

RESOLUTION AGREEMENT
North West Hendricks School Corporation
OCR Docket No. 05-20-1023

The North West Hendricks School Corporation (Corporation) enters into this agreement to resolve the allegations in OCR Docket No. 05-20-1023 and ensure the Corporation's compliance with the requirements of 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, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the U.S. Department of Education and retaliation.

The Corporation agrees to the following:

MAINTENANCE OF RECORDS

1. By October 1, 2021, the Corporation will develop and implement a system that adequately and accurately preserves for a period of seven years all records required to be maintained under the Title IX regulation at 34 C.F.R. § 106.45(b)(10).

REPORTING REQUIREMENT: By October 15, 2021, the Corporation will provide OCR documentation it has developed the system required by Item #1.

2. By October 1, 2021, the Corporation will use qualified individual(s) knowledgeable about Title IX requirements to provide training on the system referenced in Item #1 to all Corporation employees responsible for implementing the system.

REPORTING REQUIREMENT: By October 15, 2021, the Corporation will provide OCR documentation that it has provided the training required by Item #2, including the dates of the training, name(s), title(s) and qualifications of the trainer(s), a copy of the materials used or distributed during the training, and a list of the Corporation's employees who attended the training.

3. By February 1, 2022, the Corporation will assess the effectiveness of the training referenced in Item #2 by conducting surveys of the employees who attended the training. The surveys will specifically inquire about the knowledge and perceptions of employees about the Corporation's obligation to develop and implement a system that adequately and accurately preserves all records required to be maintained under the Title IX regulation at 34 C.F.R. § 106.45(b)(10). The surveys will also include questions designed to indicate the respondents' level of confidence in the Corporation's document-retention system and whether they believe any aspects of the system are problematic and could be improved.

REPORTING REQUIREMENT: By November 1, 2021, the Corporation will provide OCR the surveys it proposes to use to assess the effectiveness of the training. Upon approval of OCR, the Corporation will administer the surveys to employees who attended the training. By March 1, 2022, the Corporation will provide documentation to OCR of the results of the surveys and a description of any actions the Corporation proposes to take in response should

the results show that personnel are not knowledgeable about the applicable Corporation's document retention-system, including conducting additional training sessions.

REPORTS OF SEXUAL HARASSMENT

4. Effective immediately, the Corporation will implement procedures that comply with the requirements of 34 C.F.R. Part 106 in responding to reports of possible sexual harassment, including providing supportive measures to the parties, as appropriate, and providing notice of the outcome of all investigations to the parties. For a period of two school years beginning with the 2021-2022 school year, the Corporation will provide OCR the following documentation for each formal complaint of sexual harassment made during each school year: the complaint, documentation of supportive measures provided, the final report, and copies of final notices provided to the parties.

REPORTING REQUIREMENT: The Corporation will provide completed Title IX complaint files to OCR electronically in a mutually agreed format within 30 days of the end of the 2021-2022 and 2022-2023 school years.

INDIVIDUAL MEETINGS

5. By November 1, 2021, the Corporation will send a notice to parents of all current and former students who reported to Corporation personnel that they were subjected to sexual harassment by a Corporation student or employee while participating in a Corporation education program or activity during the XXX-XXXX and XXXX-XXXX school years. The notice will include the steps the Corporation will take pursuant to this Agreement to remedy its Title IX violations and inviting them to share their concerns via letter or email about their experience with the Corporation's response to alleged harassment to the Corporation's Title IX Coordinator. The Corporation will also include in the notice to the parents of any of the current students for whom it has not previously documented to OCR the provision of support services an invitation to indicate whether they believe the students need any remedial services to restore their access to the Corporation's education programs or activities and an invitation to request such services. The Corporation will respond appropriately to any such request.

REPORTING REQUIREMENT: By November 15, 2021, the Corporation will provide OCR a copy of the notice referenced in Item #5 and any response provided by an individual. The Corporation will also provide OCR documentation of the decision regarding each request for remedial services made pursuant to this item, including documentation supporting any decision to deny a request for such services and documentation showing that it has implemented any request granted.

TRAINING

6. By December 31, 2021, the Corporation will use qualified individual(s) knowledgeable about Title IX requirements to provide effective training to all employees on Title IX. The Corporation will also use qualified individuals to provide effective and specific

investigative training to all individuals responsible for receiving and/or investigating complaints of sexual harassment.

REPORTING REQUIREMENT: By February 1, 2022, the Corporation will provide OCR documentation of the training required by Item #6, including the dates of the training, name(s), title(s) and qualifications of the trainer(s), a copy of the materials used or distributed during the training, and a list of the employees who attended the training.

7. By December 31, 2021, the Corporation will use qualified individual(s) knowledgeable about Title IX requirements to provide training to all students in sixth (6th) through twelfth (12th) grades on Title IX and how to report incidents of sexual harassment.

REPORTING REQUIREMENT: By February 1, 2022, the Corporation will provide OCR documentation of the training required by Item #7, including the dates of the training, name(s), title(s) and qualifications of the trainer(s), and a copy of the materials used or distributed during the training.

8. By October 1, 2021, the Corporation will use qualified individual(s) knowledgeable about Title IX requirements to provide training to all administrators and School Board members on the prohibitions against retaliation contained in Title IX and its implementing regulation.

REPORTING REQUIREMENT: By October 15, 2021, the Corporation will provide OCR documentation of the training required by Item #8, including the dates of the training, name(s), title(s) and qualifications of the trainer(s), a copy of the materials used or distributed during the training, and a list of the administrators and Board members who attended the training.

9. By February 1, 2022, the Corporation will assess the effectiveness of the training referenced in Items #6, #7 and #8 by conducting surveys of administrators, Board members, other employees, and students who attended the training. The surveys will specifically inquire about the knowledge and perceptions of administrators, Board members, other employees, and students about sexual harassment and retaliation and about the Corporation's policies and procedures to assess whether administrators, Board members, other employees, and students have enough information about the Corporation's policies and procedures to find the appropriate resources when necessary. The survey will also include questions designed to indicate the respondents' level of confidence in the Corporation's responsiveness to harassment and retaliation complaints, including whether they believe the Corporation would take their complaints seriously, would process their complaints promptly and equitably, and would take necessary and effective remedial action if their complaints were substantiated.

REPORTING REQUIREMENT: By November 1, 2021, the Corporation will provide OCR the surveys it proposes to use to assess the effectiveness of the training referenced in Items #6, #7 and #8. Upon approval of OCR, the Corporation will administer the surveys to administrators, Board members, other employees, and students who attended the training.

By March 1, 2022, the Corporation will provide documentation to OCR of the results of the surveys and a description of any actions the Corporation proposes to take in response should the results show that administrators, other employees and students are not knowledgeable about the applicable Corporation’s policies and procedures.

ACTIONS FOR FORMER EMPLOYEES

10. By October 1, 2021, the Corporation will ensure that the employment files of the former Superintendent XX contain neutral information about the XXXXXXXXXXXXXXXXXXXXXXXXXXXX and do not reflect any adverse employment actions, including warnings and reprimands, for conduct that occurred after XXXXXXXXXXXX. The Corporation will ensure that the employment file of the former Attendance Officer XXXXXXXXXXXXXXXXXXXXXXXXXXXX contains, factual basis for his discipline for conduct that occurred after XXXXXXXXX and will attach to the discussion of the discipline a statement that OCR investigated an allegation that the Corporation’s discipline of the former Attendance Officer was in retaliation for his protected activity and that the District and OCR entered into a resolution agreement to address the alleged retaliation prior to OCR making a compliance determination. Other investigatory reports or written warnings, reprimands, etc., for his conduct occurring after XXXXXXXXX will be kept in a separate investigatory file by the Corporation which may be subject to public records requests or future employer requests.

REPORTING REQUIREMENT: By October 15, 2021, the Corporation will provide OCR documentation that it has implemented the requirements of Item #10.

ACTIONS FOR FORMER STUDENT

11. By October 1, 2021, the Corporation will issue a letter to XXXXXXXXXXXXXXXXXXXX providing XXXXXXXXXXXXXXXXXXXX with notice of the steps the Corporation will take pursuant to this Agreement to remedy its Title IX violations and inviting them to share their concerns about XXXXXXXXXXXX’s experience with the Corporation’s response to XXX alleged harassment via letter or email to the Title IX Coordinator.

REPORTING REQUIREMENT: By October 1, 2021, the Corporation will provide OCR documentation that it has issued the letter required by Item #11. By October 15, 2021, the Corporation will provide documentation of the response it received to the letter and that it implemented the requirements of Item #11 in full.

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, if necessary, 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 Title IX and its implementing regulation at 34 C.F.R.

Part 106. 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 (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce 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