

Agreement to Resolve
Rhineland School District
OCR Complaint # 05-16-1322

The Rhineland School District (District) hereby agrees to resolve the above-referenced complaint with the U.S. Department of Education, Office for Civil Rights (OCR). 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 Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688. Title VI and Title IX and their implementing regulations, prohibit discrimination on the bases of race, color or national origin and sex, respectively, by recipients of federal financial assistance from the U.S. Department of Education.

General Principles

The District will take the steps outlined below, and any other steps necessary as circumstances warrant, to ensure that students enrolled at the Rhineland High School (School) are not subjected to a hostile environment on the basis of race or sex. The District will promptly investigate all incidents of harassment of students on the basis of race or sex which it knows or should have known, and take appropriate disciplinary action against any individual(s) engaging in harassing behavior that created a hostile environment. 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 affected students. The District will also take steps necessary to ensure that no individual is subjected to retaliation for reporting harassment.

Anti-Harassment Statement

1. *Anti-Harassment Statement.* By May 31, 2017, the District will provide to OCR for review and approval a statement to all School students, parents, administrators and staff that will be widely distributed, including sending it by email to School parents, administrators, and staff, printed in the School's newsletter, posted in prominent locations at the School, and published on the School's website, stating that the School does not tolerate harassment of students, including harassment based on race or sex. The statement will encourage any parent or student who believes he or she has been subjected to harassment based on race or sex to report the incident(s) to the School administration, and note the School's commitment to conducting a prompt investigation. The statement will include the appropriate contact information for the designated staff members to whom students and parents may report allegations of harassment, as well as the name of an alternate staff member if the complaint is to be filed against the contact person, and will contain time frames for completion of such investigations and when notice will be provided to the complainant(s). The statement will make clear that students or staff found to have engaged in acts of harassment based on race or sex will be promptly disciplined and that such discipline may include

for students, if circumstances warrant, suspension or expulsion and for employees, termination. The statement will further warn that students or employees who retaliate against individuals who report harassment will be promptly disciplined.

REPORTING REQUIREMENT: By June 1, 2017, the District will provide OCR with the proposed Anti-Harassment statement for review and approval. 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 School's website, and documentation of the postings at the School.

Comprehensive Review of Harassment Policies, Procedures, and Practices

2. *Revised Harassment Policies.* By June 30, 2017, the District will review and revise, as necessary, the District's Board Policy 2260 and Board Policy 5517, and any other policies, procedures and practices to ensure they adequately address and provide the promptly and effective response to notice of possible harassment based on race or sex that creates a hostile environment, and the prompt and equitable resolution of complaint 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 and Title IX. At a minimum, the District will ensure that its policies, procedures, and practices will provide the following:
 - a) a statement setting forth the District's commitment to having a school environment free from all forms of harassment based on race or sex, which will: explain that the District prohibits harassment based on race or sex in the school environment, including all academic, extracurricular and school-sponsored activities, or, if initially occurring off District grounds or outside a District education program or activity, affecting the District environment, encourage parents and students to immediately report incidents of harassment to District staff, emphasize that staff are required to promptly report incidents of harassment to the Title IX coordinator and a District [complaint manager], and specify that the District will investigate formal and informal complaints of harassment in an impartial manner by an impartial decision-maker;
 - b) a definition of harassment based on race or sex, including age-appropriate examples of staff-to-student and student-to-student conduct;
 - c) examples of the type of conduct and behavior that is covered by the policies, including harassment carried out by employees, other students or third parties;
 - d) identification of the kinds of activities and sites where prohibited conduct could occur;

- e) an explanation of how to report harassment and/or where to file a complaint, formally or informally;
- f) a description of the District's formal complaint procedures, including a Complaint Form, timeframes for the District's investigation of a complaint and the process for extending deadlines, and a requirement that written notice of the outcome be provided to the parties for both formal and informal complaints, including an appeal, if any;
- g) specific information as to the name or title and contact information (including office address, e-mail address, and telephone number) for the Title IX coordinator and District employee(s) responsible for receiving the Complaint Form and/or investigating reports of harassment;
- h) a requirement that the designated District employee(s) document all reports of incidents of harassment and that the District establish a protocol for recordkeeping;
- i) a recommendation that District staff members who observe acts of harassment based on race or sex intervene to stop the harassment, unless circumstances would make such intervention dangerous;
- j) prohibition of retaliation against persons who report harassment or participate in related proceedings;
- 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 or sex, and examples of the range of possible disciplinary sanctions;
- l) a statement that the District will offer counseling services to any person found to have been subjected to or to have engaged in harassment on the basis of race or sex;
- m) identification of means the District will use to investigate incidents of harassment, including but not limited to the following:
 - i. the various steps the District will take to conduct adequate, reliable, and impartial investigations of reported incidents, including the opportunity to present witnesses and other evidence and the District's standards for determining whether a hostile environment exists;
 - ii. an assurance that the District will take action to stop the harassment, remedy the harassment, prevent recurrence, and correct its discriminatory effects on the complainant and others, if appropriate; and

- iii. a statement that the District uses a preponderance of the evidence standard (*i.e.*, it is more likely than not that harassment occurred) to resolve complaints of harassment based on race or sex.

REPORTING REQUIREMENT: By July 15, 2017, the District will submit to OCR for review and approval its revised policies, procedures and practices referenced in item #2.

3. *Adoption by Board.* Within 30 calendar days of receipt of notice of OCR's approval of the policies, procedures and practices referenced in item #2, the District will submit the revised policies to the Board of Education for adoption including any changes deemed necessary. Within 15 days after the Board's adoption of the revised policies referenced in item #2, the District will adopt, implement and publish the revised policies, procedures and practices. Publication will include written notice of the policies, procedures and practices, 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.

4. *Training.* Within 60 calendar days after approval of the policies referenced in item #2, 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 harassment of students based on race or sex will not be tolerated and employees who harass students based on race or sex will be disciplined up to and including termination.
 - b) The District will provide a general overview of Title VI and Title IX, 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 and Title IX.

- c) The District will explain its Title VI and Title IX policies and procedures, including what constitutes racial and sexual harassment, the role of the Title IX coordinator and [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 2017, and by September 15, 2018, 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.

- (I) Within 60 calendar days after approval of the policies, procedures and practices referenced in item #2, 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 or sex, and any counselors or other District personnel who are likely to receive reports of harassment. The training will review the District policies, procedures and practices referenced in item #2 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 or sexual harassment under the policies referenced in item #2.

REPORTING REQUIREMENT: Within 30 calendar days after training is conducted in 2017 and by September 15, 2018, 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.

- (II) Within 60 calendar days after approval of the policies referenced in item #2, and by September 1 each year thereafter, the School will provide a mandatory orientation session for all students on the District's policies and will effectively communicate the District's Title VI and Title IX policies, procedures and practices referenced in this Agreement.

REPORTING REQUIREMENT: Within 30 calendar days after training is conducted in 2017, and by September 15, 2018, 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.

5. *Individual Relief.* Within 30 days of signing this agreement, the District will 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 but not limited to reviewing Student A's educational performance during the 2015-16 and 2016-2017 school years to determine whether Student A's grades were adversely affected as a result of the hostile environment and will adjust her grades and transcript accordingly; will provide the parent with a written offer to provide Student A compensatory education, counseling, academic, tutoring, counseling and/or psychological support, as deemed necessary by the District and the complainant; and, and if the offer is accepted, will provide all needed services as appropriate by August 1, 2017 unless the timeframe is extended by mutual agreement between the District and the parent.

REPORTING REQUIREMENT: By June 30, 2017, the District will provide OCR with a copy of the written offer of services sent to the complainant and any relevant communications between the District and the complainant. If the offer is accepted, the District will provide OCR the schedule of services that will be provided to Student A. By August 15, 2017, the District will document the grade modifications, transcript changes, compensatory education, counseling, tutoring or psychological support provided to Student A.

6. *Maintenance of Other Data.* 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 harassment based on race or sex;
 - 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 December 15, 2017, and June 29, 2018, the District will provide to OCR copies of the documentation referenced in item #6 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 in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title VI, at 34 C.F.R. § 100.3(a) and (b)(1) and (2), which were at issue in this case.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title VI at 34 C.F.R. § 100.3(a) and (b)(1) and (2) and Title IX at 34 C.F.R. § 106.31 which were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

For the District

Date