

Resolution Agreement
Rosholt School District
OCR Case No. 05-18-1269

Rosholt School District (District) enters into this Resolution Agreement with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve OCR Case No. 05-18-2169. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments Act 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 discrimination based on sex, including sexual harassment. The District will promptly investigate all incidents of sexual assault, harassment or violence of which it has notice, and take appropriate disciplinary action against any individual(s) engaging in such 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 November 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 or retaliation. 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 November 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(s)

2. By November 30, 2018, the District will ensure that the District Title IX Coordinator is adequately and effectively trained to fulfill the Title IX responsibilities, including all responsibilities specified in this Agreement. If the District chooses to appoint a Deputy Title IX Coordinator, the District will clearly designate which individual has ultimate oversight responsibility.

Specifically, the District will ensure that the Title IX Coordinator and, if appointed, the Deputy Title IX Coordinator:

- a) Have knowledge of the substantive requirements of Title IX and its implementing regulations applicable to elementary and secondary schools.
- b) Have knowledge of the District's Title IX policies, procedures and practices.
- c) Are 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 Title IX complaint;
- d) Have a sufficient understanding of Title IX to recognize and identify types of conduct that constitute sexual harassment and sexual violence including sexual touching or patterns of conduct that can contribute to a hostile environment based on sex;
- e) Have 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(s) or to any other District personnel delegated the responsibility for receiving reports of sex discrimination, including sexual harassment;
- f) Take steps to ensure that students and parents are advised of the availability of appropriate, individualized interim measures and remedial actions, as necessary;
- g) Have access to all District records regarding reports of sex harassment and other relevant information germane to Title IX investigations;
- h) Have the responsibility to implement the District's policies, procedures and practices prohibiting sexual harassment and assess the overall efficacy of prevention, coordination, and response by the District to sexual harassment; and
- i) Coordinate 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

The District will also ensure that the District Administrator, who is responsible for receiving and evaluating the Title IX investigative report and making a determination:

- j) Oversees the development, provision, and monitoring for effectiveness of training for:
 - i. each Title IX Coordinator involved in any stage of the grievance process regarding 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: By November 30, 2018, the District will submit to OCR a description of the training the Title IX Coordinators have received referenced in Item #2, 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, and the plan the District has created to ensure that the District Administrator will use to oversee the items identified in (1)(j).

Training for Personnel

2. By November 30, 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 to ensure investigations proceed promptly, objectively and impartially. The training will review the District's policies, procedures and practices 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 REQUIREMENT: By November 30, 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

3. By November 30, 2018, the District will provide annual mandatory age-appropriate training for all students on the District's Title IX policies, procedures and practices. The training will:
 - a) Provide a general overview of Title IX, including how the law's nondiscrimination provisions apply to students including the rights that it confers on students and the resources available to students who experience sex discrimination (including sexual harassment and sexual violence) or retaliation, the name(s) and contact information for the designated employee(s) to whom students or others may report allegations of harassment, and the District's harassment policies and procedures on the District's website including where to locate them, and the existence of OCR and its authority to enforce Title IX.
 - b) Provide the contact information for the Title IX Coordinator(s) 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, a warning that harassment of students based on sex will not be tolerated 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: By November 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.

Record Keeping / Maintenance of records

- 4. By November 30, 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 a 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 November 30, 2018, the District will provide OCR with a detailed description of its proposed record-keeping system and policy. By May 31, 2019, 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.

Student Based Remedies

5. By November 30, 2018, the District will invite Student A and her parents to meet to discuss changes the District has made regarding its Title IX practices and the training it has provided staff and students. 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: By November 30, 2018, the District will provide OCR with a copy of the invitation sent to Student A and her parents, 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:

Marc Christianson
Rosholt District Administrator

Date