

RESOLUTION AGREEMENT
Sayre Public Schools
OCR Docket Number 07161208

The Sayre Public Schools (District), Sayre, Oklahoma, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the complainant's allegations in OCR Docket No. 07161208. The District, as a recipient of Federal financial assistance, is subject to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100; and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106.

The District voluntarily agreed to resolve the complaint prior to the conclusion of OCR's investigation into the complaint allegations. This Agreement does not constitute an admission by the District of any violation of Title VI, Title IX, or any other law.

The District agrees to take all reasonable steps to ensure that students enrolled in the District are not subject to harassment on the basis of race or sex. To this end, the District will promptly investigate all complaints of racial harassment and sexual harassment of students of which it has notice, and will take appropriate action to respond to harassment complaints, which may include disciplinary action against students and/or employees found to have committed such harassment. The District will take prompt and effective responsive action reasonably designed to end the harassment, prevent its recurrence, and, where appropriate, will take steps to remedy the effects of the harassment on the victim and the larger school community.

The District agrees to take the following actions:

I. RESOLUTION PROVISIONS

SEXUAL HARASSMENT POLICY

1. The District will review and if necessary revise its *Sexual Harassment Policy* to ensure that it includes, at a minimum, the following:
 - (a) a definition of sexual harassment, including specific examples of prohibited conduct. The definition and examples will make clear that the types of conduct in the following (non-exhaustive) list may constitute sexual harassment: the use of offensive or demeaning names and sexual language, whether spoken or written (including graffiti) and whether used by a student or an adult; any sexual touching of a student by an adult; nonconsensual sexual touching between students; inappropriate sexual touching between students (even if purportedly consensual); and sexual conduct that would also be considered criminal activity, such as sexual assault;
 - (b) a statement that the prohibition on sexual harassment applies to conduct by employees, students, and third parties;

- (c) a statement that because students often experience the continuing effects of off-campus sexual harassment in the educational setting, the District will consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus;
 - (d) a requirement that employees who become aware of possible sexual harassment must immediately report the incident to the principal or vice principal at the relevant school site or the District's Title IX coordinator, and an explanation that such reports shall be treated as complaints under the District's sexual harassment grievance procedures;
 - (e) a statement that incidents of sexual harassment will be investigated and resolved pursuant to the District's sexual harassment grievance procedure; and
 - (f) a statement prohibiting retaliation against an individual who complains of sexual harassment and/or participates in the District's sexual harassment complaint process.
2. The District will revise the complaint procedures, or grievance procedures, (Gender Discrimination Grievance Procedures) set out in section DAAB of its Board Policy to ensure that the procedures provide an easily accessible system for the prompt and equitable resolution of complaints alleging sexual harassment. At a minimum, the Sexual Harassment Grievance Procedures will:
- (a) state that the procedures apply to complaints alleging sexual harassment of students by employees, students, and third parties, as described in the District's Sexual Harassment Policies;
 - (b) provide instructions on how to initiate a complaint, such as by orally reporting allegations of sexual harassment to specifically identified employees at the District level (e.g., the Title IX coordinator) or site level (e.g., principal/vice principal), or by submitting a letter or written form describing the allegations of sexual harassment at the site level or to the District;
 - (c) describe the District's obligation to:
 - i. identify, investigate, and document incidents and alleged incidents of possible sexual harassment, including information that comes to the attention of school or District employees without a formal complaint;
 - ii. provide for the adequate, reliable, and impartial investigation of all complaints of sexual harassment within a reasonably prompt time frame, including the opportunity for parties to present witnesses and other evidence; such an investigation should include the following elements:
 - a statement explaining when complaints will be handled at the school site level and when they will be handled at the District

level, and clarify the specific roles of school employees and law enforcement in the investigation.

- the District will assign responsibility for conducting the investigation to school site administrators or employees with appropriate training and experience.
 - the designated individual(s) will interview relevant witnesses and will document all interviews.
 - the investigation will determine, based on a preponderance of the evidence: (1) whether the alleged harassment did or did not occur; (2) the identity of the student who engaged in the harassment; and (3) the harm to the student subjected to the harassment, if any.
 - the designated individual(s) will document the investigative findings and the specific steps (s)he/they took in conducting the investigation and reaching their conclusions;
- iii. take interim measures during the investigation to ensure the safety and well-being of the reporting student and the larger school community, to address any ongoing harassment, and to prevent retaliation against the complainant, the student subjected to harassment, and any witness or other individuals who are participating in the investigation;
- iv. determine whether any remedial action is necessary to address and resolve the complaint, and carry out such action, including, as appropriate, the provision of educational resources and counseling for the individual harassed and the harasser; other steps to address any impact on the individual harassed, witnesses, and the broader student body; and any other necessary steps to protect the individual subject to the harassment and witnesses from retaliation, as well as other steps reasonably calculated to prevent future occurrences of harassment, including possible discipline of the harasser;
- v. provide written notice to the complaining party of the findings of the investigation and the corrective action taken;
- vi. maintain on-going contact with the student harassed throughout the investigation;
- vii. contact the student harassed within a reasonable period of time following conclusion of the investigation to assess whether there has been ongoing harassment or retaliation, and to determine whether additional supportive measures are needed;

- viii. maintain all documentation of the complaint investigation and any corrective actions taken in a system that allows the Title IX coordinator or others to track incidents by school site and throughout the District;
 - ix. refer the matter to law enforcement authorities, where appropriate;
 - x. follow the Sexual Harassment Grievance Procedures regardless of whether the alleged harassment is also being investigated by another agency, unless the fact finding process would impede a law enforcement investigation; in such cases the District will:
 - implement appropriate interim steps to provide for the safety of the victim and the school community and the avoidance of retaliation; and
 - promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering portion of its proceedings;
 - xi. inform relevant members of the school community if the circumstances of an incident of sexual harassment suggests a threat to others; this may include, for example, notifying parents and employees if a student is sexually assaulted on the way home from school, or notifying employees of areas where harassment occurs.
- (d) provide for an alternate confidential procedure to be implemented in instances where the complaining party does not wish to identify herself/himself to the alleged harasser. The Sexual Harassment Grievance Procedures will make clear that confidentiality may only be maintained to the extent it does not compromise the integrity of an equitable and impartial investigation;
- (e) include a statement that Title IX prohibits retaliation against an individual who files a complaint under Title IX or participates in a complaint investigation;
- (f) provide for a system of regular, real-time reporting to the Title IX coordinator and/or senior-level District administrators regarding complaints or incidents of possible sexual harassment; and
- (g) specify that, in the event of a sexual assault, the principal of the school site will immediately inform both the District’s Title IX coordinator, so that the District may ensure that it provides an appropriate response to the incident consistent with the Sexual Harassment Grievance Procedures, and the appropriate law enforcement agency; and set forth a process to ensure that the victim is safe (this may include, for example, creating a safety plan and designating an individual at the site level to act as the student’s support person during the investigation).

Reporting Requirement: **Within 60 calendar days** of signing this Agreement, the District will submit its revised Sexual Harassment Policy, and its revised Sexual Harassment Grievance Procedures, to OCR for its review and approval.

Reporting Requirement: **Within 60 calendar Days** of receiving written approval from OCR of its revised Sexual Harassment Policy, including its revised Sexual Harassment Grievance Procedures, the District will adopt and implement the approved policy and procedures, disseminate the policy and procedures to District employees and administrators, post the policy and procedures on its website in a section accessible to students and parents, and start including the policy and procedures in new and reprinted copies of its student handbook(s).

Reporting Requirement: **Within 30 calendar days** of posting its OCR-approved Sexual Harassment Policy on its website, the District will provide OCR the electronic address for the specific webpage on which the policy is posted.

TRAINING REGARDING TITLE VI & TITLE IX

3. The District will provide training on the requirements of Title VI and Title IX all District administrators, teachers. At a minimum, the training must address:
 - (a) Title VI's and Title IX's prohibitions against discrimination, including harassment, on the bases of race/national origin and sex¹, respectively;
 - (b) what District employees should do if a student or parent complains of race/national origin or sex discrimination or harassment by a District student, employee, or third party;
 - (c) Title VI's and Title IX's prohibitions on retaliating against a student or other individual who files a complaint alleging discrimination or harassment on the basis of race/national origin or sex, and on retaliating against a student or other individual who participates in a Title VI or Title IX complaint investigation; and
 - (d) the name and contact information of the individual(s) to whom employees should direct questions about the District's process for addressing complaints made by, or on behalf of, students alleging race/national origin discrimination or sex discrimination or harassment.

Reporting Requirement: **By no later than September 1, 2017,** the District will provide OCR documentation showing that it has provided the training required by paragraph 3 of this Agreement. The documentation must include the date, time, and location of the training; the topics addressed at the training; copies of handouts distributed to the training participants; the name(s), title(s) and

¹ Although not required by this agreement, OCR recommends that the training also address the prohibition of discrimination based upon disability under Section 50 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.

qualifications of the individual(s) who conducted the training; and one or more sign-in sheets with the name, title, and work location of each employee who participated in the training.

4. The District will establish a policy and procedure providing for annual mandatory orientation sessions for all students at the Middle School site on the District's sexual harassment policies and Title VI policies and procedures, including those topics described in Section 3A which are applicable to students.

Reporting Requirement: **By October 31, 2017,** and by the same date in the subsequent year, the District will provide OCR with documentation that it has provided the student orientation on the District's harassment policies as required under Item 4. The documentation will include the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the orientation, and a list indicating which students attended and/or failed to attend the orientation.

5. The District will provide age appropriate training for all students at the Middle School once per semester during the 2017-18 school year and during the Fall semester of the 2018-19 school year on race and gender based discrimination, providing examples of prohibited conduct, including harassment, in various school-related contexts.

Reporting Requirement: **By July 1, 2017,** the District will submit to OCR for its review and approval the training materials for the Fall 2017 student training required under Item 5. **By October 1, 2017,** the District will submit to OCR for its review and approval the training materials for the Spring 2018 semester student training. **By February 1, 2018,** the District will submit to OCR for its review and approval the instructional materials for the Fall 2018 semester student training. The documentation submitted will include the names of the individuals designated to implement the aforementioned programming and a timeline for the delivery of the information. **Within thirty days** after the conclusion of the Fall 2017, Spring 2018, and Fall 2018 semesters, the District will provide OCR with documentation showing that the required training has been provided. The documentation will include the date(s) of the training, the names and titles of the instructors, a copy of any materials used or distributed to the students, and a list of the students who attended the training by class and/or grade.

6. Effective immediately upon signing this Agreement, the District agrees to maintain documents relating to complaints of race-based and/or gender-based harassment of students at the School, including complaints that are filed formally through the District's Discrimination Complaints Procedure Policy or Grievance procedure Gender Discrimination Policy, those that are reported informally, confidentially, or anonymously pursuant to the District's Board Policies DAA or DAA-R, and/or those which are observed or witnessed directly by an employee at the School. This documentation will include the following:

- (a) a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of racial harassment;
- (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 corrective or disciplinary actions issued to students or employees for violations of the harassment policies and procedures;
- (d) documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the alleged harasser and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
- (e) a narrative of all actions taken to prevent recurrence of any harassment, including any written documentation.

Reporting Requirement: By July 31, 2017, the District will provide to OCR copies of the documentation of any complaint or other report of sexual or racial harassment toward any student at the School for the 2016-2017 school year.

II. GENERAL PROVISIONS

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 and that all actions taken to comply with the requirements of the Agreement are subject to OCR’s review and approval. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview employees 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 regulations implementing Title VI at 34 C.F.R. § 100.3, and Title IX at 34 C.F.R. Part 106, 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, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

17
Todd Winn, Superintendent
Sayre Public Schools

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Date