

**Resolution Agreement
Baraboo School District OCR
Case No. 05-17-1360**

The Baraboo School District (District) enters into this Resolution Agreement, as set forth below, with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 05-17-1360. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 (Title IX), and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination based upon sex in any education program or activity operated by a recipient of Federal financial assistance from the 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 in the District are not subjected to a hostile environment on the basis of sex. The District will promptly investigate all incidents of harassment of students on the basis of sex of which it has notice, and take appropriate disciplinary action against any individual(s) engaging in harassing behavior. The District also will take appropriate responsive action to end the harassment and 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, including a series of escalating consequences if necessary. The District will also take steps necessary to ensure that no individual is subjected to retaliation for reporting harassment or participating in a harassment investigation.

DEMONSTRATION OF COMPLIANCE

Nondiscrimination Notice

1. By April 30, 2018, the District will provide to OCR for review and approval a revised notice to all District students, parents, administrators, staff, applicants for employment, and sources of referral of applicants for employment with the District that will be widely distributed, including sending it by email to District parents, administrators, and staff, printed in the District's newsletter, posted in prominent locations throughout the District, and published on the District's website, stating that the District does not discriminate on the basis of sex in its educational programs or activities or tolerate harassment of students based on sex. The notice will include a statement that the District is required by Title IX not to discriminate in such a manner. The notice will also include the name or title, office address, telephone number and email address of the Title IX Coordinator and state that any questions regarding Title IX may be referred to the District's Title IX Coordinator or to OCR.

REPORTING REQUIREMENT: By April 30, 2018, the District will provide OCR with the proposed Nondiscrimination Notice 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 notice 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.

Title IX Coordinator

2. By September 1, 2018, the District will ensure that its Title IX Coordinator has sufficient qualifications and resources to fulfill all responsibilities specified in this Agreement, including providing appropriate training as needed to the Title IX Coordinator. Specifically, the District will ensure that the Title IX Coordinator:
 - a) Has knowledge of: the substantive requirements of Title IX and its implementing regulations applicable to elementary and secondary schools, the District's Title IX grievance procedure(s), what conduct constitutes sexual harassment, and how to analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence, and take into account the unique and complex circumstances of each case under Title IX;
 - b) Oversees the District's prompt and equitable response to incidents of possible sexual harassment of which it has notice, verbal reports, and written complaints made directly to the Title IX Coordinator or any other District personnel responsible for receiving reports of sex discrimination, including sexual harassment, from any individual, including but not limited to students, employees, and third parties;
 - c) Does not have other job responsibilities that create a conflict of interest with regard to his/her duties and responsibilities under Title IX;
 - d) Has access to all District records regarding reports of potential sexual harassment, including any records by law enforcement or the police/school liaison officer;
 - e) Implements the District's policies and procedures prohibiting all forms of sexual harassment and assesses the overall efficacy of prevention, coordination, and response by the District to sexual harassment;
 - f) Identifies and addresses patterns or systemic problems under Title IX;
 - g) Ensures that all individuals who report incidents or possible sexual harassment are advised of:
 - (1) The option to pursue a complaint investigation pursuant to the District's grievance procedure;
 - (2) The right to file a criminal complaint or make a report to the Sauk County Department of Human Services, in addition to a District Title IX complaint, and that they may pursue such complaints simultaneously with the District complaint;
 - (3) The limitations of confidentiality on the District's ability to respond;
 - (4) The availability of appropriate, individualized remedies (including interim measures, as necessary); and

- (5) The prohibition of retaliation for persons who report sexual harassment, file a complaint, or otherwise participate in an investigation.

REPORTING REQUIREMENT: By September 15, 2018, the District will submit to OCR the name and credentials of the Title IX Coordinator, including a description of the training that individual has received to carry out his or her duties and responsibilities under Title IX and this item.

Review and Revision of Title IX Policies, Procedures, and Practices

3. By June 30, 2018, the District will review and revise, as necessary, the District's School Board Policies 411, 411-Rule, 511, 511-Rule, 512, 512.1 and any other policies, procedures and practices to ensure they are clear and consistent, and adequately address and provide for the prompt and effective response to notice of possible harassment based on sex that creates a hostile environment, and the prompt and equitable resolution of complaints alleging such harassment. The District also will 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 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 sex, which will: explain that the District prohibits harassment based on sex in the school environment, including all academic, extracurricular and school-sponsored activities, or, if initially occurring off District grounds or outside the 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 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 sex, including age-appropriate examples of conduct that constitutes harassment based on sex;
 - c) Identification of the kinds of activities and sites where prohibited conduct could occur;
 - d) A statement that the procedures apply to complaints alleging discrimination based on sex carried out by other students, employees or third parties;
 - e) An explanation of how to report harassment and/or where to file a complaint, formally or informally (if applicable);
 - f) A description of the District's formal and informal (if applicable) complaint procedures, including a Complaint Form, timeframes for the District's investigation of a complaint and the process for extending deadlines, the opportunity for both the complainant and the respondent to present witnesses and other evidence, 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 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, staff and third parties who violate the District policies and procedures addressing harassment based on sex, and examples of the range of possible disciplinary sanctions;
- l) A statement that the District will offer counseling services and other appropriate services to any person found to have been subjected to or to have engaged in harassment on the basis of 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, prevent its recurrence, and remedy its discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENT: By June 30, 2018, the District will submit to OCR for review and approval its revised policies, procedures and practices referenced in item #3.

- 4. *Adoption by Board:* Within 30 calendar days of receipt of notice of OCR's approval of the policies, procedures and practices referenced in item #3, 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 #3, 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 (if applicable) complaint procedures, to the District community, including students, parents, administrators, staff, and applicants for employment. The District will make this notification available through the District's website and student, parent and employee handbooks, as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated. Parents will be notified that the Title IX coordinator is available to respond to any questions about the revised policies and procedures.

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 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.

5. Staff Training: Within 60 calendar days after approval of the policies referenced in item #3, and by September 15 each year thereafter, the District will provide all administrators, faculty, and staff with effective training on the requirements of Title IX and 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 sexual harassment. The training also will include a warning that harassment of students based on sex will not be tolerated and employees who harass students based on sex will be disciplined up to and including termination.
 - b) The District will provide a general overview of Title IX, including how the law's nondiscrimination provisions apply to students, the name(s) 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 IX.
 - c) The District will explain its Title IX policies and procedures, including what constitutes sexual harassment, the role of the Title IX Coordinator, 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 2018, and by September 15, 2019, the District will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the name

and title 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.

6. Student Training: By October 1, 2018 and each year thereafter, the District will provide a mandatory age-appropriate training for all students on the District's policies and will effectively communicate the District's Title IX policies, procedures and practices referenced in this Agreement.

REPORTING REQUIREMENT: By October 1, 2018 and October 1, 2019, the District will provide OCR with documentation that it has provided student training referenced in this item, including the date of the orientation session(s), the name(s) and title(s) of the presenter(s), a copy of any materials used or distributed during the session(s), and an assurance that the training was provided to all applicable District students.

Steps to Ensure a Current Hostile-free Environment

7. Within 60 days of signing this agreement, the District will publish a notice on its website that any individual may report past and current incidents of possible harassment based on sex (which will include a mechanism for anonymous reporting), that created or may have created a hostile environment. The District will take prompt and effective responsive action reasonably calculated to end any possible harassment based on sex, prevent its recurrence, eliminate any hostile environment that has been created, and, where appropriate, take steps to remedy the effects for any students subjected to the hostile environment, including but not limited to, offering counseling and/or psychological support, as deemed necessary by the District.

REPORTING REQUIREMENT: By June 30, 2018, the District will provide OCR with documentation verifying that it published the above-referenced notice and a list of reports received in response to the notice, which will include the date the report was made, the date of the alleged harassment (if known), and an explanation of steps taken to remedy any identified sexually hostile environment.

Record Keeping / Maintenance of records

8. By September 1, 2018, the District will develop a record-keeping system that adequately documents all reports of possible sexual harassment, including incidents of student misconduct that may constitute sexual harassment, as well as policy that requires preservation of documentation related to the District's responses to and investigations of reports and complaints of sex discrimination, including sexual harassment. At a minimum the District's record-keeping system should include:
 - a) A system for tracking electronically all incident of sexual harassment or potential sexual harassment in student disciplinary records that includes relevant information related to the incident, the person reporting the incident, the alleged harasser, the alleged person subject to the harassment, all potential witnesses of the harassment, the

date/time/nature/location of the incident, and the date the District became aware of the incident;

- b) A copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations that could reasonably be construed as possible sexual harassment;
- c) A narrative description of all actions taken by District personnel in response to the report;
- d) A copy of any written documentation sent to or received in relation to the report, including but not limited to interview notes, witness statements, correspondence between the harassed and harasser, and correspondence between the District and the harassed/harasser;
- e) A copy of all disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting sexual harassment;
- f) A copy of all written determinations or a description of all verbal notifications of determinations provided to the parties, with the date of each notification;
- g) A detailed description of any interim measures offered to complainants and/or respondents pending the completion of an investigation, including the parties response to the interim measures offered;
- h) Where sexual harassment is found to have occurred, documentation fully detailing all the steps, individual and systemic, the District took to end the sexual harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects on the complainant and any others, as appropriate.

REPORTING REQUIREMENT: By September 1, 2018, the District will provide OCR with a detailed description of its proposed record-keeping system and policy. By December 31, 2018, and on that date annually thereafter until OCR closes monitoring of this resolution agreement, the District will provide OCR a copy of all records related to all reports of sexual harassment the District received during the just completed academic year.

IMPLEMENTATION AND ENFORCEMENT OF THIS AGREEMENT

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Title IX and its implementing regulation at 34 C.F.R. § 106.31. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

This Agreement will become effective immediately upon the signature of the District's representative below:

Baraboo School District Administrator

Date