

Resolution Agreement #05-19-1222 Washington Community Schools

The U.S. Department of Education, Office for Civil Rights (OCR) and the Washington Community Schools (Corporation) enter into this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Corporation. The Corporation assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation, 34 C.F.R. Part 106, which prohibits discrimination based upon sex in any education program or activity receiving Federal financial assistance.

- 1) By May 1, 2022, the Corporation will provide for OCR's review and approval the recipient's current policies and procedures for the resolution of sexual harassment complaints under Title IX. Within 30 days of OCR's approval, the Corporation will publish the policies and procedures on its website and will distribute them to all employees responsible for implementing the policies and procedures.

REPORTING REQUIREMENT: By May 15, 2022, the Corporation will provide OCR the policies and procedures referenced in this item. Within 45 days of OCR's approval of the policies and procedures, the Corporation will provide documentation to OCR demonstrating its compliance with the remaining provisions of this item.

- 2) By May 1, 2022, the Corporation will designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator" and will notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

REPORTING REQUIREMENT: By May 15, 2022, the Corporation will provide OCR documentation demonstrating its compliance with this item.

- 3) By September 1, 2022, after OCR's review and approval of the proposed training materials and credentials of the trainers, the Corporation will ensure that its Title IX Coordinator(s), investigators and decision-makers for sexual harassment complaints, and any person who facilitates an informal resolution process for sexual harassment complaints, receive training on the definition of sexual harassment, the scope of the Corporation's education program or activity, how to conduct an investigation and the grievance process, and how to serve impartially, including by providing the parties support services during the investigation, an equal opportunity to present evidence, avoiding prejudgment of the facts at issue, conflicts of interest, and bias and providing the parties with notice of the outcome of the investigation. If the Corporation is required to revise its policies and procedures pursuant to Item 1, the Corporation will provide updated training to all individuals identified in this item.

REPORTING REQUIREMENT: By August 1, 2022, the Corporation will provide OCR with the materials it proposes to use for the training referenced by this item and the name(s) and credentials of the individual(s) who it proposes will provide the training. By September 15, 2022, the Corporation will provide OCR documentation demonstrating its compliance with the initial training requirement in this item. The documentation will include the names and titles of the Corporation's current staff who are directly involved in investigating, adjudicating and/or resolving Title IX complaints. Documentation also will include the date of each training session attended by each staff person and a copy of any materials used or distributed during the training. If supplemental training is required, the Corporation will provide OCR documentation that it has completed this training by the same date as it provides documentation of the publication and distribution of the revised policies and procedures referenced in Item 1.

- 4) By May 1, 2022, the Corporation will offer to meet with Student A and/or her parent or representative to offer Student A and/or her parent an opportunity to share concerns regarding their experience with the Corporation's handling of the earlier report of sexual harassment. If the parent/representative accepts the offer to meet, the Corporation will inform them at the meeting of steps the Corporation is willing to take to provide remedies to Student A should she return to access the Corporation's education programs or activities in the 2021-2022 or 2022-2023 school year, such as counseling and assignment of a contact person, if requested, who will check in to ensure that additional sexual harassment of Student A has not occurred.

REPORTING REQUIREMENT: By May 15, 2022, the Corporation will provide OCR with documentation demonstrating it has made the offer required by this item. By June 15, 2022, the Corporation will provide OCR the response of the parent/representative, if any, and, if the meeting has occurred, a summary of the meeting. By June 15, 2022, and June 15, 2023, if Student A has returned to access the Corporation's education programs or activities, the Corporation will document to OCR its compliance with the remaining terms of this item.

- 5) Effective immediately, the Corporation will maintain records of all reports of sexual harassment.

REPORTING REQUIREMENT: By June 15, 2022, and June 15, 2023, the Corporation will provide OCR with a list of all complaints of sexual harassment at the elementary school level that the Corporation received for the just completed school year. The list will include the date of the alleged incident, the date the complaint was received, the nature of the alleged conduct, the identity of the parties, the date of the notice of outcome to the parties, and any findings of responsibility and associated remedies. In addition, the Corporation will provide electronic copies of the complete case files corresponding with each resolved complaint and each complaint that has been open (i.e., not yet resolved by the first-level decisionmaker) for more than 60 days.

The Corporation 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 Corporation understands that, during the monitoring of this Agreement, OCR may visit the Corporation, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Corporation has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§ 106.8, 106.9, and 106.31, which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The Corporation 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the Corporation 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 Corporation's representative below.

Superintendent or designee

Date