

Resolution Agreement #05-16-1063
Prairie Central Community Unit School District #8

Prairie Central Community Unit School District #8 (District) 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 race in case #05-16-1063. The District 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 District will take the steps outlined below, and any other steps necessary as circumstances warrant, to ensure that students enrolled in the District are not subjected to a hostile environment on the basis of race, color, or national origin. The District 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 District 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 District will also take steps necessary to ensure that no individual is subjected to retaliation for reporting harassment.

STUDENT-FOCUSED REMEDIES

1. By September 1, 2016, the District shall take prompt and appropriate responsive action to end the hostile environment created by of harassment of Student A, prevent its recurrence, and, where appropriate, take steps to remedy the effects on Student A of the hostile environment, including providing counseling and academic support.

REPORTING REQUIREMENT: By September 15, 2016, the District will submit for OCR's review and approval its proposed actions to take in response. Within 15 days of OCR's approval of the proposed actions, the District will document to OCR that it notified Student A's parents in writing of the actions it will take with regard to Student A. By February 15, 2017, the District will document to OCR that it has implemented all remedies determined necessary for Student A.

2. Effective with the 2016-2017 school year, if Student A re-enrolls in the District, the District shall take all steps necessary to ensure that Student A is not subjected to a hostile environment on the basis of race. These steps will include identifying a specific contact person to whom Student A should report any additional incidents of racial harassment. During the 2016-2017 school year, the designed contact person will check in with Student A at least once a month to learn whether any additional incidents of racial harassment or retaliation occurred. The District will take appropriate action to investigate and address any harassment/retaliation reported by Student A.

REPORTING REQUIREMENT: Within 15 days of Student A's re-enrollment, the District will provide OCR with the name of the designated contact person for Student A. By

February 15, 2017, and June 30, 2017, if Student A has re-enrolled, the District will document that it has conducted the required check-ins and of all actions it has taken in response to reports of additional harassment.

HARASSMENT-RELATED POLICIES AND PROCEDURES

3. By September 1, 2016, the District 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 District will also review and revise, as necessary, its grievance procedures to ensure that it provides prompt and equitable resolution of complaints alleging any action prohibited by Title VI. The District will ensure that these policies and procedures include the following:
 - a. a statement setting forth the District’s commitment to having a District environment free from all forms of harassment based on race, color, or national origin, explaining that the District prohibits harassment based on race, color, or national origin 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 harassment based on race, color, or national origin to a District Complaint Manager, and specifying that the District 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. 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;
 - e. a statement that it will not allow conflicts of interest (real or perceived) by those handling the complaints;
 - f. an explanation of the interim measures, such as no contact orders, that can be taken by the District to respond to allegations of harassment based on race, color, or national origin, and that any interim measures will not adversely affect the alleged victim of the harassment;
 - g. 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;

- h. an assurance that the District 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);
- i. 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 District official;
- j. a requirement that designated employee(s) at the District document all reports of incidents of harassment based on race, color, or national origin, and that the District establish a protocol for recordkeeping of such incidents;
- k. a statement that the District will take appropriate disciplinary action against students and staff who violate the District policies and procedures addressing harassment based on race, color, or national origin, and examples of the range of possible disciplinary sanctions;
- l. a prohibition of retaliation against persons who report harassment or participate in related proceedings, and discipline of individuals who engage in retaliation;
- m. a statement that the District will, where appropriate, take reasonable steps to remedy the harm to the affected student(s) of the hostile environment 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 harassment, and the provision of academic support, including reassessing any course grades if necessary, and that these measures will not adversely affect the victim of the harassment; and
- n. 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 District will take to conduct adequate, reliable and impartial investigations of reported incidents, an assurance that the District will take action that does not adversely affect the victim of the harassment 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 September 15, 2016, the District will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

- 4. Within 30 calendar days of receipt of notice of OCR's approval of the policies and procedures referenced in item #3, 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 and student handbook, as well as by 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, administrators, and staff regarding the revised

policies and procedures and a description of how the notices were distributed, copies of its 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 District.

ANTI-HARASSMENT STATEMENT

5. By September 1, 2016, the District will issue a statement to all of its students, administrators, and staff, which will be widely published, including sending it by email to all parents, students, administrators, and staff and posting it in prominent places at the District and on its website, stating that the District does not tolerate harassment, including acts of harassment based on race, color, or national origin. 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 District and note the District'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, 2016, the District will submit to OCR for its review and approval its revised anti-harassment statement referenced in this item. Within 30 calendar days of receipt of notice of OCR's approval, the District 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 District's website, and documentation of the postings at the District.

TRAINING OF DISTRICT PERSONNEL AND STUDENTS

6. Within 60 calendar days after approval of the policies referenced in item #3, and by September 1 each year thereafter, the District will provide all administrators, faculty, and staff with effective training on the District's revised harassment policies and procedures. The training will include the following components, at a minimum:
 - a. The District will remind all personnel of its commitment to having a District environment free from harassment, and will 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 racial harassment of students will not be tolerated and employees who harass students based on race, color or national origin will be disciplined up to and including termination.
 - b. The District 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 District’s harassment policies and procedures on the District’s website, and the existence of OCR and its authority to enforce Title VI.

- c. The District will explain its Title VI policies and procedures, including what constitutes racial harassment, the role of the Complaint Manager, and disciplinary sanctions related to findings of violations of the District’s harassment policies and procedures, including the District policy prohibiting retaliation and intimidation.
- d. The District will distribute written materials that contain the information discussed.

REPORTING REQUIREMENT: Within 30 calendar days after training is conducted in 2016, and by 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 attended the training.

- 7. Within 60 calendar days after approval of the policies referenced in item #3, and by September 1 each year thereafter, the District will provide effective training to all employees who are directly involved in processing, investigating and/or resolving complaints or other reports of harassment on the basis of race, color, or national origin, and any counselors or other District personnel who are likely to receive reports of harassment. The training will review the District policies and procedures referenced in item #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. The training will also communicate the criteria to ascertain when a conflict between students may raise an issue of racial harassment under the policies referenced in item #3.

REPORTING REQUIREMENT: Within 30 calendar days after training is conducted in 2016 and by 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.

- 8. Within 60 calendar days after approval of the policies referenced in item #3, and by September 1 each year thereafter, the District will provide a mandatory orientation session for all students on the District’s policies and will effectively communicate the District’s Title VI policies and procedures referenced in this Agreement.

REPORTING REQUIREMENT: Within 30 calendar days after training is conducted in 2016, and by 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 students who attended the training.

9. By May 1, 2017 and May 1, 2018, the District shall assess the effectiveness of the training and orientation sessions referenced in items #7, #8, and #9 by conducting surveys of employees and students. The surveys shall specifically inquire about the experience, knowledge and perceptions of employees and students about harassment based on race, color, or national origin and the District's non-discrimination and grievance policies, and will assess whether employees and students have sufficient information about the District'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 District's responsiveness to harassment complaints, including whether they believe the District 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: By February 15, 2017, the District will provide OCR the surveys it proposes to use to assess the effectiveness of the training and orientation sessions. Upon approval of OCR, the District will administer the surveys to all employees and students within 30 calendar days. By June 30, 2017 and June 29, 2018, the District will provide documentation to OCR of the results of the surveys and a description of any actions the District proposes to take in response should the results show that employees and/or students are not knowledgeable about the applicable District policies or do not have sufficient information about the policies.

MAINTENANCE OF OTHER DATA

10. Effective immediately, the District 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 District 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 alleged harasser and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
 - e. a narrative of all actions taken to prevent recurrence of any harassing incident(s), including any written documentation.

REPORTING REQUIREMENT: By June 30, 2017, and June 29, 2018, the District will provide to OCR copies of the documentation referenced in item #10 for the prior 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 students, administrators or staff, 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 VI, at 34 C.F.R. § 100.3, which was 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 Title VI, at 34 C.F.R. § 100.3, which was 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 sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Prairie Central CUSD #8.

Superintendent or Designee

Date