying complaints contain underlying content that is sexual or gender based in nature the District will also refer the complaint to the District's Title IX Coordinator who will oversee coordination of response in the interfacing of the District's policies.

13) By July 30, 2015, the District will provide OCR with written documentation regarding all written and oral complaints and reports of sex discrimination (including any such incidents brought to the District's attention through the use of the School's "Bullying Reporting Form") at the School received during the 2014-15 school year. The documentation will include:

- a) Documentation of all written and oral complaints and reports of alleged sex discrimination (e.g., reporting forms, incident reports, etc.), including who filed the complaint and/or made the report, and the contents of the complaint;
- b) A description of the District's actions taken in response to the complaints and reports, including investigative documentation (e.g., witness statements, interview notes, etc.); as well as documentation related to the District's findings, including whether sex discrimination was found;
- c) Documentation related to the District's response, when sex discrimination was found, including any disciplinary and/or corrective actions taken, interim measures taken for the victim, as well as efforts to prevent recurrence;
- d) Documentation showing the District's prompt and ongoing communication with the complainant regarding the status of the investigation as well as the outcome of the investigation; and
- e) A description of any remedies secured for the victim(s), if applicable.

Reporting Requirements

1) By December 30, 2014, the District will provide OCR with the following:

- a) a copy of the written notification to the Complainant, as required by item# 1 above.
- b) a copy of any notes from the meeting referenced in item #2 above and a copy of the Student's safety plan.

c) the documentation referenced in item #3 above, including dates the Complainant was contacted and any remedies provided.

d) a copy of the draft Title IX Coordinator roles and responsibilities document referenced in item #4 above.

e) a description of the training, as required by item #s 5-6 above, including the name and qualifications of the trainer, a copy of the training materials and attendance sheet.

f) a description of the training for XXXXXX referenced in item #7 above, including dates and copies of materials used.

g) a description of the student programming referenced in item #8 above, including dates and copies of materials used.

h) a description of the climate surveys referenced in item #9 above, including a copy of the survey(s), to whom it was given, and any plans the District has to follow up on the results of the survey(s).

i) a copy of its revised policies and procedures, as required by item # 11 above, demonstrating that its grievance process applies to students, parents and others.

2) By June 30, 2015, the District will provide OCR with the following:

- a) information demonstrating that subsequent to OCR's review and approval the procedures referenced in item # 11 above were published and disseminated to students and parents and staff (e.g., in the student handbook and on the District's website).
- b) a final copy of the Title IX Coordinator roles document referenced in section 1 above.
- c) a description of the outcome of the District's consultations with stake holders referenced in #10 above, including any identified barriers to reporting and any steps the District has taken or plans to take to remove such barriers.
- d) Information describing the District's actions pertaining to item #12 & 13 above.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX, which was at issue in this case. 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 regulation implementing Title IX at 34 C.F.R. §106.8, which was at issue in this case.

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 District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/ Dr. Salvatore F. Menzo_____
Dr. Salvatore F. Menzo
Superintendent of Schools

12/1/14_____
Date