

RESOLUTION AGREEMENT

I. INTRODUCTION

To resolve OCR Reference No. 10135001, a compliance review conducted by the U.S. Department of Education, Office for Civil Rights (OCR), Washoe County School District (District) agrees to the terms of this Resolution Agreement (Agreement). OCR conducted the compliance review under the authority of Title IX of the Education Amendments of 1972, 20 USC 1681 et seq. (Title IX), and its implementing regulations at 34 CFR Part 106 and Title VI of the Civil Rights Act of 1964, 42 USC. 2000d et seq. (Title VI), and its implementing regulations at 34 CFR Part 100.

II. DEFINITIONS

- A. **SEXUAL HARASSMENT** means unwelcome conduct of a sexual nature, which can include sexual assault, sexual violence, sexual misconduct, unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by a recipient. It can include but is not limited to: conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or making, displaying, distributing sexually explicit drawings, sculptures, videos, pictures, or written materials; engaging in “games” that involve touching of a sexual nature; calling students sexually charged names; spreading sexual rumors; or circulating, showing, or creating electronic mail messages (e-mails), text messages, or other social media communications, or websites of a sexual nature.

Sexual harassment includes gender-based harassment,¹ which includes acts of verbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, but which are not necessarily sexual in nature. Gender-based harassment includes harassment of an individual either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity and femininity.

- B. **RACIAL HARASSMENT** means conduct (e.g., physical, verbal, graphic, or written) of a racial nature that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by a recipient. Racial harassment includes harassment on the basis of national origin, or actual or perceived shared ancestry or ethnic characteristics.

III. DISTRICT-LEVEL EXPERTS AND RESOURCES

A. COMPLIANCE COORDINATORS

¹ Hereinafter, all references to sexual harassment include gender-based harassment.

ACTION ITEMS

1. By December 1, 2016, the District will designate one or more individuals to coordinate its efforts to comply with and carry out its responsibilities under the regulations enforced by OCR; including the prompt and equitable resolution of complaints of discrimination and harassment filed by students, parents, staff, and other employees. When designating an individual, the District will consider whether designating the individual will create a real or perceived conflict of interest with respect to the individual's other assigned duties as a District employee. In the event the District designates more than one individual, the District will designate the lead coordinator and describe the relationship between the lead and other non-lead coordinators.
2. The District will revise all relevant policies, procedures, regulatory webpages, and publications to include the name/title, office address, telephone number, and e-mail address of the individual(s) designated to coordinate its efforts to comply with the regulations enforced by OCR. The District will ensure that contact information for the coordinator(s) is accurate, consistent, and complete in all such materials, and when there are changes to the materials, they are updated within 20 calendar days of any change. For webpages, access to the relevant information should be provided within one-click from the District's home webpage and any other relevant webpages.

REPORTING REQUIREMENT

3. By December 1, 2016, the District will inform OCR of the identity and qualifications of the individual(s) designated to coordinate its efforts to comply with and carry out its responsibilities under the regulations enforced by OCR; and the specific responsibilities of the coordinator(s), including the issue areas and geographical areas for which the coordinator(s) will be responsible.
4. By December 1, 2016, the District will provide the revised policies, procedures, regulatory webpages, and publications to OCR for review and approval. OCR will respond within 15 calendar days. Within 30 calendar days of OCR's approval, the District will provide documentation to OCR (such as a copy of revised materials and publications containing this information, and/or a link to the on-line version of the materials and publications. Inserts may be used pending reprinting of the materials and publications.

B. EQUITY CONSULTANT

ACTION ITEM

1. By December 1, 2016, the District will retain the services of a consultant ("Equity Consultant"). The Equity Consultant will be mutually agreed upon by the District and OCR; must have expertise in the area of prevention of harassment based on sex and race; and may be a qualified third-party consultant(s), or an employee(s) of the District with the requisite expertise and credibility in the District community, such as the Civil Rights Compliance Director. The Equity Consultant will review the effectiveness of the District's current policies, practices, and procedures; the resolution letter that OCR

issues explaining the results of its compliance review; written guidance published by OCR regarding harassment on the bases of sex and race; and other resources the Equity Consultant deems useful, such as current research and best practices in other school districts. Utilizing this information, the Equity Consultant will collaborate with the District to do the following, at a minimum:

- Designate compliance coordinators and make recommendations regarding the extent to which additional compliance coordinators are needed, as required by Section III.A;
- Review and revise its Notice of Non-Discrimination, as required by Section V.B;
- Evaluate and recommend revisions to the District’s harassment policies and grievance procedures, as required by Section IV;
- Form an Anti-Harassment/Bullying Task Force as required by Section III.C;
- Develop and provide training, as required by Section VIII;
- Develop a system for documenting, investigating, record-keeping, and tracking complaints of bullying and harassment on the bases of sex and race, as required by Section VI; and
- Develop a monitoring program to assess the effectiveness of the District’s efforts to prevent and address harassment on the bases of sex and race, as required by Section IX.

REPORTING REQUIREMENT

2. By December 1, 2016, the District will provide to OCR, for review and approval, the name and qualifications of its selected Equity Consultant. The District will provide OCR with information reflecting that the proposed Equity Consultant has sufficient expertise in the area of prevention of harassment based on sex and race and training to be able to assist the District with fulfilling its obligations under this agreement. OCR will respond within 15 calendar days. Within 30 calendar days of receiving OCR’s approval of the proposed Equity Consultant, the District will provide documentation to OCR to substantiate that it has retained the Equity Consultant as required under this section.

C. TASK FORCE

ACTION ITEM

1. By March 31, 2017, in consultation with the Equity Consultant, the District will develop a task force that will include parents, community members, representatives from community-based organizations, and students to make recommendations for improving school climate, implementing intervention and prevention strategies for preventing harassment, and ensuring that students and parents understand the right to be protected from harassment and retaliation and how to report incidents of bullying, harassment, and retaliation. The task force may consist of members from the

District's Equity and Diversity Office, the Superintendent's Diversity Task Force, safe schools initiatives, or other anti-bullying and harassment programs currently in place or being implemented by the District, if appropriate. The task force will meet at least twice per year and maintain documentation of the date and duration of each meeting and the topics addressed, as well as meeting minutes. At least once per year, and more often if the task force recommends it, the Superintendent or his/her designee will prepare a written report summarizing the task force's recommendations and suggestions. The recommendations and suggestions will be considered for incorporation into the District's Strategic Plan.

REPORTING REQUIREMENTS

2. By March 31, 2017, the District will provide to OCR written confirmation that the task force has been created, with names of task force members and the date of the first meeting.
3. By July 2, 2018, and July 1, 2019, the District will provide a report to OCR, for review and approval, summarizing the task force's recommendations and the District's responses to the recommendations, including whether and how these will be implemented. OCR will respond within 30 calendar days

IV. DISTRICT POLICIES, PROCEDURES, REGULATIONS, AND GUIDANCE

A. RESPONSES TO REPORTS AND COMPLAINTS OF BULLYING OR HARASSMENT BASED ON RACE OR SEX

ACTION ITEMS

1. The District agrees to take all reasonable steps to ensure that students enrolled in all District schools and programs are not subject to harassment on the bases of sex, race, color, or national origin.² To this end, the District will promptly respond to reports and complaints of harassment of students on the bases of sex and race, and all incidents which are known or reasonably should be known to the District. The District will take prompt and effective responsive action reasonably designed to end the harassment; prevent its recurrence; and where appropriate, take steps to remedy the effects of the harassment on the complainant and the larger school community.
2. The District will review and revise its behavioral matrix or other guidance for school-level administrators and teachers to assist them in responding to repeat sexual offenders and incidents that create a hostile-environment for multiple students (e.g., sexually inappropriate activity witnessed by a classroom of students).

² Hereinafter, references only to racial harassment include harassment based on color or national origin.

REPORTING REQUIREMENTS

3. By July 3, 2017, July 2, 2018, and July 1, 2019, the District will provide to OCR the number of reports and informal and formal complaints of bullying and harassment on the bases of sex and race made during the preceding school year for each District school.
4. Within 30 calendar days of receipt of the information outlined in item 1, above, OCR will provide the District with a list of schools for which the District will provide the documentation as outlined in item 3 below. The selected schools will include elementary, middle, and high schools and will not exceed 15% of the total number of District schools.
5. Within 30 calendar days of OCR providing the list of selected schools, the District will provide documentation to OCR of all reports and informal and formal complaints of bullying and harassment on the bases of sex and race made during the preceding school year at the schools selected by OCR. This documentation will include: copies of each report or complaint, or a description if none are available; the District's response; and the resolution, including the report of any investigation conducted. Infinite Campus reports may be used to satisfy this provision. If there have been no complaints, the District will so certify that no complaints on the bases of sex and race were made.
6. By December 1, 2016, the District will provide a draft of the behavioral matrix or similar guidance for OCR's review and approval. OCR will respond within 30 calendar days. Within 30 calendar days of OCR's approval, the District will provide documentation to OCR demonstrating that it has: formally adopted the behavioral matrix or guidance; updated printed publications or on-line publications regarding the behavioral matrix or guidance (inserts may be used pending reprinting of these publications); and electronically disseminated the revised behavioral matrix or guidance to students, parents, and District employees. This documentation will include at a minimum: (1) printouts or a link to all on-line publications containing the revised behavioral matrix or guidance; (2) evidence of the electronic dissemination of the revised behavioral matrix or guidance to students, parents, and employees; and, (3) if not yet finalized, copies of inserts for printed publications.

B. HARASSMENT POLICIES AND GRIEVANCE PROCEDURES

ACTION ITEM

1. By July 3, 2017, in collaboration with the Equity Consultant, the District will revise its policies, procedures, administrative regulations, legal guidance, investigative guidelines and checklists, and related grievance procedures to ensure that they adequately address and provide for the prompt and equitable resolution of reports and complaints of bullying and harassment on the bases of sex and race. At a minimum, these procedures will address the elements outlined in Appendix A, as applicable.

REPORTING REQUIREMENTS

2. By March 31, 2017, the District will provide a draft of the policies, procedures, and related documents to OCR for review. OCR will provide feedback, which the District will incorporate, and the District will resubmit the policies, procedures, and related documents for OCR's review. This review process will continue until the policies, procedures, and related documents have been approved by OCR.
3. Within 30 calendar days of OCR's approval of the policies and procedures, the District will provide documentation to OCR demonstrating that it has formally adopted the revised policies, procedures, and related documents; updated its printed publications and on-line publications with the revised policies and procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the revised policies, procedures, and related documents to students, parents, and District employees. This documentation will include at a minimum: (1) printouts or a link to all on-line publications containing the revised policies, procedures, and related documents; (2) evidence of the electronic dissemination of them to students, parents, and employees; and (3) if not yet finalized, copies of inserts for printed publications.

V. NOTICE

A. AFFIRMATIVE STATEMENT

ACTION ITEM

1. By January 31, 2017, the District's Superintendent and the Board of Trustees will issue a statement to all District students, parent, and employees that will be printed at least one time in each school's and/or District's newsletter, and prominently published on the District's website, stating that the District does not tolerate acts of harassment on the bases of sex or race. The statement will include definitions of sexual and racial harassment that comply with Title IX and Title VI, and will include specific examples of what constitutes harassment on the bases of sex and race. The statement will encourage any student who believes that he or she has been subjected to harassment on the basis of sex or race to report the harassment to the District and note the District's commitment to conducting a prompt and equitable investigation. The statement will include the appropriate contact information for the designated staff member to whom students and parents may report allegations of harassment. The statement will indicate that support, including counseling and educational resources, will be available to students who are harassed, as well as to students found to have engaged in acts of harassment on the basis of sex or race. The District will also warn that harassers may be disciplined to end and prevent future behavior, as circumstances warrant. The statement will encourage students, parents, and District employees to work together to prevent harassment on the bases of sex and race; and reinforce that the District will not tolerate retaliation for reporting harassment and will take steps to protect those who wish to report harassment anonymously or confidentially. The District will distribute this statement in languages other than English, as necessary.

REPORTING REQUIREMENT

2. By December 1, 2016, the District will submit a copy of the District’s statement for OCR’s review and approval. OCR will respond within 15 calendar days. Within 30 calendar days of receiving OCR’s approval, the District will issue the statement and provide OCR with copies of all newsletters, webpages, and other publications where the statement was published, as well as copies of the statement in languages other than English.

B. NOTICE OF NON-DISCRIMINATION

ACTION ITEM

1. By January 31, 2017, the District will review and revise its Notice of Non-Discrimination to state that the District does not discriminate on the bases of sex, race, color, or national origin (the notice may include other bases); and, that this requirement not to discriminate extends to all of its programs and activities, including employment and admission, if applicable. Additionally, the notice will reinforce that the District will not tolerate retaliation for reporting harassment, and will take steps to protect those who wish to report harassment anonymously or confidentially. Further, the notice will state that inquiries concerning the application of regulations prohibiting discrimination may be referred to the person(s) designated to coordinate the District’s efforts to comply with all aspects of regulations prohibiting discrimination, or to OCR. The District will ensure that the Notice of Non-discrimination is disseminated in languages other than English, as necessary; and is included in each announcement, bulletin, catalog, or application form, including the District’s Parent/Student Handbook, any school student handbooks, the Parent University catalogue, the District website, and school webpages, which it makes available to students, parents, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District. The notice will also be posted prominently on District and school websites, and at various locations throughout the schools, as well as in electronic and printed publications of general distribution that provide information to students and employees about the District’s and schools’ services and policies. The District will post the Notice of Non-discrimination on its website so that the notice is available within one-click of the District’s home webpage and other relevant webpages,

REPORTING REQUIREMENT

2. By December 1, 2016, the District will provide the revised Notice of Non-Discrimination to OCR for review and approval. OCR will respond within 15 calendar days. Within 30 calendar days of OCR’s approval, the District will provide documentation to OCR (such as a copy of revised materials and publications containing the Notice of Non-discrimination, and/or a link to the on-line version of the materials and publications) demonstrating that the approved notice has been disseminated in accordance with this section. Inserts may be used pending reprinting of the materials and publications.

VI. DOCUMENTING COMPLAINTS AND INCIDENTS, CONDUCTING INVESTIGATIONS, RECORD-KEEPING, AND TRACKING

ACTION ITEM

- A. By September 29, 2017, in collaboration with the Equity Consultant, the District will develop and implement a district-wide system for documenting, investigating, record-keeping, and tracking all complaints and incidents of bullying and harassment on the bases of sex and race (including reports of incidents that do not result in the filing of a complaint). The District should consider whether the Infinite Campus system and the Bully Free Zone online reporting are sufficient to meet the District's needs with respect to documenting reports and complaints, and the subsequent investigation and resolution of them. The system will also clearly specify the roles and responsibilities of the employees and offices (e.g., teachers, counselors, site administrators, Chief of the Office of the General Counsel, Civil Rights Compliance Director, Equity and Diversity Director, etc.) in the District's system, including with respect to formal and informal complaints, and reports of incidents of bullying and harassment based on sex and race. At a minimum, this system will include the elements as outlined in Appendix B.

REPORTING REQUIREMENT

- B. By July 3, 2017, the District will provide to OCR for review and approval a detailed description of the system for documenting, investigating, record-keeping, and tracking complaints and incidents of bullying and harassment on the bases of sex and race developed in accordance with this section. OCR will respond within 30 calendar days. Within 30 calendar days of receiving OCR's approval, the District will provide confirmation that the system is operative.

VII. CLIMATE CHECKS

ACTION ITEMS

- A. By December 1, 2017, in collaboration with the Equity Consultant, the District will develop a climate check survey process to be conducted annually to assess students' attitudes and knowledge regarding various types of harassment, including harassment on the bases of sex and race; gather information concerning students' experiences with harassment on the bases of sex and race; determine whether students know when and how to make a report of bullying and harassment on the bases of sex and race; and the effectiveness of steps taken pursuant to this Agreement or otherwise by the District to ensure that its schools are free from harassment on the bases of sex and race. The climate check survey process will be conducted through, at least:
- Interviews of students from each grade, between third and twelfth, and of parents and community groups from representative District elementary, middle, and high schools. The Equity Consultant and a District administrator(s) with knowledge of Title IX and Title VI will conduct the interviews. An interview plan and list of questions must be provided to OCR for review and approval prior to the interviews; and

- Administration of a climate and/or bullying and harassment survey, which may be accomplished through a written or electronic survey, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss this issue in person. The District may utilize an existing climate survey for this purpose, provided it is customized to measure the specific information required by this provision, including specific questions about race- and sex-based harassment, including inappropriate sexual touching. The survey must be provided to OCR for review and approval prior to its use.
- B. The District will analyze the results of the climate check survey process within 60 calendar days of the date it is conducted each year. The analysis will include recommendations to address concerns or issues identified through the check.

REPORTING REQUIREMENTS

- C. By July 3, 2017, the District will provide the survey, interview plan, and draft interview questions to OCR for review and approval. OCR will respond within 30 calendar days.
- D. By December 1, 2017, and December 1, 2018, the District will conduct a district-wide climate check survey. Within 60 calendar days of completing its analysis of each of the climate check surveys, the District will provide for OCR's review and approval the results, any recommendations, and any responsive actions that it plans to take as a result of the annual climate survey results, including the value of its inclusion in the District's, Area's, or school's strategic plan. Upon OCR's request, the District will provide OCR with the raw results of the survey, notes from the student interviews, and any related documentation. OCR will respond within 30 calendar days of receipt of any materials.

VIII. TRAINING

A. TRAINING FOR THE COMPLIANCE COORDINATOR(S), ADMINISTRATORS, AND EMPLOYEES

ACTION ITEMS

1. In accordance with the approved training timeline described in section VIII.A.4, in collaboration with the Equity Consultant, the District will provide training to its designated coordinator(s), and any other relevant administrators or employees, including members of the Office of the General Counsel, Equity and Diversity Office, and the Department of Civil Rights Compliance, who are responsible for responding to complaints and appeals under the District's formal grievance procedures and who are responsible for responding to reports of bullying and harassment at schools. The training will address how to conduct and document adequate, prompt, reliable, and impartial investigations, including conducting interviews of victims of harassment in a fair, non-biased, and objective manner. The training will also focus on the responsibility of the coordinator(s) to regularly develop and participate in activities designed to raise awareness within the District regarding harassment and the District's

policies and procedure regarding harassment. OCR is available to provide technical assistance at the District's request.

2. In accordance with the approved training timeline described in section VIII.A.4, in collaboration with the Equity Consultant, the District will provide training to all District employees and District Police Officers, at both the District and school levels, regarding intervention and prevention strategies and responses to possible incidents of bullying and harassment on the bases of sex and race. This training will be provided separately to members of staff who work with particular grade levels - elementary, middle school, and high school - and will specifically target staff responsibilities by employment designation (e.g. site supervisors, school counselors, and teachers). In all cases, the training will include, at a minimum:
 - In-depth instruction on what types of conduct constitute harassment on the bases of sex and race, the root causes of such harassment, and the negative impact that such harassment has on the educational environment;
 - Available support services for students being harassed;
 - The availability of anti-bullying programs, and behavioral intervention programs;
 - A focused review of the District's harassment policies, and related grievance and reporting procedures; including the District's responsibility for responding to such harassment and how to respond to such harassment; and
 - Notice that failure to respond appropriately to reports of harassment on the basis of sex or race violates District policy and may result in the imposition of disciplinary sanctions.
3. In accordance with the approved training timeline described in section VIII.A.4, the District will provide training to all relevant District employees, at both the District and school levels, regarding the revised behavioral matrix or guidance. This training will be provided separately to members of staff who work with particular grade levels - elementary, middle school, and high school - and will specifically target employee responsibilities by employment designation (e.g. site supervisors, school counselors, and teachers). In all cases, the training will include, at a minimum: in-depth instruction on how to respond to unusual, severe, persistent, or pervasive behaviors (e.g., repeat sexual offenders, young sexual offenders, and individual incidents that create a hostile-environment for multiple students).

REPORTING REQUIREMENTS

4. By January 31, 2017, the District will provide a description of its proposed training, including a copy of the training materials, the name and credentials of the trainer, and a timeline for completing the training and providing documentation of the training to OCR for its review and approval. OCR will provide feedback, which the District will incorporate, and the District will resubmit its training proposal as needed for OCR's

review. This process will continue until the training proposal has been approved by OCR.

5. In accordance with the approved training timeline described in section VIII.A.4, the District will submit documentation demonstrating that the training referenced in this section above was provided. This documentation will include, at a minimum, the date(s) of the training; the name and credentials of the trainer; and copies of any training materials used, including handouts, guides, or other materials; and proof of attendance by relevant employees.

B. TRAINING FOR STUDENTS

ACTION ITEMS

1. In accordance with the approved training timeline described in section VIII.B.2, in collaboration with the Equity Consultant, the District will develop and provide annual age-appropriate student training district-wide regarding bullying and harassment, including cyberbullying. The training will be designed to increase awareness of what constitutes harassment based on sex and race, including examples of inappropriate sexual touching (e.g., touching of breasts, rear end, groin, private areas, etc.); how students can respond appropriately (e.g., “Stop, Walk, Talk” or bystander training); the District’s prohibition against such harassment; how to recognize harassment; the importance of reporting harassment; how reporting does not mean the reporter is being a “tattle-tale” or “snitch;” how to report harassment, including methods for reporting incidents anonymously; the prohibition against retaliation for reporting incidents; how to report incidents of retaliation; and the consequences for subjecting individuals to harassment or retaliation. In creating the training, the District will take into consideration the recommendations of the task force referenced in Section III.C above. The training will also cover the District’s harassment policies, and related grievance and reporting procedures; provide the name of the person(s) students may contact; and remind students of the availability of counseling and other support services.

REPORTING REQUIREMENTS

2. By January 31, 2017, the District will provide a description of its proposed training for students, including a copy of the training materials, the name and credentials of the trainer, and a timeline for completing the training and providing documentation of the training to OCR for its review and approval. OCR will provide feedback, which the District will incorporate, and the District will resubmit its training proposal for OCR’s review. This process will continue until the training proposal has been approved by OCR.
3. In accordance with the approved training timeline described in section VIII.B.2, the District will provide documentation to OCR demonstrating that the training referenced in this section was provided to all students. The documentation will include at a minimum: the date(s) of the training; the names and credentials of the presenters; and copies of any materials used, including any handouts, guides or other materials; and a statement verifying attendance by students.

IX. MONITORING AND SELF-ASSESSMENT OF PROGRAM EFFECTIVENESS

ACTION ITEMS

- A. By March 31, 2017, in collaboration with the Equity Consultant, the District will develop and implement a monitoring system and establish a monitoring committee, including at least one District-level administrator, to assess the effectiveness of its efforts to prevent and address harassment based on sex and race and to promote a non-discriminatory school climate. The assessment will be conducted annually and will include, at a minimum:
- A review of student climate surveys and interviews to determine where and when harassment on the bases of sex and race occurs; deficits in students' knowledge of what constitutes harassment on the bases of sex and race and where to report it; and recommendations for how the District can better encourage reporting of and improve its response to complaints and reports;
 - A review of all reports of bullying and harassment based on sex and race and the District's responses to such reports;
 - A review of the Task Force report(s);
 - Evaluation and analysis of the data collected concerning reported incidents of bullying and harassment on the bases of sex and race, such as reports from Infinite Campus; and
 - Evaluation of all measures designed to prevent or address harassment on the bases of sex and race.
 - Recommendations on how schools and the District can improve knowledge and increase awareness and effective responses; and
 - Consideration of whether recommendations should be incorporated in the District's business, finance, or strategic plans.
- B. Within 30 calendar days of completion of the annual assessment, the monitoring committee will provide a report of the assessment to the Superintendent, including recommendations and an action plan for addressing the issues identified. The action plan will inform the development of the District's Strategic Plan.

REPORTING REQUIREMENTS

- C. January 31, 2017, the District will provide to OCR a description of the monitoring system for OCR's review and approval. OCR will respond within 30 calendar days.
- D. By September 29, 2017, September 28, 2018, and September 27, 2019, the District will provide a copy of its annual assessment report to OCR.
- E. If revised pursuant to this section, the District will provide a copy of its Strategic plan to OCR within 30 days of its approval by the Board of Trustees.

X. ADDITIONAL REPORTING

In monitoring the District’s efforts to fulfill its obligations under this Agreement, OCR may request in writing additional reports or data as are necessary for OCR to determine whether the District has complied with the terms of this Agreement. The District will produce all requested information within a reasonable period of time but no later than 30 calendar days from the date of OCR’s written request, unless otherwise agreed upon.

Additionally, the District understands that before approving any District action, response, or document required under this Agreement, OCR may provide detailed comments and feedback which the District will address and incorporate prior to receiving OCR’s approval.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 CFR 106.8, 106.9, and 106.31, and Title VI, at 34 CFR 100.3, which were at issue in this review. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this agreement, OCR may visit the District, interview employees and students, and request such additional reports or data as are necessary for OCR to determine whether the District has complied with the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 CFR 106.8, 106.9, and 106.31 and Title VI, at 34 CFR 100.3, which were at issue in this review. 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 CFR 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.

/s/

November 28, 2016

Traci Davis
Superintendent
Washoe County School District

Date

APPENDIX A

ELEMENTS OF HARASSMENT POLICIES AND GRIEVANCE PROCEDURES

1. A statement setting forth the District's commitment to having a school environment free from all harassment on the bases of sex and race (may include other bases as well). The statement will explain that the District prohibits harassment in the school environment, including all academic, extra-curricular, and school sponsored activities. The statement will emphasize that employees (including teachers) must promptly report all incidents of bullying and harassment on the bases of sex and race of which they become aware. Additionally, the statement will encourage students to immediately report incidents of bullying and harassment; and reinforce that the District will not tolerate retaliation for reporting harassment; and will take steps to protect those who wish to report harassment anonymously or confidentially. The statement will specify that the District will investigate formal and informal complaints of bullying and harassment.
2. Definitions of what constitutes harassment on the bases of sex and race, including specific examples of prohibited conduct.
3. Disciplinary sanctions that may be imposed upon the harasser.
4. A statement that the prohibition regarding harassment on the bases of sex and race applies to conduct by employees, students, and third parties.
5. A statement that because students often experience the continuing effects of off-campus harassment in the educational setting, the District will consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus.
6. A requirement that employees (including teachers) and volunteers (including coaches) who become aware of possible harassment based on sex or race must report the incident to the principal or assistant principal at the relevant school site, or to the designated coordinators responsible for the categories of prohibited discrimination described in this Agreement, who will document the report consistent with the procedure pursuant to Section VI; and an explanation that such reports shall be treated as complaints under the District's procedures.
7. Instructions on how to initiate a complaint under the District's procedures.
8. The name/title, office address, telephone number, and e-mail address of the individual(s) with whom to file a complaint.
9. The various steps the District will take to conduct an adequate, reliable, and impartial investigation of all reports and complaints of harassment; and the interim measures that the District may take to ensure the safety of the complainant and the larger school community during the investigation.
10. Designated and reasonably prompt timeframes for major stages of the grievance process.
11. An opportunity for parties to present witnesses and other evidence.

12. Clarification that confidentiality only may be maintained to the extent it does not compromise the integrity of the equitable and impartial investigation.
13. Clarification of when complaints will be handled at the school site level and when these will be handled at the District level; and clarification of the roles of school employees, including District Police Officers, Office of the General Counsel, District employees, and outside law enforcement in the investigation.
14. A statement that the District will ensure that complainants are aware of their rights and available resources.
15. An assurance that the District will offer counseling and academic support services to any person found to have been subjected to harassment, including multiple victims of a single incident of harassment or school-wide incidents of bullying and harassment (e.g., sexual based touching games); and, where appropriate, to person(s) who committed the harassment.
16. Written notice to all of the parties of the outcome.
17. If the District has an appeals process, notice of the opportunity for parties to appeal the findings; and an assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker.
18. An assurance and the action steps, including disciplinary sanctions, the District will take to prevent recurrence of harassment and to correct its discriminatory effects, if appropriate, including actions steps the District will take to respond to repeat offenders of sexual harassment.
19. A statement that Title IX and Title VI prohibit retaliation against any individual who files a complaint under those laws or participates in a complaint investigation; and that the District will investigate all allegations of retaliation and take action against those found to have retaliated.
20. Clarification that in the event of a sexual assault, the principal of the school site will immediately inform: (a) the Title IX Coordinator, so that the District may ensure that it provides an appropriate response to the incident, consistent with the grievance procedures, and (b) law enforcement. The grievance procedures will also set forth a process to ensure that the victim is safe (this may include, for example, creating a safety plan and designating an individual at the site level to act as her or his support person during and after the investigation). The grievance procedure will also state that the law enforcement process does not replace a school's administrative investigation.

APPENDIX B

ELEMENTS FOR DOCUMENTING COMPLAINTS AND INCIDENTS, CONDUCTING INVESTIGATIONS, RECORD-KEEPING, AND TRACKING

1. A method for consistently and accurately documenting all reports and complaints of bullying and harassment on the bases of sex and race.
2. A method for tracking less severe incidents of bullying and harassment on the bases of sex and race of which responsible employees become aware but did not result in a report or complaint (e.g., racial name-calling in the hallway witnessed by a teacher).
3. A confidential procedure for instances in which the complaining party does not wish to identify her or himself to the alleged harasser.
4. A method for assigning school site administrators or other employees who have appropriate knowledge and experience of the procedures, to conduct investigations.
5. A requirement that the person designated to conduct the investigation will interview all relevant witnesses; including the alleged offender, victim(s), and others with knowledge of the incident.
6. A method for documenting and maintaining interviews and other written information from all sources (including the parties involved; witnesses, teachers, counselors, and administrators) in a defined and consistent manner.
7. A requirement that the person designated to conduct the investigation will determine, based on a preponderance of the evidence, whether the alleged harassment did or did not occur; the identity of the student who engaged in the conduct; and the harm to the student subjected to the harassment, if any.
8. A method for the person designated to conduct the investigation to document the investigative findings, and the specific steps he or she took in conducting the investigation and reaching conclusions.
9. A requirement that the person designated to conduct the investigation will maintain on-going contact with the alleged victim throughout the investigation and within a reasonable period of time following conclusion of the investigation, to assess whether there has been ongoing harassment or retaliation, and to determine whether additional supportive measures are needed.
10. A process for the person designated to conduct the investigation to refer the matter to law enforcement authorities, where appropriate.
11. A requirement that the person designated to conduct the investigation will follow the District's investigative procedures regardless of whether the alleged harassment is also being investigated by another agency, unless the fact finding process would impede a law enforcement investigation. In such cases, the District will implement appropriate interim steps to provide for the safety of the victim and the school community and the avoidance of retaliation; and, the District will promptly

resume its investigation as soon as it is notified by the law enforcement agency that it has completed the evidence gathering portion of its proceeding.

12. A requirement that the individual designated to conduct the investigation will inform relevant members of the school community if the circumstances of an incident of harassment on the basis of sex or race suggests a threat to others. This may include, for example, notifying parents and employees if a student is sexually assaulted on the way home from school, or notifying employees of areas where harassment occurs.
13. A requirement that the individual designated to conduct the investigation will maintain records of all complaints, investigations, interim measures, interview notes, findings (including records of any corrective action taken, including disciplinary action), and the basis for those findings.
14. A requirement that should the person designated to document, investigate, keep records, and track complaints and incidents of bullying and harassment delegate another person to engage or assist in these activities, the person to whom the activities are delegated will have the necessary skills, abilities, and training to conduct those activities and will regularly report on those activities to the person with the primary responsibility for these activities.
15. Written guidance to teachers, administrators, and other employees regarding the Infinite Campus system and how to properly code incidents of racial and sexual harassment, how to properly link victims, offenders, and witnesses, and how to code and document resolutions and disciplinary or other remedial actions.
16. A method for tracking and monitoring reports and complaints for the purpose of identifying trends, repeat offenders, and other issues that may require immediate attention from administration or focused responses. At a minimum, the District should track and report on a monthly basis, the following information:
 - The name, race, sex, grade, school, and other relevant information of the offender and victim and of the individual reporting the incident (if different than the victim) (or noting deliberate omission of certain information pursuant to a request for anonymity);
 - All known witnesses to the alleged incident, the date each student involved in or witnessing the incident was interviewed, and the name of the employee conducting the interview;
 - The date, time, nature, content, and location of the incident, including supporting documentation when available;
 - The date the complaint or the report was made or the date when the school/District learned of the incident;
 - Information regarding whether the victim has been similarly targeted on previous occasions; whether the offender has harassed the victim or others on previous occasions; and if so, what additional measures will be taken to address the needs of the victim and the misconduct of the offender;
 - A brief summary of the investigating official's findings and the basis for those findings; and
 - The school/District's response to the incident.