

RESOLUTION AGREEMENT
Rhineland School District
OCR Case No. 05-22-1029

The Rhineland School District (District) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 05-22-1029. The District assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination based on sex in any education program or activity receiving federal financial assistance.

The action items detailed below address OCR's concerns regarding the District's responsive actions to sex-based harassment. The Agreement also addresses OCR's concern that the District does not provide adequate training to its staff on Title IX and the District's policies and procedures for investigating, responding to and documenting incidents of sex-based harassment, including harassment based on gender identity, and is not providing an equitable grievance process in response. In addition, the Agreement will address OCR's concerns regarding the District's lack of documentation or tracking of sex-based harassment.

The District agrees to take the following actions:

I. INDIVIDUAL REMEDY

- A. Within 21 days of signing this Agreement, the District will offer to hold a conversation with Student A and the Complainant to discuss whether compensatory measures, including grade adjustments or other academic adjustments, are necessary due to the instructional time Student A missed during the period in which Student A only attended in-person classes three days per week and took self-directed courses for the remainder of the school day. Should Student A return to the District, the District will offer the availability of District counseling and supportive services to Student A and will identify a specific individual or individuals at the District to whom Student A can report incidents of sex-based harassment. During this meeting, Student A and the Complainant will be given an opportunity to report any incidents of sex-based harassment that they would like the District to investigate.
- B. The District will document the meeting, including the date of the meeting, a list of meeting participants and their roles, identification of the topics discussed, a description of the supportive and other services considered and whether they were accepted or rejected, and a copy of the District's final determination regarding the supportive and other services necessary with a timeframe in which the District will provide the necessary services, if applicable. If the District determines that compensatory measures are appropriate, the District will provide the services no later than September 30, 2023. The District will document any incidents of sex-based harassment reported by the Complainant and Student A, including the approximate date and location of the harassment, the specific conduct, the person accused of engaging in the harassment, and any potential witnesses.

C. REPORTING REQUIREMENTS:

1. Within 15 days of the meeting convened pursuant to this Item, the District will provide OCR a copy of the meeting minutes or similar documentation regarding the meeting, as described in I.(B). The District will provide OCR with a copy of any written plan created. If the District determines compensatory measures are not appropriate, the District will provide OCR with an explanation of the bases for this determination and supporting documentation. If the District determines compensatory measures are necessary, the District will provide OCR a list of the services to be provided.
2. If the District determines compensatory measures are necessary, the District will provide OCR with documentation demonstrating the compensatory measures that it has provided to Student A, including the date the measures were provided, how the measures were provided, and who provided the measures within 30 days after the measures have been provided.
3. If Student A or the Complainant report any incidents of sex-based harassment for the District to investigate, the District will provide a detailed description of the steps the District took to investigate and respond to the reported harassment within 60 days of the meeting.

II. TRAINING

- A. By October 31, 2023, the District will provide training to all District administrators, teachers, and staff regarding the requirements of Title IX and the District's obligation to comply with Title IX. The training will cover the District's grievance procedures and the implementation of the District's grievance procedures adopted to comply with 34 C.F.R. § 106.8. Following the staff training, the District will conduct an assessment of participants' understanding and retention of the information provided during the training. The training must include:
 1. The District's policies prohibiting sex discrimination by students, employees, and contractors, including sex-based harassment;
 2. A summary of the District's grievance procedures for resolving sex-based harassment complaints, a reference to where individuals can locate the full procedures, and the name and contact information of the District-level employee responsible for ensuring implementation of the procedures and coordinating responses to complaints of sex-based harassment, including the District's Title IX Coordinator(s);
 3. Specific types of conduct that constitute sex-based harassment, including gender identity harassment;
 4. Steps District employees must take if they witness or otherwise learn of sex-based harassment of a student by another student, employee, or contractor, including sex-based harassment based on gender identity; these steps should clarify to whom the sex-based harassment should be reported, who is responsible for investigating the harassment, and who should offer the affected student(s) supportive interim measures while the investigation is pending, such as

counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, safety plans, or no-contact orders, and other similar measures;

5. Information on how the District will promptly notify students, parents, or guardians who report sex-based harassment or file complaints of such harassment that they can address their reports or complaints through the District's grievance procedures designated to address sex-based harassment and how to obtain a copy of the procedures;
 6. Identification of the records and documentation that must be maintained with respect to the receipt, processing, and resolution of sex-based harassment reports and complaints.
- B. By October 31, 2023, the District will provide training to all District staff who are directly involved in processing, investigating and/or resolving complaints or other reports of conduct that could constitute sex-based harassment, including gender identity harassment, that results discrimination in violation of Title IX. The training shall review how to conduct and document investigations of reports of conduct that violate Title IX.

C. REPORTING REQUIREMENT:

1. By November 17, 2023, the District will submit to OCR documentation demonstrating that the trainings referenced in II.(A) and II.(B) have been provided, including: (1) the name(s) and title(s) of the trainer(s); (2) the date(s) of the training(s); (3) a copy of the final agenda and materials used at each of the trainings; (4) a list of the names and job titles of all participants; (5) a copy of the post-training assessment results.

III. STUDENT-FOCUSED REMEDIES

- A. By October 31, 2023, the District will conduct age-appropriate learning sessions for Rhinelander High School students on the District's policies and procedures prohibiting sex-based harassment. The sessions will notify students of the District's commitment to an environment free from sex-based harassment, will include an explanation of types of conduct that constitute sex-based harassment, and will explain what students should do if they believe they or other students have been subjected to sex-based harassment. The sessions will inform students that harassment based on sex is prohibited and that students who engage in sex-based harassment of other students will be disciplined as appropriate consistent with the District's policies.
- B. By November 17, 2023, the District will conduct an assessment of students at Rhinelander High School to assess the effectiveness of the training and to ensure the school is free of sex-based harassment. Upon completion of the assessment, the District will review the results to assess whether any additional training is needed to ensure the District is appropriately responding to sex-based harassment and to further improve the climate at Rhinelander High School. The assessment will, at a minimum, address:

1. Students' knowledge and perceptions about conduct that constitutes sex-based discrimination/harassment;
2. The prevalence of sex-based harassment at Rhinelander High School;
3. Students' willingness to report incidents of sex-based harassment to District personnel;
4. Students' knowledge and understanding of the process to report complaints of sex-based harassment to the District;
5. Suggestions for reducing incidents of sex-based harassment in the school and improving the District's response to reports and complaints of harassment.

C. REPORTING REQUIREMENTS:

1. By November 1, 2023, the District will provide OCR for its review and approval the assessment it proposes to use and the methods by which it will administer the assessment to maximize response rate.
2. By November 17, 2023, the District will provide OCR with documentation that it has provided the learning sessions referenced in this item, including the dates of the sessions, the names and titles of individuals who conducted the sessions, a copy of any materials used or distributed to the students, and a verification that the sessions were offered to all District students.
3. By December 31, 2023, the District will provide OCR a copy of the final assessment together with a report summarizing the results of the assessment. The District will also provide OCR for its review and approval a description of actions it proposes to take, if any, in response to the assessment results.
4. By June 1, 2024, the District will provide documentation of the actions taken for the remainder of the 2023-2024 school year in response to the school climate assessment.

IV. MONITORING OF THE DISTRICT'S PROCESSING OF INCIDENTS OF SEX-BASED HARASSMENT

- A. By October 31, 2023, the District will develop an electronic record-keeping system that adequately documents all formal and informal reports of conduct that could constitute sex-based harassment; a policy that requires preservation of documents related to the District's responses to and investigations of reports and complaints of conduct that could constitute sex-based harassment; and a procedure to ensure the District's Title IX Coordinator(s) has access to this record-keeping system. At a minimum, the District's record-keeping system should include:
1. A system for tracking electronically all reported incidents of alleged sex-based harassment that includes relevant information related to the incident, the person reporting the incident, the person who allegedly engaged in the conduct, the person alleged to be the subject of the conduct, all potential witnesses, the date/time/nature/location of the incident, and the date the District became aware of the conduct;

2. A copy of all written reports, and a written narrative of all verbal reports, of any incident involving conduct that could constitute sex-based harassment;
 3. A description of all actions taken by District personnel in response to the harassment;
 4. A copy of any written documentation sent to or received in relation to the report, including but not limited to interview notes, witness statement, correspondence between parties, and correspondence between the District and the parties;
 5. A copy of all written notifications and a description of any verbal notifications of the determinations regarding the report that the District provided to the parties, including the date of the notification, the individual(s) who was notified, how the individual was notified and by whom;
 6. A copy of all disciplinary action taken against students or employees who the District determines violated the District policies prohibiting discrimination based on sex;
 7. In circumstances where the District determines that sex-based harassment, including gender identity, has occurred, documentation fully detailing all of the steps taken by the District to ensure the individual who was harassed was not limited in or denied access to the District's educational programs or activities as a result of the harassment.
- B. The District's Title IX Coordinator(s) will review all reports of sex-based harassment, including harassment based on gender identity, within 30 days of receipt to ensure that they are being processed in a timely and equitable manner; and again within 30 days of the final outcome of the complaint to identify any inequities or delays in the complaint resolution process. If the District's Title IX Coordinator(s) identifies any concerns regarding the District's response to the report, the District's Title IX Coordinator(s) will document the concerns, direct the responsible individuals to address those concerns, and follow up to ensure that all concerns are addressed.

C. REPORTING REQUIREMENTS:

1. By August 31, 2023, the District will provide OCR with a detailed description of its proposed electronic recordkeeping system for OCR's approval.
2. By December 15, 2023, the District will provide documentation to OCR demonstrating that it has implemented the electronic record-keeping system.
3. Within 30 days of the end of the semester, the District will provide to OCR a certification that the Title IX Coordinator(s) has (a) reviewed all written and oral reports of sex-based harassment, (b) confirmed that the reports or complaints were processed pursuant to the District's policies, (c) identified all concerns about the District's response to the complaints, and (d) followed up to ensure that such concerns were addressed and resolved. The District will provide a summary of any identified concerns and the corrective action taken to resolve them.

V. OCR MONITORING

The District understands that by signing this Agreement, the District agrees to provide the 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. 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 is in compliance with Title IX and its implementing regulation, 34 C.F.R. Part 106, which were at issue in this 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

District Administrator (or designee)
Rhineland School District

Date