

**Resolution Agreement  
Wattsburg Area School District  
OCR Docket Number 03141103**

To resolve the allegation in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulation, at 34 C.F.R. Part 106, the Wattsburg Area School District (the District) voluntarily enters into this Resolution Agreement (Agreement) and makes the following commitments to OCR. This Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

**ACTION STEPS**

**Anti-Harassment/Anti-Retaliation Statement**

1. By September 30, 2014, the District will issue a statement to all District students, parents and staff that will be printed in the District's newsletter, posted in prominent locations in the District, and published on the District's website, stating that the District does not tolerate acts of discrimination or harassment based on XXX. The statement will also:
  - a. state that retaliation against individuals who file complaints about sexual harassment, or participate in the investigation of such complaints, is prohibited;
  - b. will encourage any student who believes he or she has been subjected to sexual harassment to report the harassment to the District;
  - c. will note the District's commitment to conducting a prompt investigation;
  - d. will include the appropriate contact information for the designated staff member to whom students and parents may report allegations of harassment;
  - e. will warn that students found to have engaged in sexual harassment or retaliation will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion;
  - f. will further make clear that District staff found to have engaged in sexual harassment or retaliation will be promptly disciplined, and that such discipline may include, if circumstances warrant, termination of employment; and
  - g. will encourage students, parents and District staff to work together to prevent sexual harassment.

**Reporting Requirement:** By October 31, 2014, the District will submit to OCR documentation substantiating that it printed the Anti-Harassment/Anti-Retaliation Statement in the District's newsletter, posted it in prominent locations at District schools, and published it on the District's website.

**Sexual Discrimination/Sexual Harassment Grievance Procedures**

2. By October 31, 2014, the District will submit to OCR for its review and approval draft Title IX grievance procedures to address complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence), as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b).
3. The District will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sex discrimination and will include, at a minimum, the following:
  - a. notice to students and employees of the grievance procedures, including where complaints may be filed;
  - b. application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination or sexual harassment (including sexual violence) carried out by employees, other students, or third parties;
  - c. provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
  - d. designated and reasonably prompt time frames for the major stages of the complaint process;
  - e. written notice to the complainant and alleged perpetrator of the outcome of the complaint;
  - f. assurance that the school will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, if appropriate;
  - g. a statement of the school's jurisdiction over Title IX complaints;
  - h. adequate definitions of sexual harassment (which includes sexual violence) and an explanation as to when such conduct creates a hostile environment;
  - i. reporting policies and protocols, including provisions for confidential reporting;
  - j. identification of the employee or employees responsible for evaluating requests for confidentiality;
  - k. notice that Title IX prohibits retaliation;
  - l. notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously;

- m. notice of available interim measures that may be taken to protect the student in the educational setting;
- n. a statement that preponderance of the evidence (i.e., more likely than not that sexual violence occurred) will be the standard used in investigating a complaint;
- o. notice of potential remedies for students;
- p. notice of potential sanctions against perpetrators; and
- q. sources of counseling, advocacy, and support.

Recognizing that Title IX does not require a separate sexual harassment complaint procedure, the District assures OCR that if it chooses to maintain a separate sexual harassment complaint procedure, it will comply with the requirements outlined above.

**Reporting Requirement:** By October 31, 2014 the District will submit to OCR for its review and comment its Title IX grievance procedures referenced in action steps #2 and #3.

- 4. Within 45 calendar days of written notification from OCR that the grievance procedures developed in accordance with action steps #2 and #3 are consistent with the Title IX requirements, the District will adopt and implement the procedures and will provide all students, parents/guardians and employees with written notice of the new grievance procedures together with information on how to obtain a copy of the grievance procedures. 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.

**Reporting Requirement:** Within 60 calendar days after OCR’s approval of the Title IX procedures referenced in action steps #2 and #3, the District will provide OCR with documentation that it has implemented action step #4 above, including copies of the written notices issued to all students, parents/ guardians and employees regarding the new Title IX procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; regularly issued newsletters (in print or online) and a link to its webpage where the revised Title IX procedures are located.

### **Investigation of Complainant’s allegations**

- 5. By September 30, 2014, the District will reopen its investigation of the Complainant’s allegations XXX, which allegedly occurred XXXThe District’s Title IX Compliance Officer will interview the Complainant and ensure that the investigation of the complaint affords the Complainant the opportunity to present witnesses and other evidence.. The District’s Title IX Compliance Officer will individually interview the Complainant and any witnesses presented by the Complainant. These interviews will not occur in a public forum. The Title IX Compliance Officer will send the Complainant a letter, via certified mail, informing the Complainant that she has fourteen (14) calendar days to respond to

the District's offer to be interviewed and to provide evidence regarding her allegations. If the Complainant does not respond to the District's offer in the time specified, the District will continue its investigation based upon available evidence. If the Complainant accepts the District's offer, the District will, within 20 business days, complete the interview of the Complainant and interview any witnesses identified by the Complainant, as well as conduct any follow-up interviews or gather any additional evidence based on information obtained through the interviews with the Complainant and other witnesses. After the completion of the supplemental investigation, the District will make a determination of whether the allegation of sexual harassment is substantiated.

6. By November 30, 2014, the District will provide the Complainant with a written summary of its findings and, as applicable, any corrective actions that will be taken in response to action step #5. If the District determines that the allegation of sexual harassment is substantiated, the District will take steps to remedy the effects of the harassment of the Complainant and others, if appropriate. The District will issue to the Complainant, by certified mail, an offer of the steps it is prepared to take to fully and effectively address the effects of the sexual harassment.

**Reporting Requirements:** By December 15, 2014, the District will provide OCR with a copy of the written summary of its findings that it sent to the Complainant in accordance with action step #6. If the District found that sexual harassment occurred, the District will also provide OCR with a copy of the remedial services it offered to the Complainant, and others, such as students, as applicable, the Complainant's response to the District's offer, and the District's fulfillment of the provision of the remedial services.

#### **Notice of Nondiscrimination**

7. By October 31, 2014, the District will submit to OCR for review its notice of nondiscrimination pursuant to 34 C.F.R. § 106.9, which will notify students, parents/guardians, employees, and other relevant persons that it does not discriminate on the basis of sex in the education programs or activities that it operates and that it is required by Title IX not to discriminate in such a manner. The notice will state that inquiries concerning the application of Title IX should be referred to the Title IX Coordinator, and it shall include the name or title, office address, and telephone number for the District's Title IX Coordinator. The District will publish this notice consistent with the requirements of Title IX at 34 C.F.R. § 106.9.

**Reporting Requirement:** By October 31, 2014, the District will submit to OCR its revised notice of nondiscrimination, developed in accordance with action step #7.

8. Within 45 calendar days of written notification from OCR that the District's notice of nondiscrimination complies with Title IX, the District will ensure that, to the extent required by Title IX at 34 C.F.R. § 106.9, each of its electronic and printed publications of general distribution that provide information to employees and students about District services and policies contain the notice of nondiscrimination. Inserts may be used pending reprinting of these publications.

**Reporting Requirement:** Within 60 calendar days after OCR’s approval of the notice of nondiscrimination, the District will provide OCR with documentation that it has implemented action step #8.

**Title IX Coordinator**

9. By October 31, 2014, the District will ensure that it has designated one or more employees to coordinate the District’s efforts to comply with Title IX and will publish this individual’s name or title, office address, and telephone number consistent with the requirements of Title IX at 34 C.F.R. § 106.8(a). If the District opts to designate more than one such coordinator, its publications will make clear the scope of each coordinator’s responsibilities (e.g., who will handle complaints by students, employees, and third parties), and will designate one coordinator, who will be titled “Title IX Coordinator” and who will have ultimate oversight responsibility over the other coordinators, whose titles will clearly indicate that they are in a deputy or supporting role to the Title IX Coordinator. Inserts may be used pending reprinting of the publications.
10. By October 31, 2014, the District will develop a job description and corresponding training requirements for its Title IX Coordinator and, as appropriate, any deputy coordinators. The job description and required training will cover the investigation of Title IX complaints filed by students, employees, and third parties and the responsibility of the Title IX Coordinator to regularly develop and participate in activities designed to raise awareness within the District regarding sex discrimination (including sexual harassment, sexual assault, and sexual violence), the existence of OCR and its responsibility to enforce Title IX, and the District’s policies and procedures regarding such matters. If the District opts to designate additional coordinators to assist the Title IX Coordinator, it will make clear the scope of each coordinator’s duties and will ensure that the Title IX Coordinator has ultimate oversight responsibility over the other coordinators, which will be clearly stated in that coordinator’s job description.

**Reporting Requirements:** By November 15, 2014, the District will provide OCR with the name/title of the person designated as the Title IX Coordinator, including the address and contact information, job description and training program developed in compliance with action steps #9 and #10. In addition, the District will provide OCR with documentation substantiating that it published this individual’s name or title, office address and telephone number in compliance with action step #9.

**Training for the Title IX Coordinator and District Personnel**

11. By January 30, 2015, the District will schedule Title IX training for its Title IX Coordinator, any other coordinators, and any District personnel who are directly involved in processing, investigating and/or resolving complaints of sex discrimination (including sexual harassment, sexual assault, or sexual violence) or who otherwise coordinate the District’s compliance with Title IX. The training will:
  - a. cover the District’s new grievance procedures for Title IX complaints;

- b. provide attendees with instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title IX, as well as sex discrimination, including sexual harassment/assault and violence;
- c. review the District’s responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature and to ensure that victims of sexual offenses that are criminal in nature are aware of the District’s Title IX obligations and its Title IX grievance procedures; and
- d. instruct on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation (which differ from a criminal investigation).

**Reporting Requirements:** By February 27, 2015, the District will provide OCR with documentation that it has conducted the training required by action step #11, including the following information: 1) the date the training was conducted; 2) the name(s) of the individual(s) who conducted the training; 3) the topics addressed during the training; 4) copies of any written materials (i.e., slides, handouts) used or distributed during the training; and 5) a list of all District staff who attended the training.

12. By January 30, 2015, the District will revise its existing online sexual harassment training or develop a new online Title IX training for employees to provide the following:
- a. essential guidance and instruction on preventing, recognizing and appropriately responding to allegations and complaints of sex discrimination, including the differences between sex discrimination, sexual harassment, sexual assault, and sexual violence;
  - b. an understanding of statutory sexual assault and an understanding of the District’s responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature; and
  - c. the District’s new grievance procedure for Title IX complaints.

The District shall require all District personnel, including volunteers, who interact with students on a regular basis to complete online training on an annual basis. Any District personnel hired, or new volunteer, will be required to complete the online training, even if in an acting capacity. The online training will be updated annually, if necessary, in order to reflect any changes to the law, District policy, and District practices with respect to Title IX compliance. The District will notify District personnel of all such changes within 30 calendar days of such change.

**Reporting Requirement:** By February 27, 2015, the District will provide OCR with a copy of its revised online sexual harassment training or newly developed online Title IX training for employees required by action step #12 and will provide documentation

substantiating that all District staff and employees took the online training program, including a list of all District staff and employees who completed the online training.

### **Student-Focused Remedies**

13. By November 30, 2014, the District will develop a plan to be implemented XXXfor educating students and parents about issues related to sexual harassment, including what constitutes sexual harassment and the impact it has on individual students and the educational environment, the prohibition of sexual harassment in the educational setting, the importance of reporting sexual harassment, how and to whom to report incidents of sexual harassment, the District's obligation to respond appropriately to notice of sexual harassment, and potential consequences and corrective action if harassment is found. The District will implement the plan and monitor its effectiveness. In developing the plan as it relates to students, the District will consider a variety of age-appropriate approaches to student education, including, for example, small group student instruction and integration of relevant curriculum in the classrooms and expansion of relevant programs already being provided. Educational outreach for parents may include, for example, evening classes, mailings sent home and posted in the schools, and collaboration with existing parent groups, such as Parent Teacher Associations.

**Reporting Requirement:** By December 30, 2014, the District will provide OCR with documentation that it has implemented action step #13, a copy of the plan developed by the District and how it will be or has been implemented at the High School.

14. By November 30, 2014, and again at the end of the 2014-2015 and 2015-2016 school years, the District will conduct a climate check or series of climate checks XXX to assess the effectiveness of steps taken pursuant to this Agreement, or otherwise by the District, to ensure its schools are free of sexual harassment. The climate check may be accomplished through a written or electronic survey, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss this issue in person; interviews of employees, students and parents; or other such assessment tools and techniques as deemed appropriate. Any survey used must be provided to OCR for review and approval prior to its use. Information gathered during these climate checks will be used to inform future proactive steps taken by the District.

**Reporting Requirement:** By December 30, 2014, and July 30, 2015 and 2016, the District will provide OCR with documentation demonstrating that it has implemented action step #14, including copies of the survey results, a detailed written description of the information obtained and proposed actions based on that information.

### **Record Keeping/Data Maintenance**

15. At the end of the 2014-2015 and 2015-2016 school years, the District will prepare a report summarizing all incidents alleging sexual harassment investigated at the XXX during the respective school year, including for each incident the following information: 1) a description of how the incident came to the District's attention (i.e., whether reported by a student or parent, or witnessed by a staff member); 2) a description of the incident;

3) a detailed written narrative describing how the District investigated the incident and its response to the reports, including the names of all witnesses interviewed and a list of any documents or other evidence reviewed; 4) a statement as to whether the District concluded that sexual harassment did/did not occur; 5) a copy of all disciplinary sanctions issued to students for violations of the District’s policies and procedures pertaining to sex discrimination/harassment; 6) documentation demonstrating any remedial efforts offered and provided to the victim of the harassing incidents, such as counseling, tutoring, or other appropriate services; and 7) a description of the steps taken by the District to remedy any harassment that occurred, and prevent its recurrence, including any written documentation.

**Reporting Requirements:** By July 30, 2015 and 2016, the District will provide OCR with documentation demonstrating that it has implemented action step #15, including the annual report of the harassment complaints it received at the High School, and any corresponding records, such as the investigative files, including those of the District’s Title IX Coordinator, showing the response and remedies obtained, if any.

The District understands that OCR will not close the monitoring until it 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 and 106.9, which was at issue in this complaint.

The District understands that by signing this Agreement, it agrees to shall 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, 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 complied with the terms of this Agreement and the regulations implementing Title IX, at 34 C.F.R. §§ 106.8 and 106.9, which was 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 (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/

\_\_\_\_\_  
Superintendent/Designee  
Wattsburg Area School District

\_\_\_\_\_  
Date