

Resolution Agreement
Waterloo School District
OCR Case No. 05-18-1067

Waterloo 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. 05-18-1067. 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 at the District's Intermediate /Middle School (School) 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 will also 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. 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.

Nondiscrimination Notice

1. By June 14, 2018, the District will adopt and widely distribute a revised Nondiscrimination Notice to all District students, parents, administrators, staff, applicants for admission and employment, sources of referral of applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District 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 it 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 that any questions regarding Title IX may be referred to the District's Title IX Coordinator or to OCR.

REPORTING REQUIREMENT #1: By June 14, 2018, the District will provide OCR with a copy of the revised Nondiscrimination Notice and documentation that the Notice 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 Policies, Procedures, and Practices

2. By June 30, 2018, the District will review and revise the District's School Board Policies 112, *Non-Discrimination*, and its accompanying grievance procedures and/or forms 112.1 – *Informal and Formal Procedures for Filing and Responding to Student Discrimination Complaints*, School Board Policy 411 *Equal Educational Opportunities (Student Nondiscrimination)* and any other policies, procedures and practices to ensure they adequately address reports of incidents of sexual harassment 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 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 sex 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) notice to students and employees of the procedures including an explanation of how to report harassment and/or where to file a complaint;
 - f) a description of the District's complaint procedures, including a Complaint Form, designated reasonably prompt timeframes for major stages of the complaint process 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 including an appeal, if any, and an assurance that the District will take action to stop the harassment, prevent recurrence, and remedy its discriminatory effects on the complainant and others, as appropriate;
 - 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 to any person found to have been subjected to or to have engaged in harassment on the basis of sex;
3. By August 15, 2018, the District will adopt, implement and widely publish the revised policies, procedures and/or practices referenced in item #2. Publication will include written notice of the policies, procedures and practices, including its complaint procedures, to the District community, including students, parents, administrators, staff, and applicants for admission and 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.

REPORTING REQUIREMENT #3: By August 31, 2018, 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 policies, procedures and practices were distributed, copies of its student, parent and employee 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.

Title IX Coordinator

4. By August 1, 2018, the District will ensure that it has in place a Title IX Coordinator who will coordinate the District's efforts to comply with and carry out the District's responsibilities under Title IX, including any investigation of any complaint communicated to the District alleging noncompliance with Title IX or any action that is prohibited by Title IX. The District will ensure that Title IX Coordinator is adequately and effectively trained to fulfill his or her Title IX responsibilities, including all responsibilities specified in this Agreement. The District will confirm that the Title IX Coordinator, and any individual designated by the District to assist the Title IX Coordinator, has no other job responsibilities

that create a conflict of interest with regard to their duties and responsibilities under Title IX.

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.
- b) Has knowledge of the District's Title IX policies, procedures and practices.
- c) Is adequately trained to investigate, 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;
- d) Has the responsibility to oversee the District's prompt and equitable response to Title IX disclosures, verbal reports, and written complaints (collectively, "reports") made directly to the Title IX Coordinator or any other District personnel delegated the responsibility for receiving reports of sex discrimination, including sexual harassment, from any individual, including but not limited to students, employees, and third parties;
- e) Takes steps to ensure that students and parents are advised of the availability of appropriate, individualized interim measures and remedial actions, as necessary;
- f) Has access to all District records regarding reports of sex harassment and other relevant information germane to Title IX investigations;
- g) Has the responsibility to implement the District's policies, procedures and practices prohibiting sexual harassment and assesses the overall efficacy of prevention, coordination, and response by the District to sexual harassment;
- h) Coordinates with appropriate District administrative staff and school building administrators, counseling staff, and any other District personnel or staff responsible for receiving student complaints to identify and address patterns or systemic problems under Title IX and to ensure coordination among these various offices and individuals; and
- i) Oversees the development, provision, and monitoring for effectiveness of training for:
 - i. individuals involved in any stage of the grievance process on the substantive requirements of Title IX and how to investigate complaints under Title IX; and
 - ii. members of the District community (i.e., administrators, staff, students, parents/guardians) regarding their Title IX rights and responsibilities..

REPORTING REQUIREMENT #4: By August 15, 2018, the District will submit to OCR the name of the Title IX Coordinator, a copy of the Title IX Coordinator duties and responsibilities, and a description of the training that individual has received referenced in this item, including the dates of the training, the name and title of the trainer(s), and a copy of the materials used or distributed during the training.

General Staff Training

5. By September 1, 2018, the District will provide all administrators, faculty, and staff with effective annual 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 and failure to do so could result in disciplinary sanctions, and the reminder that staff members who observe acts of harassment based on sex should intervene to stop the harassment, unless circumstances would make such intervention dangerous. The training will also include a warning that harassment of students based on sex will not be tolerated and students found to have engaged in such harassment will be disciplined.
 - 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, procedures and practices, 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.

REPORTING REQUIREMENT #5: 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 name and title of the trainer(s), a copy of the materials used or distributed during the training, and a list of District employees who attended the training.

Training for Personnel Directly Involved with Title IX Complaints

6. By September 1, 2018, the District will provide effective training to all employees who are directly involved in receiving, processing, investigating and/or resolving complaints or other reports of sexual harassment, any counselors or other District personnel who are likely to receive confidential reports of sexual harassment to ensure investigations proceed promptly, objectively and impartially. The training will review the District's revised policies, procedures and practices referenced in this Agreement and include instructions on how to conduct and document adequate, reliable, and impartial investigations of sexual harassment, including 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, record retention requirements, available resources for the complainant and respondent, and Title IX prohibitions on retaliation.

REPORTING REQUIRMENT #6: By September 15, 2018, the District will provide OCR with documentation that it has provided appropriate District personnel with 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 sign-in sheet with the names and titles of the District personnel who attended the training.

Student Orientation and Training

7. By September 1, 2018, the District will provide annual mandatory age-appropriate training for all students on the District's Title IX policies, procedures and practices referenced in this Agreement and include a warning that harassment of students based on sex will not be tolerated and students found to have engaged in such harassment will be disciplined. The training will also:
 - a) 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
 - b) Provide the contact information for the Title IX Coordinator and an explanation of the Coordinator's role in responding to reports and complaints about sex harassment.
 - c) Remind students of its commitment to having a District environment free from harassment, and will explain what they should do if they believe they or other students have been subjected to harassment.
 - d) An explanation of 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.

REPORTING REQUIREMENT #7: By September 30, 2018, the District will provide OCR with documentation that it has provided student orientation referenced in this item, including the date of the orientation session(s), the name and title of the presenter(s), a copy of any materials used or distributed during the session(s), and an assurance that it was provided to all applicable District students.

Individual Remedy

8. By June 1, 2018, the District will conduct an investigation of Student A's reports and complaint of sexual harassment made since October 4, 2017, and will invite the Complainant to inform them in writing of any other reports of possible harassment of Student A based on sex in the 2107-2018 school year. These investigations may include reviewing disciplinary records for Student B, speaking with District employees and students regarding the events surrounding Student A's report(s) and complaint(s) and whether the alleged acts or events, if substantiated, created a hostile environment. The District will provide a written

determination of its findings to both parties whether sexual harassment occurred and whether a hostile environment was created, and of the opportunity to appeal any findings, if applicable. If a hostile environment is found to have been established, 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, and a review of attendance records and grades, as deemed necessary by the District. The District will also identify a specific contact person to whom Student A should report any additional incidents of harassment based on sex.

REPORTING REQUIREMENT #8: By June 29, 2018, the District will provide OCR with documentation that it has implemented the above item, including a summary of all information obtained during the investigation, a copy of any written investigative reports or other notice to the parties of the outcome of the investigation, the remedial actions it proposes to take to remedy any identified sexually hostile environment, and the name and contact information for Student A's contact person.

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. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close 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 will 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:

Waterloo District Administrator Brian C. Henning

Date