

Resolution Agreement #05-14-1140 Opdyke-Belle Rive School District #5

Opdyke-Belle Rive School District #5 (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case #05-14-1140. The District submits this Agreement to ensure its compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, 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.

ANTI-HARASSMENT/VIOLENCE STATEMENT

- 1) By April 1, 2015, the District will issue a statement to all District students and employees of the District's policy that it does not tolerate harassment on the basis of sex, which will be widely published, including by posting on the District's website, student handbook, and posting in all District building(s) and any other means of notification the District deems effective to ensure that the information is widely disseminated. The statement will define harassment on the basis of sex and 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 sex harassment, including sexual violence, to report the incident(s) to the District Title IX Coordinator and note the District's commitment to conducting a prompt investigation, including the procedures under which students may file a complaint of harassment. The statement will identify the individual(s) responsible for investigating complaints of sex 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 sex 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 warn that students or employees who retaliate against individuals who report sexual harassment will be promptly disciplined. The statement will include identification of, and the office address, email address, and telephone number of, the individual designated as Title IX coordinator under item #2 below. The statement will further include that inquiries to recipients concerning application of Title IX and its implementing regulation may be referred to the Title IX coordinator or to OCR.

REPORTING REQUIREMENT: By April 15, 2015, the District will submit to OCR documentation that the statement referenced in this item has been published, including copies of emails, relevant pages of the District's website, and documentation of the postings in the building(s).

TITLE IX COORDINATOR

- 2) By April 1, 2015, the District will submit to OCR the name and credentials of the individual it proposes to designate as its Title IX Coordinator, including all training this individual has received to ensure adequate and effective implementation of the District's sexual harassment policies and procedures and adequate handling of investigations of complaints alleging a

violation of Title IX. Upon approval by OCR of the District's designated Title IX Coordinator, the District will notify all students and employees of the identity, address, telephone number, and email address of the individual the District has designated as its Title IX Coordinator. The District will ensure that the Coordinator is knowledgeable in all aspects of the applicable law (as applied to elementary-secondary institutions), and is not given assignments or duties that would create a real or perceived conflict of interest.

REPORTING REQUIREMENT: By April 15, 2015, the District will submit to OCR the name and credentials of the Title IX Coordinator and a description of the training that individual has received to carry out his or her duties and responsibilities under Title IX. Within 10 calendar days of OCR's approval of the District's designated Title IX Coordinator, the District will provide documentation to OCR that it has provided the required notice to students and employees. By September 15, 2015, September 15, 2016, and September 15, 2017, the District will submit to OCR a description of all ongoing training the Title IX Coordinator receives to ensure that individual continues to carry out his or her duties and responsibilities under Title IX.

REVIEW OF POLICIES AND PROCEDURES AND DISCIPLINE CODE

- 3) By June 1, 2015, the District 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 District will also review and revise grievance procedures providing for prompt and equitable resolution of student complaints alleging any action which would be prohibited by Title IX. The District will ensure that these policies and procedures include, at a minimum, the following:
 - a) a statement setting forth the District's commitment to having a District environment free from all forms of sexual harassment, explaining that the District prohibits sexual harassment occurring in or, if initially occurring off District grounds or outside a District education program or activity, affecting the District 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 District 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 District'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 District before the final outcome of the investigation (e.g., a no contact order; changes to academic situations as appropriate with minimum burden on the student; counseling; health and mental services; and academic support) to respond to allegations of sexual harassment or violence;
- f) a description of the formal complaint procedures, including a complaint form, designated and reasonably prompt 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 and an equal opportunity to have a representative at a hearing (if the District's procedures provide for a hearing), a requirement that both parties will be given equal opportunity to access and 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 District will keep the complaint and investigation confidential to the extent possible;
- g) an assurance that the District will not require a student (or parent) who complains of harassment to work out the problem directly with the alleged harasser (or the harasser's parent), 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 District 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 District 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 District's complaint procedures, or to pursue both processes simultaneously and that even if a criminal investigation is ongoing, the District will conduct its own Title IX investigation and will not wait for the conclusion or a criminal investigation or proceeding to begin its Title IX investigation;
- 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 District school document all reports of incidents of sexual harassment, and that the District establish a protocol for recordkeeping of such incidents;
- m) a statement that the District will take appropriate disciplinary action against students and staff who violate the District 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 District's primary concern is student safety and, to encourage reports of sexual harassment or sexual violence, that the District will not discipline a student who makes a good faith report of sexual harassment;
- p) a statement that the District 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 District will take to conduct adequate, reliable and impartial investigations of reported incidents, an assurance that the District will take action to stop the harassment, remedy the harassment, and prevent recurrence, and the District's standards for determining whether a hostile environment exists.

REPORTING REQUIREMENT: By June 15, 2015, the District will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

- 4) By June 1, 2015, the District will examine the District's Student Code of Conduct and disciplinary procedures to determine whether the current rules of behavior and offense categories appropriately and adequately address violations of the District's sexual harassment policies and procedures 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. The District will ensure that sexual harassment and sexual violence are included as conduct violations under the Student Code of Conduct.

REPORTING REQUIREMENT: By June 15, 2015, the District will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

- 5) Within 30 calendar days of receipt of notice of OCR's approval of the policies and procedures referenced in items #3 and #4, the District 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 District community, including students, administrators and staff. The District will make this

notification available through the District’s website, revised student handbooks, and any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

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

TRAINING OF DISTRICT PERSONNEL

- 6) By September 1 of each academic year, the District will require all District administrators, faculty, and relevant staff to complete effective training relating to the policies and procedures adopted pursuant to Item #3. At a minimum the training will encompass the following:
 - a) The District will remind all staff of its commitment to having a District environment free from sexual harassment and violence and explain what they should do if they believe students have been subjected to harassment, including their duty to immediately report all allegations of possible harassment and of the potential for discipline of employees who fail to report sexual harassment.
 - b) The District will provide a general overview of Title IX, including how each 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 harassment, where to locate the District’s harassment policies and procedures on the District’s website, and the existence of OCR and its authority to enforce Title IX.
 - c) The District 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 District’s harassment policies and procedures, including the District’s policy prohibiting retaliation and intimidation.
 - d) The District will provide an explanation of the prohibition against retaliation contained in Title IX.

REPORTING REQUIREMENT: By September 15, 2015, September 15, 2016, and September 15, 2017, the District 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 District employees who successfully completed the training.

- 7) By September 1 of each academic year, the District will provide effective training to all employees who are directly involved in processing, investigating and/or resolving complaints or other reports of sexual harassment, any nurses, counselors or other District personnel who are likely to receive confidential reports of sexual harassment and, if applicable, hearing officers handling discipline cases involving sexual harassment or misconduct. The training will review the District policies and procedures referenced in Item #3 of this Agreement and include instructions on how to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations.

REPORTING REQUIREMENT: By September 15, 2015, September 15, 2016, and September 15, 2017, the District will provide OCR with documentation that it has provided appropriate District 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 District staff who attended the training.

STUDENT ORIENTATION & TRAINING

- 8) Beginning with the 2014-2015 academic year, the District will provide effective age appropriate training during new student orientation and the registration process for returning students that includes the following components:
 - a) The District will remind students of its commitment to having a District 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 programs will include an age appropriate review of the District's 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 District's harassment policies and procedures and/or the District's policy prohibiting retaliation and intimidation.

The programs will provide an introduction of the Title IX Coordinator, an explanation 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.

REPORTING REQUIREMENT: By April 15, 2015, September 15, 2015, September 15, 2016, and September 15, 2017, the District 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

- 9) By April 1, 2015, the District will establish a working group that includes District administrators, faculty, parents, and students to make recommendations to the District regarding the effectiveness of the District’s anti-harassment program, including the training program described in item 8 above for all students in the District. The District will designate an employee to coordinate the group’s meetings and works. The working group will be asked to provide District officials with input regarding strategies for preventing harassment, ensuring that District 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 District students understand how to report possible violations of the policy and are aware of the District’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 District. The group will consider how and if outreach efforts to families can be made to garner support for the District’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, which will be communicated to the District by June 1, 2015.

REPORTING REQUIREMENT: By April 15, 2015, the District will provide OCR a list of individuals in the working group. By June 15, 2015, the District will provide OCR with a copy of the working group’s recommendations and a description of any steps that the District has taken or will take in light of the recommendations. By September 15, 2015, the District will provide documentation of steps taken to implement the working group’s recommendations.

HARASSMENT HOT SPOTS

- 10) At least once during each semester of the 2014-2015, 2015-2016, and 2016-2017 school years, the District will identify any “hot spots” where harassment is likely to occur, including outdoor locations where students congregate (e.g., parking lots) and on school buses. The District shall seek and consider student input in any identifying hot spots. Based on a review of the data gathered by the working group and the information identified regarding hot spots, the District will take appropriate corrective actions to prevent and address 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 additional cameras in certain school locations or on buses and monitoring those cameras. The District shall ensure that any person designated to monitor a harassment hot spot has attended trainings on the District’s harassment policies and procedures. The District will ensure that those employees who begin employment after such annual training has occurred will work with the Title IX Coordinator to ensure each new employee designated to monitor a harassment hot spots receives training on the harassment policies and procedures.

REPORTING REQUIREMENT: By June 15, 2015, December 15, 2015, June 15, 2016, December 15, 2016, and June 15, 2017, the District will provide to OCR documentation regarding its implementation of this item, including the location of the identified hot spots and a description of all steps that the District has taken or will take to prevent harassment from occurring in these locations.

CLIMATE SURVEY

11) By September 1, 2015, the District will conduct a climate survey to assess the effectiveness of the steps taken pursuant to this Agreement, and otherwise by the District, to achieve its goal of having a school environment free of sexual harassment. The District will send a survey to each student that contains questions about the parent's and student's knowledge of sexual harassment policies and procedures and any experiences with sexual harassment while attending school, and the student's awareness of the District's sexual harassment policies and procedures and resources available for students. The survey will include specific queries designed to obtain information from parents of students with disabilities about the experiences of those students in the District. Information gathered through these climate surveys will be used to inform further steps taken by the District.

REPORTING REQUIREMENT: By April 15, 2015, the District will submit to OCR for approval the proposed climate survey. By September 15, 2015, the District will provide OCR the results of the survey and provide for OCR's review and approval a description of all actions the District plans to take as a result.

TITLE IX INVESTIGATION REGARDING STUDENT A

12) By April 1, 2015, the District will meet with Student A, XXX, and XXX and their parents to determine, in light of OCR's investigation and finding that Student A and other students were subjected to a sexually hostile environment during the 2013-2014 school year, whether and to what extent Student A, XXX, and XXX require any remedial actions as a result of the sexual harassment by Student B, XXX, and the District's subsequent inadequate response and handling of Student A's reports of sexual harassment. In making this determination, the District will consider the effect of incidents it previously investigated and the additional incidents of harassment reported by Student A's parent in March 2014 that the District has not yet investigated. The remedial actions may include, but are not limited to, payment for future counseling, reimbursement for out-of-pocket costs for previously received private counseling, if any, related to the sexual harassment and/or the District's response to Student A's reports of sexual harassment, or other appropriate remedial actions. The District will provide Student A XXX's parents written notice of its determinations 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.

REPORTING REQUIREMENT: By April 15, 2015, the District will submit to OCR documentation supporting the District's decision. The documentation submitted shall include the names of the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any remedial actions

to Student A. OCR will, prior to approving the District's decision and proposed actions, review the documentation to ensure that the proposed remedial actions would be sufficient to remedy the hostile environment created during the 2013-2014 school year. By September 15, 2015, the District will provide to OCR documentation of the dates, times, and locations that any remedial actions were provided to Student A and a description of what was provided, and the name(s) of the service provider(s).

- 13) Effective in the 2014-2015 school year, the District will take any steps necessary to ensure that Student A is not subjected to a hostile environment on the basis of sex or retaliation on District grounds and in District sponsored activities. These steps will include, but are not limited to, developing a safety plan, identifying a specific contact person to whom Student A should report incidents of harassment if they occur, and checking in with Student A on a periodic basis (at least monthly) to ascertain whether any instances of sexual harassment or retaliation have occurred and taking prompt and appropriate action in accordance with this Agreement if any such harassment has occurred.

REPORTING REQUIREMENT: By April 15, 2015, and June 15, 2016, the District will provide documentation to OCR that it has implemented this item of the Agreement. In particular, the District will provide by April 15, 2015, a copy of the safety plan and the name of the designated contact person for Student A and will provide with each report documentation of the periodic check-ins and, if applicable, a description of the steps the District took in response to information that harassment or retaliation is occurring.

TITLE IX INVESTIGATION REGARDING OTHER STUDENTS

- 14) By April 1, 2015, the District will complete an impartial investigation to determine which student(s) other than Student A who were in the XXX grades during the 2013-2014 school year were subjected to a sexually hostile environment by Student B and/or the District's response and handling of reports of sexual harassment by Student B during the 2013-2014 school year. In conducting this impartial investigation, the District will consider whether student(s) were subjected to a sexually hostile environment, either directly as a target of harassment by Student B or indirectly as a witness/bystander of harassment by Student B toward other student(s), during the 2013-2014 academic year. If the District determines that sexual harassment of other student(s) did not occur, or that a sexually hostile environment did not exist for other student(s), then it will provide each student written notice of its determination(s) and provide the opportunity to appeal the determination(s). If the District determines that sexual harassment of other student(s) did occur, then the District will provide a written determination to each student, and by April 15, 2015, will meet with him or her and, if the student chooses, his or her representative to assess whether the student requires any remedial actions as a result of the harassment and/or sexually hostile environment. The remedial actions may include payment for future counseling, reimbursement for previously received counseling, or other appropriate remedial actions. Within one week of its determination, the District will develop a plan for providing timely remedial action, if any, and will implement the remedial actions with a completion date not to extend beyond June 1, 2015.

REPORTING REQUIREMENT: By April 15, 2015, the District will provide documentation to OCR that it has completed the investigation(s) required by this item, including a description of the actions taken and the reasons why. Within two weeks of the decision as to whether remedial actions as referenced above are needed for any other student(s), the District will submit to OCR documentation supporting the District's decision. The documentation submitted shall include the names of the participants in each meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any remedial actions to the other student(s). OCR will, prior to approving the District's decision and proposed actions, review the documentation to ensure that the proposed remedial actions for the other student(s) would be sufficient to remedy the hostile environment created during the 2013-2014 school year. By June 15, 2015, the District will provide to OCR documentation of the dates, times, and locations that any remedial actions were provided to the other student(s) and a description of what was provided, and the name(s) of the service provider(s).

MAINTENANCE OF OTHER DATA

15) Effective immediately, the District 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 District 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 June 15, 2015, June 15, 2016, and June 15, 2017, the District will provide to OCR copies of the documentation referenced in this item for the just-completed school year.

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

The District understands that the 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 and Title IX, at 34 C.F.R. §§106.8 and 106.31, which were 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 or judicial proceedings to enforce the specific terms and obligations of 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.

Approved and agreed to on behalf of Opdyke-Belle Rive School District #5.

Superintendent or designee

Date