

## **Resolution Agreement #05-15-1061 Taylor Community School Corporation**

The Taylor Community School Corporation (Corporation) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the alleged discrimination based on national origin in case #05-15-1061. The Corporation submits this Agreement to ensure its compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d – 2000d-7, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on based upon race, color, or national origin by recipients of Federal financial assistance.

The Corporation will take the steps outlined below, and any other steps necessary as circumstances warrant, to ensure that students enrolled in the Corporation are not subjected to a hostile environment on the basis of race, color, or national origin. The Corporation will promptly investigate all incidents of harassment of students on the basis of race, color, or national origin of which it has notice, and take appropriate disciplinary action against any individual(s) engaging in harassing behavior. 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 steps necessary to ensure that no individual, including any student, administrator, or staff is subjected to retaliation for reporting harassment.

### **ANTI-HARASSMENT STATEMENT**

1. By October 3, 2015, the Corporation will issue a statement to all of its students, administrators, and staff, which will be widely published, including sending it by email to all students, administrators, and staff and posting it in prominent places at the Corporation and on its website, stating that the Corporation does not tolerate harassment, including acts of harassment based on race, color, or national origin and also acts of harassment based on sex. The statement will encourage any student or parent who believes he or she has been subjected to harassment to report the incident(s) to the Corporation and note the Corporation's commitment to conducting a prompt investigation. The statement will identify the individual(s) responsible for investigating complaints of 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 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 harassment will be promptly disciplined.

**REPORTING REQUIREMENT:** By September 15, 2015, the Corporation will submit to OCR for review and approval its proposed anti-harassment statement. By October 17, 2015, the Corporation will submit to OCR documentation that the statement referenced in this item has been widely published, including a copy of the

email sent to all students, parents, administrators, and staff, relevant pages of the Corporation’s website, and documentation of the postings at the Corporation.

### **HARASSMENT-RELATED POLICIES AND PROCEDURES**

2. By October 3, 2015, the Corporation will review and revise, as necessary, its written policies and procedures relating to harassment on the basis of race, color, or national origin to ensure that they adequately address any incident of harassment based on race, color, or national origin and provide for the prompt and equitable resolution of complaints alleging such harassment. The Corporation will also review and revise grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by Title VI. 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 harassment based on race, color, or national origin, explaining that the Corporation prohibits harassment based on race, color, or national origin 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 harassment based on race, color, or national origin to the Complaint Coordinator, and specifying that the Corporation will investigate formal and informal complaints of harassment based on race, color, or national origin;
  - b. a definition of harassment based on race, color, or national origin;
  - c. examples of the type of conduct and behavior that is covered by the policy, including staff-to-student and student-to-student conduct;
  - d. identification of the kinds of activities and sites where prohibited conduct could occur;
  - e. an explanation of how to report harassment based on race, color, or national origin and/or file a complaint (formally or informally) including the name, address, phone number, and email address for the individual to whom to report harassment and notice of a student’s right to file and pursue a concurrent criminal complaint for harassing conduct that could also be a criminal offense;
  - f. a statement that it will not allow conflicts of interest (real or perceived) by those handling the complaints;

- g. an explanation of the interim measures, such as no contact orders, that can be taken by the Corporation to respond to allegations of harassment based on race, color, or national origin;
- h. 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 and the process for extending deadlines, a requirement that written notice of the outcome be provided to the parties, 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;
- i. an assurance that the Corporation uses in its investigation of harassment based on race, color, or national origin complaints a preponderance of the evidence standard of review (*i.e.*, it is more likely than not that racial harassment occurred);
- j. a requirement that all employees who observe acts of harassment based on race, color, or national origin must take steps to address/report the harassment, unless circumstances would make such intervention dangerous, and document and report all such incidents to the appropriate Corporation official;
- k. a requirement that designated employee(s) at the Corporation document all reports of incidents of harassment based on race, color, or national origin, and that the Corporation establish a protocol for recordkeeping of such incidents;
- l. a statement that the Corporation will take appropriate disciplinary action against students and staff who violate the Corporation policies and procedures addressing harassment based on race, color, or national origin, and examples of the range of possible disciplinary sanctions;
- m. a prohibition of retaliation against persons who report harassment or participate in related proceedings, and discipline of individuals who engage in retaliation;
- n. an assurance that the Corporation's primary concern is student safety and, to encourage reports of harassment based on race, color, or national origin, that the Corporation will not discipline a student who makes a good faith report of racial or national origin harassment;
- o. a statement that the Corporation will, where appropriate, take reasonable steps to remedy the harm to the affected student(s) of the

harassment based on race, color, or national origin, 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 racial or national origin harassment, and the provision of academic support, including reassessing any course grades if necessary; and

- p. identification of the means to investigate incidents of harassment based on race, color, or national origin, 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 October 17, 2015, the Corporation will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

- 3. By October 3, 2015, the Corporation will examine the Corporation's Employee Code of Conduct and disciplinary procedures for employees at the Corporation to determine whether the current rules of behavior and offense categories appropriately and adequately address violations of the Corporation's policies and procedures regarding harassment based on race, color, or national origin, as revised pursuant to item #2, 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 October 17, 2015, the Corporation will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

- 4. Within 45 calendar days of receipt of notice of OCR's approval of the policies and procedures referenced in items #2 and #3, 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, administrators, and staff. The Corporation will make this notification available through the Corporation's website and revised student handbook, 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 45 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, administrators, and staff regarding the revised policies and procedures and a description of how the notices were

distributed, copies of its revised student handbook, 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 AND STUDENTS**

5. Within 60 calendar days after approval of the policies as referenced in #4, , and by September 1 for each school year thereafter, the Corporation will provide all administrators, faculty, and staff with effective training on the Corporation’s revised harassment policies and procedures. The will include the following components, at a minimum:
  - a. The Corporation will remind all personnel of its commitment to having a Corporation environment free from harassment 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. The training will also include a warning that national origin harassment of students or sexual harassment of students or parents will not be tolerated and employees who harass students based on race, color or national origin or engage in sexual harassment will be disciplined up to and including termination.
  - b. The Corporation will provide a general overview of Title VI, including how the law’s nondiscrimination provisions apply to students, the names and contact information for the designated employee(s) to whom students or others may report allegations of harassment, where to locate the Corporation’s harassment policies and procedures on the Corporation’s website, and the existence of OCR and its authority to enforce Title VI.
  - c. The Corporation will explain its Title VI policies and procedures, including an explanation of what constitutes race and national origin harassment, the role of the Complaint Coordinator, and disciplinary sanctions related to findings of violations of the Corporation’s harassment policies and procedures, including the Corporation policy prohibiting retaliation and intimidation.
  - d. The Corporation will distribute written materials that contain the information discussed.

**REPORTING REQUIREMENT:** Within 30 calendar days after training is conducted in 2015 as referenced in #5 and September 15, 2016, 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 attended the training.

6. Within 60 calendar days after approval of the policies as referenced in #4., and by September 1 for each school year thereafter, the Corporation will provide effective

training to all employees who are directly involved in processing, investigating and/or resolving complaints or other reports of harassment, and any counselors or other Corporation personnel who are likely to receive confidential reports of harassment. The training will review the Corporation policies and procedures referenced in items #2 and #3 of this Agreement and include instruction on how to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations and confidentiality requirements.

**REPORTING REQUIREMENT:** Within 30 calendar days after training is conducted in 2015 as referenced in #6, and September 15, 2016, 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. Within 60 calendar days after approval of the policies as referenced in #4., and by September 1 for each school year thereafter, the Corporation will provide a mandatory orientation session for all students on the Corporation's policies and will effectively communicate the procedures referenced in this Agreement, including all of the components mentioned in the training referenced at item #6.

**REPORTING REQUIREMENT:** Within 30 calendar days after training is conducted in 2015 as referenced in #7, and September 15, 2016, 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 students who attended the training.

8. By January 30, 2016, the Corporation shall assess the effectiveness of the training and orientation session referenced in items #5, #6, and #7 by conducting surveys of employees and students. The surveys shall specifically inquire about the knowledge and perceptions of employees and students about harassment based on race, color, or national origin and the Corporation's non-discrimination and grievance policies and will assess whether employees and students have enough information about the Corporation's policies to find the appropriate resources when necessary. The survey shall also include questions designed to indicate the respondents' level of confidence in the Corporation's responsiveness to harassment complaints, including whether they believe the Corporation would take their complaints seriously, would process their complaints promptly and equitably, and would take necessary and effective remedial action if their complaints were substantiated.

**REPORTING REQUIREMENT:** Within 90 calendar days after approval of the policies as referenced in #4, the Corporation will provide OCR the surveys it proposes to use to assess the effectiveness of the training. Upon approval of OCR, the Corporation will administer the surveys to all employees and students within 30 calendar days. By March 1, 2016, the Corporation will provide documentation to

OCR of the results of the surveys and a description of any actions the Corporation proposes to take in response should the results show that employees and/or students are not knowledgeable about the applicable Corporation policies.

### **WORKING GROUP**

9. By October 2, 2015, 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, including the training program described in item 7 above 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 race, color, or national origin, 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 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 race, color, or national origin 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, which will be communicated to the Corporation by December 1, 2015.

REPORTING REQUIREMENT: By November 2, 2015, the Corporation will provide OCR a list of individuals in the working group. By January 30, 2016, 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 March 1, 2016, the Corporation will provide documentation of steps taken to implement the working group's recommendations.

### **CLIMATE SURVEY**

10. By January 30, 2016, the Corporation will conduct a 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 harassment based on race, color, or national origin. The Corporation will send a survey to each student that contains questions about the parent's and student's knowledge of the Corporation's non-discrimination and grievance policies and any experiences with harassment based on race, color, or national origin while attending school. Information gathered through these climate surveys will be used to inform further steps taken by the Corporation.

**REPORTING REQUIREMENT:** By November 2, 2015, the Corporation will submit to OCR for approval the proposed climate survey. By March 1, 2016, the Corporation will provide OCR the results of the survey and provide for OCR's review and approval a description of all actions the Corporation plans to take as a result.

**MAINTENANCE OF OTHER DATA**

11. Effective immediately, the Corporation agrees to maintain documents relating to specific complaints or other reports of racial 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 racial harassment;
  - 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 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 actions taken to prevent recurrence of any harassing incident(s), including any written documentation.

**REPORTING REQUIREMENT:** By September 15, 2016, and September 15, 2017, the Corporation will provide to OCR copies of the documentation referenced in item #11 for the prior 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 students, administrators or staff, 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 VI, at 34 C.F.R. § 100.3, which was 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 VI, at 34 C.F.R. § 100.3, which was 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 Taylor Community School Corporation.

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date