

Resolution Agreement
OCR Case No. 05-16-1461
Morrison Community Unit School District 6

Morrison Community Unit School District 6 (District) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education (Department), Office of Civil Rights (OCR) 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 at 34 C.F.R. Part 106, and Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of sex and disability, respectively, by recipients of Federal financial assistance from the Department, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by public entities. To ensure compliance with these statutes and their implementing regulations with respect to the issues raised in this complaint, the District voluntarily agrees to take the following actions. Nothing in this Agreement is to be construed as an admission of liability or wrongdoing by the District.

Anti-Harassment Statement

1. By June 1, 2017, the District will issue a statement to all District students, parents, and staff that will be posted in prominent locations at all District schools and published on the District's website and on the website of each District school, stating that the District does not tolerate any acts of harassment or bullying, including acts of harassment based on sex. The statement will encourage any student who believes he or she has been subjected to harassment on any basis, including harassment or a hostile environment based on sex, to report the harassment or hostile environment to the District and note the District's commitment to conducting a prompt investigation. The statement will warn that students found to have engaged in acts of harassment or other acts that create a hostile environment based on sex will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension and/or expulsion. The statement will encourage students, parents, and District staff to work together to prevent acts of harassment of any kind.

REPORTING REQUIREMENTS: By June 30, 2017, the District will provide OCR with documentation demonstrating implementation of item 1. In particular, the District will provide a copy of the statement issued by the District, documentation of the posting of the statement, and the location on the District and school websites where the statement may be found.

Notice of Non-Discrimination

2. By June 1, 2017, the District will revise its notice of nondiscrimination to: (a) clearly identify the individual(s) responsible for investigating complaints of sex discrimination; (b) clearly identify and provide the name and/or title, office address, email address, and telephone number of each individual designated as Title IX Coordinator(s) under Item #3 below; and (c) state that inquiries concerning application of Title IX and its implementing regulation may be referred to the Title IX Coordinator(s) or to OCR.

Within 15 days of OCR’s approval of the notice of nondiscrimination and Anti-Harassment Policy, the District will widely publish the notice, including by posting it on the District’s website, publishing it in its student handbooks, posting it in all District buildings, and by any other means of notification the District deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: By June 30, 2017, the District will submit to OCR its revised Notice of Nondiscrimination for review and approval. Within 30 days of OCR’s approval of the Notice and Policy, the District will provide OCR with documentation that the revised Notice has been published, including copies of emails (if applicable), relevant pages of the District’s website, student handbooks, and postings in District buildings.

Title IX Coordinator(s)

3. By July 1, 2017, the District will ensure that its designated Title IX Coordinator is responsible for coordinating the following actions for all investigations of sex discrimination (including sexual harassment): advising students and parents of their rights to and limitations of remaining confidential during the District’s investigation; the prompt and equitable investigation of complaints of sex discrimination; making findings as to whether sex discrimination occurred or not; assuring that the parties are advised of the determination in writing; and identifying and ensuring the implementation of remedies (including interim measures) necessary to address the sex discrimination, eliminate any hostile environment and prevent its recurrence; and maintaining appropriate records. The District shall also ensure that the Title IX Coordinator has sufficient authority and resources to accomplish the above-described tasks.

REPORTING REQUIREMENT: By July 30, 2017, the District will submit to OCR documentation demonstrating its implementation of item 3.

Review of Anti-Harassment Policies and Grievance Procedures

4. By July 1, 2017, the District will conduct a comprehensive review of all policies and procedures relating to sex discrimination, including sexual harassment, including, as necessary, the District’s Equal Educational Opportunities Policy (Board Policy 7:10), Harassment of Students Prohibited (Board Policy 7:20), Prevention of and Response to Bullying, Intimidation, and Harassment (Board Policy 7:180), Behavioral Code, and Uniform Grievance Procedure (Board Policy 2:260) to ensure that they adequately address any incident of sex discrimination and provide for the prompt and equitable resolution of complaints alleging any form of sex discrimination. The District will revise or eliminate the policies and procedures as appropriate, including revising or adding cross references and links between the various documents to ensure the policies and procedures, guidelines, and other documents are internally consistent and do not contain conflicting/contradictory information and include the following:

- a. a general notice of nondiscrimination consistent with the requirements of the Title IX regulation at 34 C.F.R. § 106.9 regarding notices of nondiscrimination;
- b. examples of the type of conduct and behavior that is covered by the policies, including examples of staff-to-student and student-to-student conduct;
- c. identification of the kinds of activities and sites where prohibited conduct could occur;
- d. a clear and consistent explanation of how and to whom to report sex discrimination (including 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(s);
- 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 complainant, counseling, health and mental health services and academic support) to respond to allegations of sex discrimination (including sexual harassment), a statement that information about interim measures will be easy for students to locate and understand, a statement that the Title IX Coordinator(s) or other specifically designated District employee will coordinate the provision of interim measures, and a statement that complainants will not be required to arrange such measures by themselves through multiple District administrators and/or offices;
- f. a description of the informal and 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, a requirement that both parties will be given equal opportunity to present evidence, a statement that both parties will receive periodic status updates, an appeal process for both parties conducted in an impartial manner by an impartial decision-maker with written appeal determinations issued to both parties and notice that the District will keep the complaint and investigation confidential to the extent possible;
- g. a statement that the District will not require a student who complains of sex discrimination (including sexual harassment) to work out the problem directly with the alleged harasser, including through mediation, and a statement that allegations of sexual violence will not be resolved through informal procedures or mediated even on a voluntary basis;
- h. identification of the means to investigate incidents of sex discrimination (including sexual harassment), including but not limited to the various steps the District will take to conduct adequate, reliable, and impartial investigations of reported incidents and the District's standards for determining whether a hostile environment exists;
- i. a statement 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 sex discrimination, including sexual harassment, occurred);
- j. a statement that, in determining whether sex discrimination (including sexual harassment) against a student resulted in a sexually hostile environment, the District will consider the conduct in question from both a subjective and objective perspective;
- k. 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 sex discrimination (including sexual harassment);

- l. a prominent statement in the District's complaint procedures that the complainant has the option to pursue a criminal complaint with an appropriate law enforcement entity or to pursue a complaint with the District and a complaint with law enforcement 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 of a criminal investigation or proceeding to begin its Title IX investigation, with the exception of short delays (no more than 30 days) upon the request of law enforcement;
- m. a requirement that designated employee(s) at the District document all reports of incidents of sex discrimination (including sexual harassment) and that the District establish a protocol for recordkeeping of such incidents;
- n. a recommendation that District staff, who observe acts of harassment based on sex, intervene to stop the harassment, unless circumstances would make such intervention dangerous;
- o. a statement that the District will take appropriate disciplinary action against students and staff who violate the District policies and procedures addressing discrimination (including sexual harassment) and examples of the range of possible disciplinary sanctions;
- p. a prohibition of retaliation against persons who report sex discrimination (including sexual harassment) or participate in related proceedings and a provision for discipline of individuals who engage in retaliation;
- q. a statement that the District's primary concern is student safety and, to encourage reports of sex discrimination (including sexual harassment), that the District will not discipline an individual who makes a good faith report of sex discrimination;
- r. a statement that the District will, where sex discrimination (including sexual harassment) is found to have occurred, take reasonable steps to remedy the harm caused by the sex discrimination, including all steps necessary to prevent recurrence, to eliminate any hostile environment and to remedy the discriminatory effects of the harassment on the complainant and others, as appropriate. The statement shall also provide examples of the types of remedies available, including the provision of counseling to students who have been subjected to or who have engaged in sex discrimination and the provision of academic support, including recalculating any course grades if necessary;
- s. a statement that the District will provide counseling services to any student with a disability found to have been subjected to harassment or bullying on any basis and whom the District determined was denied a FAPE.
- t. an explanation that students who engage in harassment will be disciplined consistent with the District's student code of conduct.

REPORTING REQUIREMENT: By July 30, 2017, the District will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

5. By July 1, 2017, the District will review and revise, as necessary, its Behavioral Code and related Board Policies (Student Behavior Policy (Board Policy 7:190), Student Discipline Policy (Board Policy 7:90)), to determine whether they contain rules of behavior, offense categories, and disciplinary procedures to appropriately address violations of the District's Policies, as developed pursuant to item 4. The District will revise the Behavioral Code and

related Board Policies to the extent necessary to ensure they contain such rules of behavior, offense categories, and disciplinary procedures.

REPORTING REQUIREMENTS: By July 30, 2017, the District will submit the Behavioral Code and related Board Policies complying with item 5 to OCR for review and approval.

6. Within 60 calendar days of receipt of notice of OCR's approval of the policies and procedures referenced in items 4 and 5, the District will adopt, implement, and publish the revised policies and procedures. Publication will include written notice of the anti-harassment policies, including its formal and informal complaint procedures, to the District community, including students, parents, 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 item 6, 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.

Staff and Student Training

7. By October 1, 2017, and by October 1, 2018, and annually thereafter, the District will provide effective training to all school teachers, administrators, school aides, and any other District personnel charged with supervising students on the Policies and Behavioral Code referenced in items 4 and 5 of this Agreement. The training will specifically address the responsibility of staff to report incidents of possible harassment based on sex, and the procedures for doing so, and provide instruction on how to recognize, prevent, and respond appropriately to such harassment, including the need to discipline students, consistent with the District's Behavioral Code, found to have engaged in prohibited harassment.

REPORTING REQUIREMENTS: By October 30, 2017 and by October 30, 2017, the District will provide OCR with a report demonstrating implementation of item 7. In particular, the District will provide documentation indicating the date of the training, lists of the trainers and attendees, topics covered during the programs, and the amount of time spent on each topic, and copies of the materials used in the training.

8. By October 1, 2017 and by October 1, 2018, and annually thereafter for new staff, the District will provide effective training to all school staff who are directly involved in processing, investigating, and/or resolving complaints or other reports of sex discrimination, including harassment complaints, and any counselors or other District personnel who are likely to receive confidential reports of sex harassment. The training will specify that the Title IX Coordinator(s) will be responsible for coordinating the following actions for all investigations of sex discrimination (including sexual harassment): advising students and

parents of their rights to and limitations of remaining confidential during the District's investigation; the prompt and equitable investigation of complaints of sex discrimination; making findings as to whether sex discrimination occurred or not; assuring that the parties are advised of the determination in writing; and identifying and ensuring the implementation of remedies (including interim measures) necessary to address the sex discrimination, eliminate any hostile environment and prevent its recurrence; and maintaining appropriate records. Additionally, the training will review the District Policies and Behavioral Code referenced in items 4 and 5 of this Agreement and include instruction on how to conduct and document prompt, adequate, reliable, and impartial sex discrimination or harassment investigations, including the appropriate legal standards to apply in such investigations. The training will also delineate the specific roles and responsibilities for each individual designated to assist the Title IX Coordinator

REPORTING REQUIREMENTS: By October 30, 2017 and by October 30, 2018, the District will provide OCR with a report demonstrating implementation of item 8. In particular, the District will provide documentation indicating the date of the training, lists of the trainers and attendees, topics covered during the programs, and the amount of time spent on each topic, and copies of the materials used in the training.

9. By December 1, 2017 and by December 1, 2018, and for at least two years, the District will provide an age appropriate orientation program for all High School and Junior High School students, administrators, staff, employees, agents, security officers, counselors, and coaching staff, which will address harassment, including, but not limited to, sexual harassment, in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on sex for students enrolled in the District. The District will remind students of its commitment to having a school environment free from all harassment and explain to students what they should do if they believe they or other students are being harassed. The program will include a review of the District's Policies and Behavioral Code, including an explanation of what harassment on the basis of sex is, as well as disciplinary sanctions related to findings of violations of its Policies and Behavioral Code. The District will also provide students with the name and contact information of a District employee, such as a counselor, that the students may contact if they wish to confidentially discuss any concerns they have and remind students of the availability of counseling services. The District will distribute written materials (including in languages other than English as necessary) during the program that contain the information discussed.

REPORTING REQUIREMENTS: By December 30, 2017 and by December 30, 2018 for at least two years, the District will provide OCR with a report demonstrating implementation of item 9. The District will provide documentation indicating the dates of the orientation, lists of the presenters, topics covered during the program, and the amount of time spent on each topic, and copies of the materials used in the orientation.

Student Focused Remedies

10. By April 1, 2017, the District shall provide written notice to the Complainant stating that XX, the District will take any steps reasonably necessary to ensure that Student A is not subjected

to harassment or bullying on any basis, including sex-based harassment, or a hostile environment on the basis of sex on District grounds, in District sponsored activities, and by District students. These steps will include, but are not limited to, developing a safety plan, identifying specific contact person(s) to whom Student A should report incidents of harassment or bullying if they occur, identifying a safe place in the school where Student A can go during the day, as needed, developing a plan to ensure Student A has as little contact as possible with XX to the harassment/bullying, and checking in with Student A on a periodic basis (at least monthly) to ascertain whether any instances of harassment, bullying, or retaliation have occurred, and taking prompt and appropriate action in accordance with this Agreement if any such harassment, bullying, and/or retaliation has occurred. The letter will also specify XX the District will promptly respond to any future allegations of harassment or bullying, and determine whether, as a result of any harassment and bullying (even if not on the basis of disability), Student A was denied a FAPE.

REPORTING REQUIREMENT: By April 30, 2017, the District will provide documentation to OCR demonstrating its implementation of item 10 of the Agreement for review and approval. In particular, the District shall provide a copy of the letter sent to the Complainant.

11. By April 1, 2017, the District shall provide written notice to the Complainant stating that XX, should Student A attend any District-sponsored activities or events, the District will take any steps reasonably necessary to ensure that Student A is not subjected to harassment or bullying on any basis, including sex-based harassment, or a hostile environment on the basis of sex at District-sponsored activities. These steps will include, but are not limited to, informing Student A that XX should inform the activity/event supervisor of XX presence at the activity/event and should report incidents of harassment or bullying to the activity/event supervisor if they occur, and taking prompt and appropriate action in accordance with this Agreement if any such harassment, bullying, and/or retaliation has occurred.

REPORTING REQUIREMENT: By April 30, 2017, the District will provide documentation to OCR that it has implemented item 11 of the Agreement for review and approval.

12. By April 1, 2017, the District will invite Student A and the Complainant to submit a written complaint by May 15, 2017, detailing any and all alleged sex-based harassment and/or bullying experienced by Student A XX as well as any alleged sex-based harassment and/or bullying by District students experienced by Student A XX, including its impact on Student A. In its letter to Student A and the Complainant, the District shall ask Student A and the Complainant (a) to identify in writing and itemize any and all specific incidents of alleged sex-based harassment and/or bullying experienced by Student A XX for which an investigation is requested and (b) to describe the steps it desires the District to take in the future to prevent recurrence. In addition, the District will inform the Complainant that XX should provide information to the District, including the names or other identifying information of XX involved in the alleged incidents, supporting documentation of the harm that Student A is alleged to have experienced during this time period, and an explanation of how any alleged harm was the result of the harassment and/or bullying. Documentation may include a report XX establishing the harm to Student A as a result of harassment and/or bullying that is alleged to have occurred during this time period. The District will also remind

Student A of XX right to report and/or file a complaint of harassment and/or bullying at any time, and will advise Student A of the procedures XX should follow if XX wishes to do so.

REPORTING REQUIREMENT: By April 30, 2017, the District will provide documentation to OCR that it has implemented item 12 of the Agreement.

13. By July 1, 2017, or within 60 days of Complainant's submittal of a complaint and evidence in response to item 12, whichever is later, the District will take all steps reasonably necessary to investigate or supplement its prior investigation and, if founded, to address the harassment and/or bullying alleged by the Complainant in connection with item 12 of this Agreement, and remedy any harm caused to Student A. Possible steps may include XX who may be found responsible for harassing and/or bullying Student A. The District will provide written notice to the Complainant and Student A of the results of its actions under this item of the Agreement. The District will also provide written notice to the School Board and the respondent XX. It is understood that items 12 and 13 of this Agreement do not entitle Student A or the Complainant to a meeting with any District representative or a hearing before the Board of Education. Rather, they entitle Student A and the Complainant to present written evidence and receive a written notice of the District's findings.

REPORTING REQUIREMENTS: By July 30, 2017, or within 30 days of the deadline imposed by item 13 if later than July 30, 2017, the District shall provide documentation to OCR that it has implemented item 13 of the Agreement. In particular, the District will provide all documents related to its investigation of the harassment and/or bullying of Student A, including notes of all interviews, and will describe any disciplinary actions taken by the District, as well as the justification for each disciplinary action or for a decision not to take additional disciplinary action in connection with any incidents of alleged harassment and/or bullying.

14. If, as a result of the District's investigation pursuant to item 13, the District determines that Student A was subjected to harassment and/or bullying, the District will provide proper written notice to the Complainant, after which the District will convene an IEP/504 meeting to determine whether, and to what extent: (1) Student A's educational needs have changed; (2) the bullying impacted Student A's receipt of FAPE services XX; and (3) additional or different services, if any, are needed. If accepted by the Complainant, such services will be provided XX, or at a date agreed upon by the Complainant and the District. In addition, the District will provide the Complainant with notice of the IEP or 504 team's determination and with notice of the procedural safeguards.

REPORTING REQUIREMENTS: Within 30 days of the IEP or 504 team's determinations required under item 14 of the Agreement, the District will submit to OCR a copy of the team's determinations and documents supporting the team's decisions. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, in making these determinations. The documentation provided to OCR shall include the following:

- a. Documentation showing when the group met, who was present and what was discussed;

- b. The group's decisions and the bases for those decisions, including a description of the information the group considered;
- c. A copy of any meeting minutes;
- d. Documentation of any input provided by the Complainant and showing that procedural safeguards were provided to XX;
- e. If any, a copy of compensatory education and other remedial services or actions that were offered, in writing, to Student A;
- f. The name(s) and title(s) of the individual who will provide such services or actions to/for Student A;
- g. Should services and/or actions be rejected by the Complainant, the District will provide OCR documentation of such rejection and documentation showing that it provided the parent with the written notice of procedural safeguards following the rejection; and,
- h. A copy of any other documentation relevant to the determinations reached in the meeting.

15. By April 1, 2017, the District will XX student records and will provide written notice to the Complainant that it has done so.

REPORTING REQUIREMENT: By April 30, 2017, the District will provide documentation to OCR demonstrating its implementation of item 15 of the Agreement for review and approval. In particular, the District shall provide a copy of Student A's XX and a copy of the notice provided to the Complainant.

16. If, as a result of the District's investigation pursuant to item 13 the District determines that Student A was subjected to harassment, by August 1, 2017, the District will conduct a thorough evaluation of the impact of harassment and/or bullying on Student A's grades XX. The District will recalculate and change Student A's grades if appropriate to ameliorate the effects of the harassment.

REPORTING REQUIREMENTS: By September 30, 2017, the District will provide documentation to OCR demonstrating its implementation of item 16 of the Agreement for review and approval. In particular, the District shall provide a copy of Student A's modified grades, if any changes to XX grades were made.

17. If, as a result of the District's investigation pursuant to item 13, the District determines that Student A was subjected to harassment, the District will inform the Complainant, in writing, that within 30 days of the date of the District's written determination, XX may submit to OCR for reimbursement by the District receipts for expenses for XX that XX personally paid out-of-pocket for Student A during XX after having reported the alleged harassment to the District XX, as a result of harassment that occurred at the District, and for which documentation from the XX substantiates any claim for reimbursement and states that the XX were provided to address the effects of any hostile environment created by the District's failure to provide a prompt and equitable resolution to XX complaints. OCR, upon confirming that the request(s) for reimbursement meet the criteria set forth in this Item of the Agreement, shall provide the request for reimbursement and supporting documentation to the District for payment directly to the Complainant.

XX

In the event the District should object to any documentation produced by the Complainant with respect to requests for reimbursement for XX incurred after the date of the execution of this Agreement, it will notify OCR in writing, and OCR will determine whether the disputed documentation verifies 1) that the expenses for XX were personally incurred by the Complainant under the conditions stated above; and 2) that the XX to address the effects of any hostile environment created by the District's failure to provide a prompt and equitable resolution to XX complaints. When appropriate, the District shall reimburse the Complainant within 30 days of receiving OCR's written determination that the documentation in fact substantiates the Complainant's claim(s) for reimbursement.

REPORTING REQUIREMENTS: Within 60 days after the deadline for item 13, the District will provide documentation to OCR demonstrating its implementation of item 17 of the Agreement for review and approval. In particular, the District shall provide a copy of all documentation submitted by the Complainant seeking reimbursement for XX for Student A, as well as proof of reimbursement by the District, in the event reimbursement is sought.

Data Maintenance

18. On an annual basis, the District will maintain the following data:

- a. all written reports and a written narrative describing all oral reports of incidents involving allegations of harassment based on sex, or harassment on any basis against a student with a disability;
- b. a narrative of all actions taken in response to the reports, including any written documentation;
- c. a copy of all disciplinary sanctions issued to students for violations of the Policies described in items 4 and 5;
- d. documentation demonstrating any remedial efforts offered and provided to the affected parties, such as counseling, tutoring or other appropriate services; and,
- e. a narrative of all action taken to prevent recurrence of the harassing incidents, including any written documentation.

REPORTING REQUIREMENT: By August 30, 2017, and by August 30, 2018, the District will provide the data referenced in item 18 to OCR.

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, OCR, with prior written notice to the District's Superintendent, 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 regulation implementing Section 504 and Title IX at 34 C.F.R. §§ 104 and 106, respectively, and Title II at 28 C.F.R. § 35, 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 IX, Section 504, and Title II, 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.

Approved and agreed to on behalf of Morrison Community Unit School District 6, Morrison, Illinois.

Mr. Scott Vance, Superintendent
Morrison Community Unit School District 6

Date