

**Resolution Agreement**  
Winthrop Public Schools  
OCR Case Number 01-13-1276

Winthrop Public Schools (District) agrees to implement this Voluntary Resolution Agreement to resolve the issues identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the above referenced case number, according to OCR's jurisdiction under Title IX of the Education Amendments of 1972 and its implementing regulations at 34 C.F.R. Part 106 (Title IX).

**I. Equity Consultant**

*A. Retaining Consultant*

The District shall retain a qualified third-party consultant mutually agreed upon by the District and OCR, to consult with the District to study and advise on what additional measures the District needs to take to effectively address, prevent, and respond to harassment based on sex at District schools and comply with the terms of this Agreement. The District will be responsible for any costs associated with the retention of the Consultant. The District shall give the Consultant access to any and all data, documents, or information the Consultant deems necessary to fulfill his or her duties under this Agreement. The Consultant's access to personally identifiable information shall be in accordance with the regulations of the Federal Educational Rights and Privacy Act, 34 C.F.R. § 99.31(a)(1)).

*B. Addressing School Climate And Investigation*

The Consultant shall consider whether any further investigation or remedies are needed for the Student or for other students in affected by the conduct in this case and any continuing effects on the school community. Additionally, the Consultant shall assist the District in developing tools to assess school climate on an ongoing basis, including but not limited to student climate surveys.

*C. Reporting*

1. By **June 1, 2014**, the District will notify OCR of its proposed Consultant to comply with Consultant's Section I.A. of this Agreement, and provide the Consultant's credentials for OCR's consideration and approval.

**II. Policies and Procedures**

*A. Notice of Non-Discrimination (Notice)*

The District will clarify its Notice to comply with the requirements of Title IX's implementing regulation at 34 C.F.R. Section 106.9, so that the Notice: clearly states that the District does not discriminate on the basis of sex in any of its educational programs or activities; references Title IX; and is consistent across school handbooks and the District's website and policy manuals.

*B. Designation of Title IX Coordinator (Designation)*

1. The District will designate at least one employee to coordinate its efforts to comply with the requirements of Title IX's implementing regulation at 34 C.F.R. Section 106.8(a). The District will ensure that the person(s) designated: has training on what constitutes sex discrimination, which includes sexual harassment and sexual violence; understands how the District's Title IX

grievance procedures operate, including the need to inform complainants of the outcome of their complaints; and is qualified to oversee all Title IX harassment complaints and the tracking of such complaints, to be aware of, and respond to, any trends, and being able and available to investigate certain complaints should the need arise.

2. The District will provide broad notice of its designation of a Title IX Coordinator (and its building Title IX Coordinators if the District chooses to have them), including in an email to all staff and notice to students. Specifically, the Designation will:
  - b. Identify the Title IX Coordinator (s), by name, title, work phone and email address;
  - c. Include information about the role of the District Title IX Coordinator(s), including that he/she is available to meet with students, parents and/or guardians regarding any sex discrimination concerns; and
  - d. Be consistent across email notifications, school handbooks and the District's website and policy manuals.

*D. Harassment Policies/Procedures*

The District will revise its Harassment Policy to comply with the requirements of Title IX's implementing regulation at 34 C.F.R. Section 106.8(b), and OCR guidance, to:

1. Provide assurances, and steps to meet those assurances, to provide a prompt and equitable response to all allegations of sex discrimination, including different treatment, sexual harassment and sexual violence;
2. Include that the complainant and accused may present witnesses and other evidence during an investigation;
3. Include an assurance that alleged victims of harassment will not be required to mediate allegations with their with alleged perpetrators without appropriate involvement by the District, and further, that any mediation process can be ended by an alleged victim at any time in order to begin a formal stage of the complaint process;
4. Include the right of complainants and accused individuals to be notified of the outcome of any District investigation; and
5. Include the District's obligation, following substantiated instances of harassment, to take reasonable steps to address the effects of any harassment, including supporting victims' access to the District's programs, services and activities; and
6. Assure consistency across its discipline code, school handbooks and the District's website and policy manuals.

*E. Reporting*

1. By **June 30, 2014**, the District will submit its revised Notice, Designation and Harassment Policy (Policies/Procedures) to OCR, for review and approval.
2. **Within 60 days** of OCR notifying the District that each of the Policies/Procedures comply with the terms of the Agreement, the District will provide notice of the OCR-approved Policies/Procedures to students, parents, employees, and other interested parties through publication, such as in the District's Handbooks (either in online, hard-copy or some other format, such as inserts via school newsletters), hard-copy and/or electronic mailings to parents, electronic mailings to staff, postings throughout school buildings, and on the District's website in an easily located place. Such notice will include a statement that the District is committed to taking any steps necessary to respond to and prevent sex discrimination. The District will also provide OCR with documentation of such notice within this time period.

### **III. Training**

#### *A. General Staff*

By **September 15, 2014**, the District will provide training to its XXXXXX (School) staff, including administrators, teachers, paraprofessionals and guidance counselors, on:

1. What constitutes sexual harassment discrimination under Title IX;
2. The differences and similarities between harassment and bullying;
3. The responsibility of staff to report potential discrimination of which they have knowledge;
4. The District's obligation to respond to notice of discrimination or possible discrimination under Title IX; and
5. The District's OCR-approved grievance procedures.

#### *B. Investigatory Staff*

By **September 15**, the District will provide training to all of its designated building and District Title IX Coordinator(s) and investigators, as well as any staff responsible for conducting complaint investigations under the District's OCR-approved Harassment Policy, on how to conduct thorough, reliable, and impartial investigations of complaints of sexual harassment allegations pursuant to Title IX. Such training will include:

1. The definition and scope of a hostile environment, including that the hostile environment may affect more than the individual who brings a complaint;
2. The differences and similarities between harassment and bullying;
3. Appropriate remedies to address the effects of sexual harassment;
4. The District's obligation to inform both the complainant and the accused of the outcome of the complaint, not merely that the investigation is complete;
5. Best practices for tracking patterns, systemic problems, climate and trends.

#### *C. Students*

By **September 15, 2014**, for the 2014-15 school year, the District will provide training to all students at the School and the District's XXXXXX School regarding what constitutes sexual harassment under Title IX; the District's obligations for addressing such harassment, and the importance of reporting such harassment to the appropriate District staff. The training for students will also include a review of the District's revised sexual harassment/grievance policy.

#### *D. Reporting*

1. At **least 30 days prior to** providing the training required by provisions III(A) through (C), the District will provide OCR with the name of each proposed trainer, the credentials for each proposed trainer, and the proposed training materials for each of the required trainings set forth under Sections III. A-C of this Agreement, for OCR's review and approval.
2. **Within 30 days** of completing the training required by provisions III(A) and (B), the District will provide to OCR copies of the training materials used, as well as attendance sheets that include the name and title of each attendee. The District will track absences of staff who are unable to attend the trainings listed above and will provide makeup training (e.g., by showing a video of the training) for those staff who were absent. The District will provide documentation to OCR on these makeup trainings **within 30 days** of when the trainings take place.

3. **Within 60 days** of the last staff training per provisions III(A) and (B), the District will report to OCR on how the District will ensure that:
  - a. Current staff will maintain an understanding of the responsibilities addressed in these trainings; and
  - b. New staff hired by the District will have sufficient knowledge regarding the District's obligations under Title IX.
4. **Within 30 days** of completing the student training required by provision III(C), the District will provide to OCR copies of the training materials used, as well as the number of students, per grade, who attended the training.

#### **IV. Tracking Harassment**

- A. By **December 1, 2014, and June 30, 2015**, the District will provide to OCR copies of all written and oral complaints and reports of alleged sex discrimination at the School for the 2014-15 school year. The reports will include:
  1. Documentation of all written and oral complaints and reports of alleged sex discrimination (e.g., reporting forms, incident reports, etc.), including who filed the complaint and/or made the report;
  2. A description of the District's actions taken in response to the complaints and reports, including investigative documentation (e.g., witness statements, interview notes, etc.), as well as documentation related to the District's findings, including whether sex discrimination was found.
  3. Documentation related to the District's response, when sex discrimination was found, including any disciplinary and/or corrective actions taken, as well as efforts to prevent recurrence;
  4. A description of any remedies secured for the victim(s), if applicable; and
  5. A description of any patterns and/or systemic problems identified by the District's Coordinator during his/her review of the complaints and reports, and what was done to address such patterns/problems.

#### **V. Student-Focused Remedies**

- A. The District will take all necessary steps to support the Student's continued enrollment at XXXXXXXXXXXX.
- B. If at any point, the Student is being considered for a different placement at a different school or program, the District shall ensure that the IEP Team considers in any determination the Student's history of allegations of sexual harassment from the School, consistent with the following:
  1. evaluators should be provided materials explaining the Student's allegations of sexual harassment;
  2. appropriate evaluators should consider the topic of the Student's allegations as an "area to explore" in their evaluations; and
  3. the evaluators should formulate recommendations that take into account the Student's individual needs and her expressed opinions about her allegations of sexual harassment.

The District understands that 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. Sections 106.8, 106.9, and 106.31(a) and (b), which were at issue in this case.

The District understands that by signing this agreement, it agrees to provide data and other information to OCR 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 and/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 IX, 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 a minimum of sixty (60) calendar days to cure the alleged breach.

For the Winthrop Public Schools:

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Superintendent

Date