

Resolution Agreement #05-15-1197 Community High School District 218

Community High School District 218 (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve OCR #05-15-1197. The District submits this Agreement to ensure its compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681-1688, and its implementing regulation, 34 C.F.R. Part 106, which prohibits discrimination based upon sex in any education program or activity receiving Federal financial assistance.

ANTI-HARASSMENT STATEMENT

- 1) By December 30, 2015, the District will issue a statement to all District students and employees of the District's policy that it does not tolerate harassment on the basis of sex by employees, students, or third parties, which will be widely published, including by posting on the District's website, student handbook, and posting in all District building(s) and any other means of notification the District deems effective to ensure that the information is widely disseminated. The statement will define harassment on the basis of sex and will acknowledge that prohibited sexual harassment includes sex or gender-based harassment and any other harassment based on sex and may include examples of sexual harassment. The statement will encourage any student who believes he or she has been subjected to sex harassment to report the incident(s) to the District Title IX Coordinator, and will note the District's commitment to conducting a prompt investigation, including the procedures under which students may file a complaint of harassment. The statement will identify the individual(s) responsible for investigating complaints of sex harassment, will contain time frames for completion of such investigations and notice to complainants, will provide for appropriate disciplinary sanctions of individuals who engage in sex harassment and will make clear that such discipline may include, if circumstances warrant, suspension or expulsion of a student and suspension or termination of an employee. The statement will warn that students or employees who retaliate against individuals who report sexual harassment will be promptly disciplined. The statement will include identification of, and the office address, email address, and telephone number of, the individual designated as Title IX Coordinator under item 2 below. The statement will further state that inquiries to recipients concerning application of Title IX and its implementing regulation may be referred to the Title IX coordinator or to OCR.

REPORTING REQUIREMENT: By December 30, 2015, the District will submit to OCR documentation that the anti-harassment statement referenced in this item has been published, including copies of emails, relevant pages of the District's website, and documentation of the postings in the building(s).

TITLE IX COORDINATOR

- 2) By December 30, 2015, the District will submit to OCR the name and credentials of the individual it proposes to designate as its Title IX Coordinator, including all training this individual has received to ensure adequate and effective implementation of the District's

nondiscrimination and sexual harassment policies and procedures and adequate handling of investigations of complaints alleging a violation of Title IX. Upon approval by OCR of the District's designated Title IX Coordinator, the District will notify all students and employees of the identity, address, telephone number, and email address of the individual the District has designated as its Title IX Coordinator. The District will ensure that the Title IX Coordinator is knowledgeable in all aspects of the applicable law (as applied to elementary-secondary institutions), and is not given assignments or duties that would create a real or perceived conflict of interest.

REPORTING REQUIREMENT: By December 30, 2015, the District will submit to OCR the name and credentials of the Title IX Coordinator and a description of the training that individual has received to carry out his or her duties and responsibilities under Title IX. Within 10 calendar days of OCR's approval of the District's designated Title IX Coordinator, the District will provide documentation to OCR that it has provided the required notice to students and employees. By June 30, 2016, the District will submit to OCR a description of all additional training the Title IX Coordinator received during the 2015-2016 school year to ensure that individual continues to carry out his or her duties and responsibilities under Title IX.

REVIEW OF POLICIES AND PROCEDURES AND DISCIPLINE CODE

- 3) By September 15, 2016, the District will review and revise, as necessary, its written policies and procedures relating to sexual harassment to ensure that they adequately address any incident of sexual harassment and provide for the prompt and equitable resolution of complaints alleging any form sexual harassment, including sex or gender-based harassment. The District will also review and revise grievance procedures providing for prompt and equitable resolution of student complaints alleging any action which would be prohibited by Title IX. The District will ensure that these policies and procedures include, at a minimum, the following:
 - a) a statement setting forth the District's commitment to having a District environment free from all forms of sexual harassment, explaining that the District prohibits sexual harassment occurring in or, if initially occurring off District grounds or outside a District education program or activity, affecting the District environment, encouraging students to immediately report incidents of harassment, emphasizing that staff are required to promptly report incidences of sexual harassment to the Title IX Coordinator, and specifying that the District will investigate formal and informal complaints of sexual harassment;
 - b) examples of the type of conduct and behavior that is covered by the policy, including staff-to-student and student-to-student conduct and conduct by third parties;
 - c) identification of the kinds of activities and sites where prohibited conduct could occur;

- d) an explanation of how to report sexual harassment and/or file a complaint (formally or informally) including the name, address, phone number, and email address for the District's Title IX Coordinator and notice of a student's right to file and pursue a concurrent criminal complaint;
- e) an explanation of the interim measures that can be taken by the District before the final outcome of the investigation (*e.g.*, a no contact order; changes to academic situations as appropriate with minimum burden on the student; counseling; health and mental services; and academic support) to respond to allegations of sexual harassment;
- f) a description of the formal complaint procedures, including a complaint form, designated and reasonably prompt timeframes for major stages of the investigation and for completion of the investigation of a complaint, a requirement that written notice of the outcome be provided to the parties, notice of a student's right not to appear in same hearing room as the accused and an equal opportunity to have a representative at a hearing (if the District's procedures provide for a hearing), a requirement that both parties will be given equal opportunity to access and present evidence, an assurance that both parties will receive periodic status updates (to the extent permitted under the Family Educational Rights and Privacy Act), an appeal process for both parties conducted in an impartial manner by an impartial decision-maker, and notice that the District will keep the complaint and investigation confidential to the extent possible;
- g) an assurance that sexual assault complaints will not be mediated even on a voluntary basis and that the District will not require a student (or parent) who complains of harassment to work out the problem directly with the alleged harasser (or the harasser's parent), including through mediation, and a statement that the student has the right to end the informal process at any time and begin the formal stage of the complaint process;
- h) an assurance that the District disallows evidence of past relationships with individuals other than the alleged harasser;
- i) an assurance that the District uses in its investigation of complaints a preponderance of the evidence standard of review (*i.e.*, it is more likely than not that sexual harassment occurred);
- j) 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 the complaint form and/or investigating reports of sexual harassment as well as contact information for OCR;
- k) 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 or a criminal investigation or proceeding to begin its Title IX investigation;

- l) a requirement that all employees who observe acts of sexual harassment intervene to stop the harassment, unless circumstances would make such intervention dangerous, and document and report all such incidents to the Title IX Coordinator;
- m) a requirement that designated employee(s) at each District school document all reports of incidents of sexual harassment, and that the District establish a protocol for recordkeeping of such incidents;
- n) 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;
- o) a prohibition of retaliation against persons who report harassment or participate in related proceedings, and discipline of individuals who engage in retaliation;
- p) an assurance that the District's primary concern is student safety and, to encourage reports of sexual harassment, that the District will not discipline a student who makes a good faith report of sexual harassment;
- q) a statement that the District will, where appropriate, take reasonable steps to remedy the harm to the affected student(s) of the sexual harassment, and examples of the types of remedies available, including the provision of counseling to students who have been subjected to or who have engaged in sexual harassment, and the provision of academic support, including recalculating any course grades if necessary; and
- r) identification of the means to investigate incidents of sexual harassment, including but not limited to the various steps the District will take to conduct adequate, reliable and impartial investigations of reported incidents, an assurance that the District will take action to stop the harassment, remedy the harassment, and prevent recurrence, and the District's standards for determining whether a hostile environment exists.

REPORTING REQUIREMENT: By September 15, 2016, the District will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

- 4) By September 15, 2016, the District will examine the District's Student Code of Conduct and employee disciplinary procedures to determine whether the current rules of behavior and offense categories appropriately and adequately address violations of the District's sexual harassment policies and procedures and will revise the code of conduct and disciplinary procedures to the extent necessary to ensure they contain such rules of behavior and offense categories. The District will ensure that sexual harassment is included as a conduct violation under the Student Code of Conduct and employee conduct rules/expectations.

REPORTING REQUIREMENT: By September 15, 2016, the District will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

- 5) Within 60 calendar days of receipt of notice of OCR’s approval of the policies and procedures referenced in items 3 and 4, the District will adopt, implement and publish the revised policies and procedures. Publication will include written notice of the anti-harassment policy, including its formal and informal complaint procedures, to the District community, including students, administrators and staff. The District will make this notification available through the District’s website, revised student handbooks, and any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: Within 30 days after the completion of this item, the District will provide OCR with documentation that it has completed this item, including copies of the written notices to students, parents/guardians, administrators and staff regarding the revised policies and procedures and a description of how the notices were distributed, copies of its revised student handbooks, a link to its webpage where the revised policies and procedures are located, and documentation of any other additional means of notification used by the District.

TRAINING OF DISTRICT PERSONNEL

- 6) By September 15, 2016, and by September 15 of each subsequent school year, the District will require all District administrators, faculty, and relevant staff to complete effective training relating to the policies and procedures adopted pursuant to item 3. At a minimum the training will encompass the following:
 - a) The District will remind all staff of its commitment to having a District environment free from sexual harassment, including sex or gender-based harassment, and explain what they should do if they believe students have been subjected to harassment, including their duty to immediately report all allegations of possible harassment and of the potential for discipline of employees who fail to report sexual harassment.
 - b) The District will provide a general overview of Title IX, including how the law’s nondiscrimination provisions apply to students, the names and contact information for the designated staff member(s) to whom students or others may report allegations of harassment, where to locate the District’s harassment policies and procedures on the District’s website, and the existence of OCR and its authority to enforce Title IX.
 - c) The District will explain its Title IX policies and procedures, including an explanation of what constitutes sexual harassment, the role of the Title IX Coordinator, as well as disciplinary sanctions related to findings of violations of the District’s harassment policies and procedures, including the District’s policy prohibiting retaliation and intimidation.

- d) The District will provide an explanation of the prohibition against retaliation contained in Title IX.

REPORTING REQUIREMENT: By September 15, 2016, the District will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of District employees who successfully completed the training.

- 7) By September 15, 2016, and by September 15 of each subsequent school year, the District will provide effective training to all employees who are directly involved in processing, investigating and/or resolving complaints or other reports of sexual harassment, and any nurses, counselors or other District personnel who are likely to receive confidential reports of sexual harassment and, if applicable, hearing officers handling discipline cases involving sexual harassment or misconduct. The training will review the District policies and procedures referenced in item 3 and include instructions on how to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations. For the complainant manager(s) and the Title IX Coordinator, and any other individual responsible for investigating and/or resolving complaints, the training will at a minimum encompass the following:
 - a) The District will provide training regarding potential conflicts of interest and how to ensure an impartial investigation;
 - b) The District will provide training regarding how parties will be informed of their rights under Title IX, including confidentiality, and informed at regular intervals of the status of the investigation;
 - b) The District will provide training regarding how to identify sources of documentary evidence as well as how to conduct witness interviews, including how to document review of evidence and witness interviews; and
 - c) The District will provide training on how to effectively provide written notice to the parties of the outcome of the complaint.

REPORTING REQUIREMENT: By September 15, 2016, the District will provide OCR with documentation that it has provided appropriate District staff with the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the District staff who attended the training.

STUDENT ORIENTATION & TRAINING

- 8) By September 15, 2016, and by September 15 of each subsequent school year, the District will provide effective age appropriate training for all students that includes the following components:

- a) The District will remind students of its commitment to having a District environment free from all harassment and explain to students what they should do if they believe they or other students have been subjected to sexual harassment.
- b) The programs will include an age appropriate review of the District's sexual harassment policies and procedures, including an explanation of what constitutes sexual harassment and sex and gender-based harassment, as well as disciplinary sanctions related to findings of violations of the District's harassment policies and procedures and/or the District's policy prohibiting retaliation and intimidation.
- c) The programs will provide an introduction of the Title IX Coordinator, an explanation of his or her role, and provide the names and contact information for any other designated staff member(s) and alternate staff and/or counselors to whom students may report allegations of sexual harassment and will encourage students to report harassment they have experienced or observed.

REPORTING REQUIREMENT: By September 15, 2016, the District will provide OCR with documentation that it has implemented this item, including copies of the orientation schedule, the names and titles of employees who presented on the required topics, and copies of any materials that were used or distributed regarding the required topics.

MAINTENANCE OF OTHER DATA

- 9) Effective immediately, the District agrees to maintain documents relating to specific complaints or other reports of sexual harassment of students, including the following:
 - a) a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of sexual harassment of any kind;
 - b) a narrative of all actions taken in response to the reports by District personnel, including any written documentation;
 - c) a copy of any and all disciplinary sanctions issued to students or employees for violations of the sexual harassment policies and procedures;
 - d) documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the accused and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
 - e) a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

REPORTING REQUIREMENT: By June 30, 2016, the District will provide to OCR copies of the documentation referenced in this item for the just-completed school year.

INDIVIDUAL REMEDIES FOR STUDENT A

10) X---paragraph redacted---X

11) X---paragraph redacted---X

REPORTING REQUIREMENT: X---paragraph redacted---X.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, the OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for the OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§ 106.8, 106.31, and 106.71, which were at issue in this complaint.

The District understands that the OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§106.8, 106.31, and 106.71, which were at issue in this complaint.

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 or judicial proceedings to enforce the specific terms and obligations of 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.

Approved and agreed to on behalf of Community High School District 218 (District):

/s/
Superintendent or designee

Date