

VOLUNTARY RESOLUTION AGREEMENT

OCR Complaint #03131180 Russell Independent Schools

The Russell Independent Schools (the District) have agreed to resolve the allegations of racial and national origin discrimination and retaliation raised in complaint #03131180 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District agrees to implement the following steps and to report the results of implementation to OCR. The Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR of any violation of our regulations by the District.

Action Items

Anti-Discrimination and Anti-Retaliation Statement

1. By November 15, 2014, the District will issue a statement to all District students, parents, and staff, that will be posted in prominent locations at each school, published on the District's website, and printed in any newsletters the District or individual schools distribute, stating that the District does not tolerate acts of discrimination or harassment based on race or national origin. The statement will also state that retaliation against individuals who file complaints about racial or national origin discrimination, or participate in the investigation of such complaints, is prohibited. The statement will encourage any student who believes he or she has been subjected to discrimination or harassment based on race or national origin to report to the District the discrimination or harassment, and note the District's commitment to conducting a prompt investigation. The statement will include appropriate contact information for the designated staff members to whom students and parents may report allegations of harassment and/or discrimination, as well as the name of an alternate staff member if the complaint is filed against the contact person. The statement will warn students or staff found to have engaged in acts of discrimination or harassment based on race or national origin will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion (for students) and suspension or termination (for staff). The statement will encourage students, parents and District staff to work together to prevent acts of harassment of any kind.

Harassment Policy

2. By December 1, 2014, the District will submit for OCR's review and approval a draft policy prohibiting racial and national origin harassment (Harassment Policy), including the harassment of students by other students and the harassment of students by administrators, staff, and other School employees. At a minimum, the District's Harassment Policy will contain the following:
 - a. A statement setting forth the District's commitment to having a school environment free from all harassment on the bases of race, color, and national origin. The statement must explain that the District prohibits race, color, and national origin harassment in the District environment, including all academic, extra-curricular, and school-sponsored activities, encourage students to immediately report incidents of harassment, emphasize that staff are required to promptly report to the designated

staff member all incidents of harassment of which they become aware by whatever means, and that the District will investigate formal and informal complaints of harassment.

- b. Examples of the type of conduct and behavior that is covered by the policy, including examples of staff-to-student and peer-to-peer conduct.
- c. Identification of the kinds of activities and sites where prohibited conduct could occur.
- d. An explanation of how to report harassment and/or file a complaint (formally and informally).
- e. A requirement that District personnel report incidents of alleged student-on-student harassment that may be based on race, color, and/or national origin that school personnel witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to harassment in other forms.
- f. A description of the District's complaint procedures, including a requirement that an investigatory report be filled the District's designated staff member or his/her designee during the course of the investigation, a ten (10) work day timeframe for the District's investigation of a complaint, and a requirement that written notice of the outcome be provided to the parties.
 - i. The investigatory procedures documented in the investigatory report shall, at a minimum, include: (1) the name, race, and national origin of the alleged victim and, if different, the name and race of the person reporting the allegation; (2) the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident; (3) the names and races of all persons alleged to have committed the alleged harassment, if known; (4) the names and races of all known witnesses to the alleged incident; (5) any written statements of the reporter, the victim (if different from the reporter), the accused student(s), and any known witnesses; (6) the outcome of the investigation; and (7) the response of school personnel and, if applicable, District-level officials, including the date any incident was reported to the police.
- g. Identification of the means the District will use to investigate incidents of harassment, including but not limited to the following:
 - i. the various steps the District will take to conduct adequate, reliable, and impartial investigations of reported incidents;
 - ii. that the District will take action to stop the harassment, remedy the harassment, and prevent recurrence; and
 - iii. the District's standards for determining whether a hostile environment exists.
- h. Specific information as to the name or title and contact information (including office and email address and telephone number) for the District employee(s) responsible

- for receiving and/or investigating reports of harassment, including the investigatory report.
- i. A requirement that the District's designated staff member document all reports of incidents of harassment.
 - j. A recommendation that staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment, unless circumstances would make such intervention dangerous.
 - k. Prohibition of retaliation against persons who report alleged harassment or participate in related proceedings.
 - l. A statement that the District will offer counseling and/or academic services to any person found to have been subjected to harassment on the basis of race, color, or national origin and, where appropriate, counseling services to the person(s) who committed the harassment.
 - m. Development of a plan for a comprehensive training program for School personnel responsible for implementing and enforcing federal anti-discrimination and anti-harassment laws and related policies and procedures, and all appropriate school level and security personnel.
3. Within 60 calendar days of written approval from OCR that the District's Harassment Policy is consistent with Title VI requirements, the District will adopt and implement the procedures and will provide all students, parents/guardians and employees with written notice regarding the new policy for addressing and resolving Title VI complaints together with information on how to obtain a copy of the policy. The District, at a minimum, will make this notification through the District's website, electronic mail messages to employees and students, and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.
 4. Within 60 calendar days of written approval from OCR that the District's Harassment Policy is consistent with Title VI requirements, the District will examine its Student Code of Conduct to determine whether it contains rules of behavior, offense categories, and disciplinary procedures to appropriately address violations of the District's Harassment policy, as developed pursuant to Action Step 2 of the Agreement. The District agrees that by this same date it will revise the Student Code of Conduct to the extent necessary to ensure it contains such rules of behavior, offense categories, disciplinary procedures, and explanation of the duty of staff to report harassment and consequences for not reporting.

Training regarding Discrimination and Harassment under Title VI

5. By December 1, 2014, the District will provide an orientation program for all students, administrators, staff, employees, agents, security officers, counselors, and coaching staff at XXXXXX, which will address harassment, including racial and national origin harassment, in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on race, color or national origin for

students. The District will remind students of its commitment to having a school environment free from all harassment and explain to students what they should do if they believe they or other students are being harassed. The program will include a review of the District's harassment policies and procedures, including an explanation of what harassment on the basis of race, color, or national origin is, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation. The District will also provide students with the name and contact information of an employee, such as a counselor, that the students may contact if they wish to confidentially discuss any concerns they have and remind students of the availability of counseling services. The District will distribute written materials during the program that contain the information discussed.

6. By March 30, 2015, the District will provide training to all teachers (including substitute teachers), administrators, and any other District personnel charged with supervising students at XXXXXX, on the policies and procedures referenced in Action Step 2 of the Agreement. The training will specifically address: the responsibility of staff to report incidents of possible harassment; the procedures for doing so; instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to such harassment; and the prohibition on retaliation. The District may request OCR Philadelphia staff to assist in providing the training.
7. By March 30, 2015, and annually thereafter for new staff, the District will provide training to all staff at XXXXXX who are directly involved in processing, investigating and/or resolving complaints or other reports of race, color or national origin discrimination, including harassment complaints, and any counselors or other personnel who are likely to receive reports of race, color or national origin harassment. The training will review the District policies and procedures referenced in Action Step 2 of the Agreement and include instruction on how to conduct and document race, color or national origin discrimination or harassment investigations in an adequate, reliable, and impartial manner, including the appropriate legal standards to apply in such investigations, as well as outline the appropriate disciplinary measures for violations of the Harassment Policy in accordance with the District's Student Code of Conduct.

Student-Focused Remedies for Racial and National Origin Harassment

8. By November 1, 2014, the District will create a committee to provide a forum for the discussion of matters concerning discrimination or harassment on the basis of race, national origin, and color, increase student awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program. The committee will consist of District level administrators with knowledge, responsibilities and authority relevant to the duties of the committee, representative administrators, faculty members, and parents/guardians from the Middle School and the High School, and such other individuals as the District determines appropriate, such as students, guidance counselors, school nurses, or athletic coaches. By February 28, 2015, the District will submit the committee's proposed recommendations to OCR, along with an explanation of how the District intends to implement the recommendations.

9. By November 30, 2014, the District shall devise a school climate survey to be used on an annual basis for students and staff to assess the presence and effect of harassment based on race, color, or national origin within the Middle School and the High School and submit the proposed school climate survey to OCR, along with an explanation of how the District intends to implement the survey. The District shall conduct the climate survey within 60 calendar days of receiving OCR's approval of it.

Individual Remedy

10. By November 1, 2014, the District will complete an investigation into the allegations of racial and national origin harassment and retaliation reported by the Student and the Parents. As part of the investigation, the District will provide the Student and the Parents with the opportunity to identify witnesses and any other information. The District's offer will be made by certified letter and by email, and will notify the Student and the Parents that they must respond within 10 calendar days. The District will consider any documents provided by the Student and the Parents and make good faith efforts to interview any witnesses they identify. If the District determines that the allegations are substantiated, in whole or in part, the District will take actions necessary to appropriately address the harassment. In addition, the District will take steps to prevent any recurrence of the harassment and remedy the effects of the racial/national origin harassment toward the Student.
11. xxx – paragraph redacted – xxx
12. xxx – paragraph redacted – xxx

Data Maintenance

13. On an annual basis, the District will maintain the following data for all of the schools in the District:
 - a. all written reports and a written narrative describing all oral reports of incidents involving allegations of harassment based on race, color or national origin;
 - b. a narrative of all actions taken in response to the reports, including any written documentation;
 - c. a copy of all disciplinary sanctions issued to students for violations of the policies and procedures described in Action Step 2;
 - d. documentation demonstrating any remedial efforts offered and provided to the victim of the harassing incidents, such as counseling, tutoring or other appropriate services; and,
 - e. a narrative of all action taken to prevent recurrence of the harassing incidents, including any written documentation.

Reporting Requirements:

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

- a. a copy of the District’s anti-discrimination and anti-retaliation statement in accordance with Action Step 1 of the Agreement;
 - b. a copy of the draft Harassment Policy in accordance with Action Step 2 of the Agreement;
 - c. a report detailing its findings pursuant to the re-opened investigations of incidents of racial and national origin harassment in accordance with Action Step 10 of the Agreement, as well as an explanation of the investigatory process that was used for each incident; and
 - d. if applicable, a copy of the letter to the Complainant, XXXXXX, and if applicable, a copy of the acceptance pursuant to Action Step 11 of the Agreement.
2. By December 1, 2014, the District will provide OCR with a report demonstrating the implementation of Action Step 9 of the Agreement, including a copy of the proposed school climate survey, along with an explanation of how the District intends to implement the survey.
3. By January 15, 2015, the District will provide OCR with a report demonstrating implementation of Action Step 7 of the Agreement. Specifically, the District will provide documentation indicating the dates of the orientation, lists of the trainers, identification of the student audience, the topics covered during the orientation and the amount of time spent on each topic, and copies of the materials used in the orientation.
4. Within 60 calendar days of OCR’s approval of the Harassment Policy, the District will provide OCR with documentation demonstrating that it has implemented Action Step 3 of the Agreement, including copies of the written notices issued to students, parents and employees regarding the new Harassment Policy and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to its webpage where the policy is located.
5. Within 60 days of OCR’s approval of the Harassment Policy, the District will provide OCR with the results of its evaluation of its discipline policies and procedures, including the Discipline Code, in accordance with Action Step 4 of the Agreement, and if it is determined that revisions are needed, it will provide OCR with a draft copy of each.
6. Within 60 days of OCR’s approval of the school climate survey required by Action Step 9 of the Agreement, the District will provide OCR with the results of the school climate survey.
7. By October 15, 2015 and 2016, the District will provide OCR:
 - a. a report describing the training it provided pursuant to Action Step 6 including the dates of the trainings, lists of the trainers and sign in sheets reflecting the employee name and titles, topics covered during the training

- sessions and the amount of time spent on each topic, and copies of the materials used in the training.
- b. a report demonstrating implementation of Action Step 7 including the dates of the orientation, lists of the trainers, identification of the student audience, the topics covered during the orientation and the amount of time spent on each topic, and copies of the materials used in the orientation.
 - c. The data referenced in Action Step 12 of the Agreement for the most recently completed school year.
8. By February 15, 2015, the District will provide OCR with a report demonstrating the implementation of Action Step 8 of the Agreement. The report will include the recommendations made by the Student committee and the District's proposed implementation of the recommendations.
 9. By February 28, 2015 and 2016, the District will provide to OCR copies of the results of the climate survey, and a report demonstrating how the District responded to, or addressed any concerns raised by the survey, pursuant to Action Step 9.
 10. By April 15, 2015, the District will provide to OCR:
 - a. a report describing the training it provided pursuant to Action Steps 5 and 6 of this agreement. Specifically, the District will provide documentation indicating the dates of the trainings, lists of the trainers and sign in sheets reflecting the employee name and titles, topics covered during the training sessions and the amount of time spent on each topic, and copies of the materials used in the training.
 - b. The data referenced in Action Step 13 of the Agreement for the most recently completed school year.

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 VI, at 34 C.F.R. §§ 100.3(a) and 100.7, which were at issue in this case.

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 VI of the Civil Rights Act of 1964 (Title VI), at 34 C.F.R. §§ 100.3(a) and 100.7, which were 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 and 100.10) or judicial proceeding 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/

9-18-14

Superintendent or Designee
Russell Independent Schools

Date