

Resolution Agreement #05-13-1245 Batesville Community School Corporation

Batesville Community School Corporation (Corporation) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case #05-13-1245. The Corporation submits this Agreement to ensure its compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681, 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, and also prohibits retaliation.

Effective immediately, the Corporation will take the steps outlined below, and any other steps necessary as circumstances warrant, to ensure that students enrolled in the Corporation's Batesville High School (School) are not subjected to a hostile environment on the basis of sex, including sexual violence and sex-based cyber harassment. The Corporation will promptly investigate all incidents of harassment of students on the basis of sex of which it has notice, and take appropriate disciplinary action against any individual(s) engaging in harassing behavior. (The term sexual harassment as used herein shall be construed to encompass sexual violence.) The Corporation will also take appropriate responsive action to end any hostile environment that has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of any hostile environment on the affected students. The Corporation will also take all steps necessary to ensure that no individual, including any student, parent/guardian, staff, or administrator, is subjected to retaliation for reporting sexual harassment or sexual violence.

ANTI-HARASSMENT/VIOLENCE STATEMENT

1. By December 1, 2013, the Corporation will issue a statement to all Corporation students, parents/guardians, administrators and staff, which will be widely published, including by posting on the Corporation's website, including in building-level emails, and posting in all Corporation buildings, a statement of the Corporation's policy that it does not tolerate sexual harassment. The statement will acknowledge that prohibited sexual harassment includes sexual violence and any other harassment based on sex and may include examples of sexual harassment and sex-based harassment. The statement will encourage any student who believes he or she has been subjected to sexual harassment, including sexual violence, to report the incident(s) to the Corporation and note the Corporation's commitment to conducting a prompt investigation, including the procedures under which parents/guardians or students may file a complaint of sexual harassment. The statement will identify the individual(s) responsible for investigating complaints of sexual 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 sexual 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 further warn that students or employees who retaliate against individuals who report sexual harassment will be promptly disciplined. The statement will include identification of a the individual

designated as Title IX coordinator under item #2 below and the individual's office address, email address, and telephone number.

REPORTING REQUIREMENT: By December 15, 2013, the Corporation will submit to OCR documentation that the statement referenced in this item has been published, including copies of emails, relevant pages of the Corporation's website, and documentation of the postings in the buildings.

TITLE IX COORDINATOR

2. By December 1, 2013, the Corporation will designate an employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX (Title IX Coordinator) and will by December 15, 2013, notify all students, parents, and employees of the name, address, telephone number, and email address of the Title IX Coordinator. The Title IX Coordinator's duties shall include, but not be limited to, the proper implementation of the Corporation's sexual harassment policies and procedures and any investigation of any complaint alleging noncompliance or actions that would violate Title IX. The Title IX Coordinator must be a qualified person knowledgeable in all aspects of Title IX law (as applied to school corporations or districts) with experience conducting training on harassment or related civil rights issues.

REPORTING REQUIREMENT: By December 1, 2013, the Corporation will submit to OCR the name and credentials of the individual designated as the Title IX Coordinator and by December 15, 2013, documentation that it has provided the required notice to students, parents, and employees.

REVIEW OF TITLE IX SEXUAL HARASSMENT/SEXUAL VIOLENCE POLICIES AND PROCEDURES AND DISCIPLINE CODE

3. By December 1, 2013, the Corporation 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 of sexual harassment. The Corporation will also review and revise grievance procedures providing for prompt and equitable resolution of parent/guardian or student complaints alleging any action which would be prohibited by Title IX. The Corporation will ensure that these policies and procedures include, at a minimum, the following:
 - a. a statement setting forth the Corporation's commitment to having a Corporation environment free from all forms of sexual harassment, explaining that the Corporation prohibits sexual harassment occurring in or, if initially occurring off Corporation grounds or outside a Corporation education program or activity, affecting the Corporation 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 Corporation 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;
- 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 Corporation'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 Corporation to respond to allegations of sexual harassment or violence;
- f. a description of the formal complaint procedures, including a complaint form, 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, a requirement that both parties will be given equal opportunity to 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 Corporation will keep the complaint and investigation confidential to the extent possible;
- g. an assurance that the Corporation will not require a student who complains of harassment to work out the problem directly with the alleged harasser, 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 Corporation 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 or violence occurred);
- i. specific information as to the name or title and contact information (including office and email address and telephone number) for the

Corporation employee(s) responsible for receiving the complaint form and/or investigating reports of sexual harassment;

- j. 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 Corporation's complaint procedures, or to pursue both processes simultaneously;
- k. 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;
- l. a requirement that designated employee(s) at each Corporation school document all reports of incidents of sexual harassment, and that the Corporation establish a protocol for recordkeeping of such incidents;
- m. a statement that the Corporation will take appropriate disciplinary action against students and staff who violate the Corporation policies and procedures addressing sexual harassment, and examples of the range of possible disciplinary sanctions;
- n. a prohibition of retaliation against persons who report harassment or participate in related proceedings, and discipline of individuals who engage in retaliation;
- o. an assurance that the Corporation's primary concern is student safety and, to encourage reports of sexual harassment or sexual violence, that the Corporation will not discipline a student who makes a good faith report of sexual harassment;
- p. a statement that the Corporation 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
- q. identification of the means to investigate incidents of sexual harassment, including but not limited to the various steps the Corporation will take to conduct adequate, reliable and impartial investigations of reported incidents, an assurance that the Corporation will take action to stop the harassment, remedy the

harassment, and prevent recurrence, and the Corporation's standards for determining whether a hostile environment exists.

REPORTING REQUIREMENT: By December 15, 2013, the Corporation will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

4. By December 1, 2013, the Corporation will examine the Corporation's Student Code of Conduct and disciplinary procedures for students at the School to determine whether the current rules of behavior and offense categories appropriately and adequately address violations of the Corporation's sexual harassment policies and procedures, as revised pursuant to item #3, 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.

REPORTING REQUIREMENT: By December 15, 2013, the Corporation 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 Corporation 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 Corporation community, including students, parents/guardians, administrators and staff. The Corporation will make this notification available through the Corporation's website, revised student handbooks, as well as by any other additional means of notification the Corporation deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: Within 30 days after the completion of this item, the Corporation 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 Corporation.

TRAINING OF CORPORATION PERSONNEL

6. By February 1, 2014, and annually thereafter, the Corporation will require all School administrators, faculty, and staff to complete sexual harassment training, including an explanation and dissemination of the Corporation's revised sexual harassment policies and procedures. At a minimum:
 - a. The Corporation will remind all staff of its commitment to having a Corporation environment free from sexual harassment and violence and

explain what they should do if they believe students have been subjected to sexual harassment, including their duty to immediately report all allegations of possible sexual harassment.

- b. The Corporation 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 sexual harassment, where to locate the Corporation's sexual harassment policies and procedures on the Corporation's website, and the existence of OCR and its authority to enforce Title IX.
- c. The Corporation 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 Corporation's sexual harassment policies and procedures, including the Corporation policy prohibiting retaliation and intimidation, as well as the location of "hot spots" identified in item #11 below.
- d. The Corporation will provide an explanation of the prohibition against retaliation contained in Title IX.

REPORTING REQUIREMENT: By February 15, 2014, September 15, 2014, and September 15, 2015, the Corporation 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 Corporation employees who successfully completed the training.

- 7. By February 1, 2014, the Corporation will provide training to all employees who are directly involved in processing, investigating and/or resolving complaints or other reports of sexual harassment complaints, any counselors or other Corporation personnel who are likely to receive confidential reports of sexual harassment and hearing officers handling discipline cases involving sexual misconduct or harassment. The training will review the Corporation policies and procedures referenced in items #3 and #4 of this Agreement and include instruction on how to conduct and document adequate, reliable, and impartial sexual harassment investigations, including the appropriate legal standards to apply in such investigations.

REPORTING REQUIREMENT: By February 15, 2014, the Corporation will provide OCR with documentation that it has provided appropriate Corporation 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 Corporation staff who attended the training.

8. By the beginning of the 2014-2015 school year, the Corporation will revise its orientation/training program for new School employees hired to include training on the Corporation policies and procedures referenced in this Agreement, including all of the components mentioned in the training referenced at item #6. All new employees who are directly involved in processing, investigating and/or resolving complaints or other reports of sexual harassment complaints or are in counseling or other positions likely to receive confidential reports of sexual harassment will receive the training referenced at item #7.

REPORTING REQUIREMENT: By September 15, 2014, and September 15, 2015, the Corporation will provide OCR with documentation that it provided any newly hired Corporation 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 list of Corporation employees who successfully completed the training.

STUDENT AND PARENT ORIENTATION

9. By February 1, 2014, and at the beginning of each subsequent school year, the Corporation will ensure that it provides age-appropriate orientation program(s) for students at the School and a separate parent orientation program that includes the following components:
 - a. The Corporation will remind students and parents of its commitment to having a Corporation 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 program for students will include an age-appropriate review of the Corporation's revised sexual harassment policies and procedures, including an explanation of what constitutes sexual harassment, as well as disciplinary sanctions related to findings of violations of the Corporation's sexual harassment policies and procedures and/or the Corporation's policy prohibiting retaliation and intimidation. To the extent appropriate, the program will address the use of the internet and social media to engage in cyber sexual harassment including harassment via school and home computers, cell phones, social media, photographs, and other similar actions.
 - c. The programs will provide an introduction of the Title IX Coordinator, an explanation of his/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.
 - d. The Corporation will send to the home of each student written materials of the information discussed during the programs.

REPORTING REQUIREMENT: By February 15, 2014, September 15, 2014, and September 15, 2015, the Corporation 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.

WORKING GROUP

10. By February 1, 2014, the Corporation will establish a working group that includes Corporation administrators, faculty, parents, and students to make recommendations to the Corporation regarding the effectiveness of the Corporation's anti-harassment program for all students in the Corporation. The Corporation will designate an employee to coordinate the group's meetings and works. The working group will be asked to provide Corporation officials with input regarding strategies for preventing harassment, ensuring that Corporation students understand their right to be protected from discrimination on the basis of sex, including harassment, and to be protected from retaliation for reporting discrimination, and ensuring Corporation students understand how to report possible violations of the Policy and are aware of the Corporation's obligation to promptly and effectively respond to complaints alleging sex discrimination, including harassment. The working group will also provide specific suggestions for developing an effective orientation program that promotes respect and tolerance for others and prevents the establishment of a hostile environment based on sex for students enrolled in the Corporation. The group will consider how and if outreach efforts to families can be made to garner support for the Corporation's anti-harassment program, and the role students should play in the orientation program. The designated employee will prepare a written summary of the steps the working group has recommended.

REPORTING REQUIREMENT: By February 15, 2014, the Corporation will provide OCR a list of individuals on the working group. By July 1, 2014, the Corporation will provide OCR with a copy of the working group's recommendations and a description of any steps that the Corporation has taken or will take in light of the recommendations. By July 1 2015, the Corporation will provide documentation of steps taken in the previous school year to implement the working group's recommendations.

HARASSMENT HOT-SPOTS

11. By February 1, 2014, the Corporation will identify "hot spots" at the Corporation where harassment is most often occurring, including online on Corporation technology. The Corporation shall seek and consider student input on identifying hot spots. Upon identification of the hot spots, the Corporation will take corrective actions to eliminate harassment in the identified hot spots. The corrective actions may include, but are not limited to, training students to assist in monitoring hot spots, assigning staff to monitor hot spots, and/or adding cameras in certain school locations and monitoring those cameras.

REPORTING REQUIREMENT: By February 15, 2014, the Corporation will provide documentation to OCR that it has implemented item #11 of the Agreement.

CLIMATE SURVEY

12. By April 1, 2014 and April 1, 2015, the Corporation will conduct a School climate survey to assess the effectiveness of the steps taken pursuant to this Agreement, and otherwise by the Corporation, to achieve its goal of having a school environment free of sexual harassment. The Corporation will send a survey to each School parent and to each School student that contains questions about the parent's and student's knowledge of sexual harassment and any experiences with sexual harassment while attending the School, and the student's awareness of the Corporation's sexual harassment policies and procedures and resources available for students. Information gathered through these climate surveys will be used to inform further steps taken by the Corporation and any appropriate modifications to the survey instrument. .

REPORTING REQUIREMENT: By December 15, 2013, the Corporation will submit to OCR for approval the proposed climate survey. By July 1, 2014 and July 1, 2015, the Corporation will provide OCR the results of the most recent survey and a description of all actions the Corporation plans to take as a result.

TITLE IX INVESTIGATION

13. By February 1, 2014, the Corporation will complete an impartial investigation consisted with the requirements for revised policies and procedures described in paragraph 3 above to determine whether Student A and Student C or other students were subjected to sexual harassment during the 2012-2013 school year. If the Corporation determines that sexual harassment of Students A, C or other students did not occur, then it will provide their parents written notice of its determination and provide the opportunity to appeal the determination. If the Corporation determines that sexual harassment of Student A, C or other students did occur, then the Corporation will provide a written determination to their parents and will meet with the parents to assess whether the student in question requires any remedial actions as a result of the harassment. The remedial actions may include payment for future counseling, reimbursement for previously received counseling, or other appropriate remedial actions. The Corporation will provide Students A, C's or other students' parents written notice of its determination of whether remedial actions are necessary and of the timeframe for providing such actions and will implement the remedial actions as specified in the timeframe. Also by December 1, 2013, the Corporation will specifically provide Student A and C's parent with written notice of its determination regarding the alleged XXXXX of Student A in February 2013 and will provide the parent the opportunity to appeal the determination.

REPORTING REQUIREMENT: By February 15, 2014, the Corporation will provide documentation to OCR that it has implemented the investigation and notice

required by this item, including a description of the actions taken and the reasons why. The Corporation will also document any remedial actions the Corporation decides to take in response to the investigation findings. By July 1, 2014, the Corporation will provide an update to OCR of all remedial actions taken.

14. By February 1, 2014, the Corporation will take any steps necessary to ensure that Students A, C and any other students who were reported to the Corporation as having XXXXX are not subjected to a hostile environment on the basis of sex on Corporation grounds and in Corporation sponsored activities. These steps will include, but are not limited to, assuring that Students A, C and the other students are offered appropriate remedial actions, identifying a specific contact person to whom Students A, C, and the other students should report incidents of harassment if they recur, and checking in with Students A, C and the other students on a periodic basis (at least monthly) to ascertain whether any instances of sexual harassment have occurred and taking prompt and appropriate action in accordance with this Agreement if any such harassment has occurred.

REPORTING REQUIREMENT: By February 15, 2014, the Corporation will provide documentation to OCR that it has implemented this item of the Agreement. In particular, the Corporation will provide documentation of its investigative efforts to assure that all affected students have been identified and remedial offered appropriate remedial actions, provide the name of the designated contact person for Students A, C and any other student, documentation of the periodic check-ins and, if applicable, a description of the steps the Corporation took in response to information that harassment is occurring.

MAINTENANCE OF OTHER DATA

15. Effective immediately, the Corporation 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 Corporation 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 July 1, 2014, and July 1, 2015, the Corporation will provide to OCR copies of the documentation referenced in item #15 for the just-completed school year.

The Corporation understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Corporation understands that, during the monitoring of this Agreement, the OCR may visit the Corporation, interview staff and students, and request such additional reports or data as are necessary for the OCR to determine whether the Corporation 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 106.31, which were at issue in this complaint.

The Corporation understands that the OCR will not close the monitoring of this Agreement until OCR determines that the Corporation 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 106.31, which were at issue in this complaint.

The Corporation 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 Corporation 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 the Batesville Community School Corporation.

Superintendent or designee

Date