

**Battle Creek Public Schools
Resolution Agreement
OCR Docket #15-16-1244**

Battle Creek Public Schools (the District) voluntarily enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the compliance concerns OCR identified during its investigation of the above-referenced complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100 (Title VI). Title VI prohibits discrimination on the bases of race, color, and national origin in any program or activity operated by a recipient of Federal financial assistance. The District agrees to take the following actions to comply with the requirements of Title VI that were at issue in this investigation.

I. Anti-Harassment Statement

The Superintendent will issue a statement that will be published on the District's website, printed in appropriate publications reaching all District parents, students, and employees, and posted in prominent locations, stating that the District does not tolerate acts of harassment, including acts of harassment based on a student's actual or perceived race, color, or national origin. The statement will encourage any student who believes they have been subjected to harassment or a hostile environment based on race, color, or national origin, or retaliation, to report it to the District and identify the process that should be used to file such complaints. The statement will include the District's commitment to conducting a prompt investigation. The statement will warn that employees, including substitute teachers, and students found to have engaged in acts of harassment that create a hostile environment based on race, color, or national origin and/or retaliation may be disciplined and make clear that such discipline may include, if circumstances warrant, suspension and termination or expulsion. The statement will encourage students, parents, and District employees to work together to prevent acts of harassment and retaliation.

Reporting Requirement 4: By September 11, 2023, the District will submit to OCR the draft statement required by Action Step I. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the statement.

Reporting Requirement 5: Within 45 calendar days of receiving OCR's final approval of the statement, the District will submit to OCR documentation that demonstrates the District has distributed the statement as required by Action Step I, including website links and other evidence of distribution.

II. Policy Review and Revision

By October 9, 2023, the District will revise its applicable anti-discrimination and anti-harassment policies and complaint procedures to ensure that the District adequately addresses the Title VI prohibition on discrimination based on race, color, and national origin. The District will revise these policies and procedures in a manner that (1) is reasonably designed to prevent, address, and respond to incidents of staff-to-student and student-to-student discrimination and harassment on the basis of race, color, and national origin, and (2) sets forth a prompt and consistent process for

addressing complaints of such harassment. The District will submit these policies and procedures to OCR for review and approval and respond to OCR's feedback until the District receives OCR's final approval.

At a minimum, these policies and procedures will include the following provisions:

A. Non-Discrimination and Reporting.

1. A statement setting forth the District's commitment to having a school environment free from all discrimination, including harassment, on the basis of race, color, and national origin. The statement must explain that the District prohibits discrimination, including discriminatory harassment, on the basis of race, color, or national origin in the school environment, including all academic, extracurricular, and school-sponsored activities.
2. Examples of the types of harassment and other discriminatory conduct that the policies and procedures cover, including examples of staff-to-student and student-to-student conduct.
3. An explanation of how to report and/or file a complaint of discrimination, including discriminatory harassment, on the basis of race, color, or national origin.
4. A requirement that District employees, substitutes, and contractors report incidents of alleged student-to-student and staff-to-student harassment that may be based on race, color, and/or national origin that District personnel witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to harassment in other forms.
5. A prohibition on retaliation against persons who report harassment or participate in related proceedings (e.g., witnesses, the accused party, etc.).

B. Complaint Procedures.

1. Definitions and examples of harassment on the basis of race, color, and national origin.
2. The name or title, office address, e-mail address, and telephone number for the District employee(s) responsible for receiving and investigating reports of harassment on the basis of race, color, or national origin, and retaliation.
3. A description of the procedures that will be used to receive, investigate, and resolve complaints, including how to file complaints, the availability of interim measures, the steps that will be taken as part of the complaint investigation, and notice of the outcome to the complaint. The procedures will include the following requirements:

- a. Documented interviews with individuals who have information about the complaint, including but not limited to, the alleged target of harassment or other discrimination, the reporter (if different than the target), the person accused of harassment or other discrimination, witnesses, and anyone mentioned as having relevant information.
- b. Review of any records, notes, statements, or other documents related to the complaint.
- c. An investigative report about the District's investigation of discrimination and/or harassment allegations prepared by the District's designated personnel or their designee. The required investigatory report will include, at a minimum: (1) the name, race and/or national origin of the alleged target and, if different from the target, the name, race and/or national origin of the reporter; (2) the nature of the allegation(s) (e.g., staff-to-student harassment, student-to-student harassment); (3) the date, time (if known), and a description of the alleged incident(s); (4) the name(s), race and/or national origin of all persons alleged to have engaged in harassment or other discrimination, if known; (5) the name(s), race and/or national origin of all known witnesses to the alleged incident(s); (6) any written statements of the reporter, the alleged target (if different from the reporter), the accused staff and/or student(s), and any known witnesses; (7) an explanation of the investigative steps taken (e.g., witness interviews conducted, review of documentary or video evidence, use of climate surveys, etc.); (8) the outcome of the investigation; and (9) the response of school personnel and, if applicable, District-level personnel to the outcome of the investigation (e.g., any disciplinary or remedial action taken in response).
- d. Notice of the outcome of the complaint to the parties, including:
 - i. The findings of fact based on the evidence gathered.
 - ii. As to each allegation, the District's conclusion(s) as to whether harassment and/or discrimination occurred, whether it was based on race, color, and/or national origin, and the reasons or rationales for such conclusion(s).
 - iii. The consequences imposed on any individual(s) found to have engaged in harassment and/or discrimination that relate to the subject of the complaint, where sharing these consequences with the complaining party is permitted by federal law.
 - iv. Notice to the complainant to immediately report to the District any recurrence of the conduct or of acts of retaliation.
- e. A requirement that the District will take steps that are reasonably calculated to stop, remedy, and prevent recurrence of any discrimination, including harassment, or retaliation that the District found to have occurred and to address its effects on the complainant and any other affected individuals. The requirement will include a description of specific action steps the District may take including appropriate disciplinary action against students and staff who violate the policy. The requirement will identify specific remedies available, including compensatory

education, the development of a safety plan, or the provision of counseling when appropriate.

4. A requirement that the designated District employee(s) document all reports of incidents of harassment or other discrimination based on race, color, and national origin and that the District establish a protocol for recordkeeping.
5. A prohibition of retaliation against persons who report harassment or other discrimination or participate in related proceedings (e.g., witnesses, the accused party; etc.).

Reporting Requirement 6: By October 9, 2023, the District will submit to OCR for review and approval a draft of the revised anti-discrimination and anti-harassment policies and complaint procedure in accordance with Action Step II.A-II.B. The District will respond to OCR’s feedback on these items until the District receives OCR’s final approval.

C. Adoption and Implementation of Policies and Complaint Procedure: Within 60 calendar days of OCR’s approval of the anti-discrimination and anti-harassment policies and complaint procedure revised under Action Step II.A-II.B above, the District will:

1. Adopt the policies and complaint procedure, publish them on its website, and notify students and parents of the policies and procedure, including information about where copies may be obtained by means that are designed to reach each student and parent. Such means could include placing a dedicated and policy-specific notification in any regularly issued District newsletter or bulletin or sending a notice or a copy of the policies and procedure to each student via e-mail. The District will also make any necessary updates to its parent, student, and employee handbooks.
2. Provide a digital copy of the policies and complaint procedure to all District administrators and staff (e.g., teachers, school aides, human resources staff, etc.), substitutes, and contractors.

Reporting Requirement 7: Within 60 calendar days of OCR’s approval of the policies and complaint procedure developed or revised under Action Step II.A-II.B above, the District will provide OCR with documentation showing that the District implemented Action Step II.C, including: a description of the means used to provide notice to students and parents and copies of any notices or mailings issued; the link to the revised documents on the District’s website; and verification that copies of the revised documents were distributed to all appropriate District administrators and staff, substitutes, and contractors.

III. Staff Training

Within 75 calendar days of OCR’s approval of the policies and complaint procedure developed or revised under Action Step II.A-II.B of this Agreement, the District will provide training to all

District staff who are directly involved in processing, investigating, and/or resolving complaints or other reports of race, color, and national origin discrimination, including harassment complaints, and any principals, assistant principals, counselors, human resources staff, or other District personnel who are likely to receive reports of discrimination and/or harassment based on race, color, and national origin. The training will address at a minimum:

- A. the District’s anti-discrimination and anti-harassment policies and procedure;
- B. how to conduct reliable and impartial investigations of alleged discrimination on the bases of race, color, and national origin;
- C. the definition of harassment, examples of racial harassment, and how such harassment can create a hostile educational environment for students;
- D. how to make a determination consistent with the requirements of Title VI;
- E. the factors to consider in determining if a hostile environment based on race, color, and/or national origin exists;
- F. how to develop effective and appropriate remedies when a hostile environment based on race, color, and/or national origin has been found to have occurred;
- G. the appropriate disciplinary measures for violations of the anti-discrimination and anti-harassment policies in accordance with the District’s policies and procedure;
- H. the importance of notifying students and parents who have reported discrimination or harassment of the steps the District is taking in response to the reported incidents, and guidance to employees on how and when to provide this notification; and
- I. how to document the investigation and outcome of the investigation as required by the District’s policies and procedure.

Reporting Requirement 8: Within 90 calendar days of OCR’s approval of the policies and complaint procedure developed or revised under Action Step II.A.-II.B of this Agreement, the District will provide OCR with documentation demonstrating that the training referenced in Action Step III of this Agreement was provided. The documentation will include: the name(s), title(s), and qualifications of the trainer(s), demonstrating that the trainer(s) is a competent authority on Title VI; the date(s) and time(s) of the training(s); copies of the agenda(s) and any training materials distributed; and copies of the sign-in sheets of attendees, indicating name(s) and job title(s).

VI. General Requirements

By signing this Agreement, the District agrees to provide the foregoing 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.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100, which were at issue in this complaint.

The District understands and acknowledges that OCR may initiate administrative proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms and obligations of the Agreement and/or the Title VI statutory and regulatory obligations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

/s/

05/26/2023

Superintendent or Designee

Date