

**RESOLUTION AGREEMENT  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
#09-10-5002**

To resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR) in its investigation of the above-referenced compliance review of the District, the District agrees to the terms of this Agreement. OCR initiated the review to assess the District's compliance with Title IX and its implementing regulation. Specifically, OCR investigated whether the District provides its students with an educational environment free of sexual harassment, and whether the District is in compliance with Title IX's procedural requirements.

Hereinafter, the term "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. It can include conduct such as touching of a sexual nature, making sexual comments, jokes or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity; or circulating, showing, or creating e-mails or websites of a sexual nature. "Gender-based harassment" includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex or sex-stereotyping, but 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.

The terms sexual and gender-based harassment in this agreement encompass all harassment based on sex. A district violates Title IX if a student experiences sexual or gender-based harassment and the harassing conduct is sufficiently serious to deny or limit the student's ability to participate in or benefit from the program; the district knew or reasonably should have known about the harassment; and the district fails to take immediate effective action to eliminate the hostile environment, prevent its recurrence, and address its effects.

The District agrees to take all reasonable steps to ensure that students enrolled in the District are not subject to sexual or gender-based harassment. To this end, the District will promptly investigate all incidents of sexual and gender-based harassment of students that are known or reasonably should be known to the District and will take appropriate action to respond to complaints, which may include disciplinary action against students and/or staff found to have committed such harassment. 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 victim and the larger school community.

## **I. ANTI-HARASSMENT STATEMENT**

By November 15, 2013, the Superintendent and School Board will issue a statement to all District students, parents and staff that will be printed in each school's and/or District's newsletter, posted in prominent locations at the District's schools, and published on the District's website, stating that the District does not tolerate acts of sexual or gender-based harassment. The statement will encourage any student who believes he or she has been subjected to sexual harassment or gender-based to report the harassment to the District and note the District's commitment to conducting a prompt 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 counseling and educational resources will be available to both students who are harassed and students found to have engaged in acts of sexual or gender-based harassment; it will also warn that harassers may be disciplined including, if circumstances warrant, suspension or expulsion. The statement will encourage students, parents and District staff to work together to prevent sexual and gender-based harassment. The District will distribute this statement in languages other than English, as necessary.

## **II. CONSULTANT.**

The District will retain the services of a consultant with expertise in the area of sexual and gender-based harassment prevention and training. The consultant will collaborate with the District to:

- a. Evaluate and recommend revisions to the District's policy, procedures, and practices for preventing, investigating, and remediating sexual and gender-based harassment required by Section III and IV below;
- b. Develop and provide Title IX training required by Sections V, IX and X below;
- c. Develop a climate check and task force required by Sections VII and VIII below and make recommendations to the District regarding its sexual and gender-based harassment policy, procedures, and practices based on the results of the check and recommendations of the task force;
- d. Develop a system for tracking complaints of sexual and gender-based harassment required by Section XIII below.
- e. Develop an education plan and guidance on remedial action required by Section XIV below.
- f. Develop a monitoring program to assess the effectiveness of the District's efforts to prevent and address sexual and gender-based harassment required by Section XVI below.

### **REPORTING REQUIREMENT:**

By December 6, 2013, the District will provide written documentation to OCR that confirms that it has retained a consultant with appropriate expertise.

### **III. SEXUAL AND GENDER-BASED HARASSMENT POLICY.**

In collaboration with the consultant, the District will draft revisions to its policy (Policy) related to sexual and gender-based harassment. The Policy will include, at a minimum, the following:

- a. definitions of sexual harassment and gender-based harassment, including specific examples of prohibited conduct. The definitions and examples will make clear that the following (non-exhaustive) list of kinds of conduct may constitute sexual or gender-based harassment: the use of gender-specific or sexual names and sexual language, whether spoken or written (including graffiti) and whether used by a student or an adult; harassment of a student because of her or his nonconformity with gender stereotypes; any sexual touching of a student by an adult; nonconsensual sexual touching between students; inappropriate sexual touching between students (even if purportedly consensual); and sexual conduct that would also be considered criminal activity, such as sexual assault;
- b. a statement that the prohibition on sexual and gender-based harassment applies to conduct by employees, students, and third parties;
- c. a statement that because students often experience the continuing effects of off-campus sexual and gender-based 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.
- d. a requirement that staff who become aware of possible sexual or gender-based harassment report the incident to the principal or vice principal at the relevant school site or the Title IX Coordinator, and an explanation that such reports shall be treated as complaints under the Procedure referenced in Paragraph I, above;
- e. a statement that incidents of sexual or gender-based harassment will be investigated and resolved pursuant to the Procedures referenced in Section IV, below; and
- f. a prohibition of retaliation against any person who complains of sexual or gender-based harassment and/or participates in the complaint process.

#### **REPORTING REQUIREMENT:**

By February 7, 2014, the District will provide the revised Policy to OCR for review and approval. Within 30 days of OCR's approval of the Policy, the District will formally adopt the Policy and notify OCR that it has done so.

#### **IV. TITLE IX GRIEVANCE PROCEDURES.**

In collaboration with the consultant, the District will revise and implement grievance procedures (Procedures) for addressing possible incidents of sexual and gender-based harassment. The District will ensure that the Procedures provide an easily accessible and user-friendly system for the prompt and equitable resolution of complaints alleging sexual or gender-based harassment. At a minimum, the Procedures will:

- a. state that the Procedures apply to complaints alleging sexual and gender-based harassment as described in the Policy referred to in Paragraph III above, by employees, students, or third parties.
- b. provide instructions on how to initiate a complaint under the Procedures, such as by (1) orally reporting allegations of sexual and/or gender-based harassment to specifically identified staff at the District level (e.g., the Title IX Coordinator) or site level (e.g., Principal/Vice Principal) or (b) submitting a letter or written form describing the allegations of sexual and/or gender-based harassment at the site level or to the District. (This form may be the District's existing Harassment/Discrimination Incident Report form.)
- c. describe the District's obligation to:
  1. identify, investigate and document incidents and alleged incidents of possible sexual and gender-based harassment, including information that comes to the attention of school or District staff without a formal complaint;
  2. provide for the adequate, reliable, and impartial investigation of all complaints within a reasonably prompt timeframe, including the opportunity for parties to present witnesses and other evidence. The Procedure will clarify when complaints will be handled at the school site level and when they will be handled at the District level, and clarify the specific roles of school staff, including School Resource Officers, District staff, and law enforcement in the investigation. The District will assign school site administrators or staff with appropriate knowledge and experience with responsibility for conducting the investigation. The designated individual will interview all relevant witnesses, including the alleged harasser, the student allegedly harassed and others with knowledge of the incident, and will document all interviews. 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 subject to the harassment, if any. The designated individual will document the investigative findings and the specific steps he or she took in conducting the investigation and reaching conclusions;
  3. take interim measures during the investigation to ensure the safety of the reporting student and the larger school community, to address any ongoing harassment and to prevent retaliation against the reporting student;

4. determine the remedial action necessary to address and resolve an incident, including, as appropriate, provision of educational resources and counseling for the individual harassed and the harasser, other steps to address any impact on the individual harassed, witnesses and the broader student body, and any other necessary steps to protect the individual subject to the harassment and witnesses from retaliation, as well as other steps reasonably calculated to prevent future occurrences of harassment, including discipline of the harasser;
  5. provide written notice to the complaining party of the findings of the investigation and the corrective action taken;
  6. maintain on-going contact with the individual harassed throughout the investigation;
  7. contact the individual harassed 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;
  8. maintain all documentation of the complaint investigation and any corrective actions taken in a system that allows the Title IX Coordinator or others to track incidents by school site and throughout the District;
  9. refer the matter to law enforcement authorities, where appropriate;
  10. follow the Procedure 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; the District will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering portion of its proceeding, and
  11. inform relevant members of the school community if the circumstances of an incident of sexual or gender-based harassment suggest 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.
- d. Provide for an alternate confidential procedure to be implemented in instances where the complaining party does not wish to identify her or himself to the alleged harasser. The Procedures will make clear that confidentiality only may be maintained to the extent it does not compromise the integrity of the equitable and impartial investigation.

- e. Include a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.
- f. Provide for a system of regular, real-time reporting to the Title IX Coordinator and/or senior-level District administrators regarding complaints or incidents of possible sexual or gender-based harassment.
- g. Specify 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 Procedures, and (b) law enforcement. The 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 the investigation).

#### REPORTING REQUIREMENT:

By February 7, 2014 the District will provide a draft of the Procedures to OCR for review. Within 30 days of OCR's approval, the District will formally adopt the Procedure and notify OCR that it has done so. Within 30 days of adoption the District will disseminate the Procedures to District staff and administrators and notify OCR that it has done so pursuant to Section VI below.

#### **V. TITLE IX COORDINATOR.**

The District will designate at least one individual (the Title IX Coordinator) to coordinate its efforts to comply with and carry out its responsibilities under Title IX, including the equitable resolution of complaints of sex discrimination, including sexual and gender-based harassment, filed by students, staff and faculty.

In collaboration with the consultant, the District will develop a training program for the Title IX Coordinator that covers recognizing and appropriately responding to Title IX complaints filed by students, staff, and faculty. The training will address how to conduct and document adequate, prompt, reliable, and impartial investigations, including conducting interviews of victims of sexual assault and communicating in a fair, non-biased, and objective manner. The training will also focus on the responsibility of the Title IX Coordinator to regularly develop and participate in activities designed to raise awareness within the District regarding sexual and gender-based harassment and the District's Policy and Procedures regarding sexual and gender-based harassment.

## REPORTING REQUIREMENT:

By February 7, 2014, the District will inform OCR of the identity and qualifications of the Title IX Coordinator, and outline the training program developed for the Title IX Coordinator pursuant to this Item II.

## **VI. NOTICES.**

The District will provide notice to students, parents/guardians, and employees of the revised Policy referred to in Paragraph III above and that anyone wishing to make a complaint of sexual or gender-based harassment, may do so in accordance with the Procedures referred to in Paragraph IV above. The notice will take the form of, at a minimum: (1) annual mail/email distribution to students, parents/guardians, and employees of the Policy, the Procedures, and the Title IX Coordinator's contact information; (2) inclusion of the Policy, the Procedures, and the Title IX Coordinator's contact information in the Parent/Student Handbook and in the Principal's Handbook and any equivalent publication for faculty and/or staff; (3) posting of the Policy, the Procedures, the Title IX Coordinator's contact information, and the identity and contact information of any individuals at the school site to whom concerns about sexual or gender-based harassment may be brought, in an area clearly visible to students, parents/guardians, faculty, and staff at each of the District's schools; and (4) posting notice of the Policy and the Procedures, and the Title IX Coordinator's contact information on a readily accessible portion (such as the home page or the "About WCCUSD" page) of the District's website, along with instructions on how to access the Policy and the Procedures through Gamut.

## REPORTING REQUIREMENTS:

By May 7, 2014, the District will inform OCR of the steps taken to notify its stakeholders that it does not discriminate on the basis of sex and of the Title IX Coordinator's contact information, and that it has disseminated the Policy and Procedures to District employees, students and parents/guardians, and of the method of dissemination. The District will inform OCR in writing of its plan for ongoing annual dissemination.

By May 7, 2014, the District will post notice of the Policy and Procedures at the school sites and on its website and notify OCR that it has done so.

## **VII. CLIMATE.**

The District will ensure that the educational environment of each student who reports sexual or gender-based harassment is free of harassment, and will take steps to eliminate the hostile environment, including interim measures to assist or protect the complaining student and the broader school community, where appropriate, during the investigation of reported harassment.

In collaboration with the consultant, the District will develop and conduct an annual climate check process to assess students' attitudes and knowledge regarding various

types of sexual and gender-based harassment; gather information concerning students' experience with sexual and gender-based harassment; determine whether students know when and how to report sexual and gender-based harassment; and assess the effectiveness of steps taken pursuant to this Agreement or otherwise by the District to ensure that its schools are free of sexual and gender-based harassment and, in particular, sexual assaults and sexual violence. The climate check process will be conducted through:

- a. interviews of groups of randomly selected students from each grade, between fifth and twelfth, from representative District elementary, middle and high schools. The consultant and a District administrator with Title IX training 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
- b. administration of a climate 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 the California Healthy Kids Survey for this purpose, provided it is customized to measure the specific information required by this item VII. The survey must be provided to OCR for review and approval prior to its use.

Information gathered during the climate check will be used to inform future proactive steps taken by the District, and to make adjustments to the education plan and guidance on remedial action described in Item XIV, below. The District will analyze the results of the climate check process and within sixty (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 REQUIREMENT:

By May 7, 2014, the District will provide the survey, interview plan and draft interview questions to OCR for review.

By May 23, 2014 and annually thereafter until OCR has completed its monitoring of this Agreement, the District will conduct a climate check. Within 60 days of completing its analysis of the climate check, the District will inform OCR of the results, any recommendations, and any responsive actions that it plans to take. 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.

#### **VIII. TASK FORCE.**

In collaboration with the consultant, the District will develop a Task Force that will include parents, community members, representatives from at least two community-based organizations that currently provide services to the District related to sexual and gender-based harassment, and at least three students to make recommendations for

improving school climate and identifying strategies for preventing harassment and ensuring that District students understand their right to be protected from sexual and gender-based harassment and how to report incidents of harassment. The Task Force will also make recommendations concerning the education plan and guidance on remedial action required by Item XIV, including outreach to parents/guardians to educate them on the District's Policy and Procedures concerning sexual and gender-based harassment and the District's other anti-harassment efforts. The District will designate an employee to coordinate the Task Force's meetings and work; the designated employee will prepare a written summary of the recommendations of the Task Force. The District may develop the Task Force from the structure and membership of an existing committee with a similar purpose. The Task Force will meet at least two times each semester

#### REPORTING REQUIREMENTS:

By March 7, 2014, the District will provide OCR with written confirmation that the task force has been duly constituted, as well as the date of the first meeting of the Task Force.

By September 19, 2014, and annually thereafter, the District will provide OCR with a report summarizing the Task Force's recommendations and the District's responses there to, including whether and how they were implemented.

#### **IX. STAFF TRAINING.**

In collaboration with the consultant, the District will provide training to all District staff and School Resource Officers, to recur on an annual basis, regarding the prevention of and response to possible sexual and gender-based harassment. This training will be provided separately to 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:

- a. in-depth instruction on what types of conduct constitute sexual and gender-based harassment, the root causes of such harassment and the negative impact that such harassment has on the educational environment;
- b. a focused review of the Policy and Procedures, including specific guidance on what constitutes sexual and gender-based harassment, the District's responsibility for responding to such harassment, and how to respond to such harassment; and
- c. notice that failure to respond appropriately to notice of sexual or gender-based harassment violates District policy and may result in the imposition of disciplinary sanctions.

In collaboration with the consultant, the District will also provide, on an annual basis, training for individuals with responsibility for conducting investigations or supervising

investigators on how to conduct and document adequate, prompt, reliable, and impartial investigations and the appropriate standards to apply in reaching determinations.

Training for site supervisors and student supervisors will emphasize the supervisors' specific responsibilities to actively monitor their assigned campus area(s), respond to incidents of sexual and gender-based harassment, and exhibit the proper level of professionalism in a public school setting, including boundaries to be observed when interacting with students.

**REPORTING REQUIREMENT:**

By August 29, 2014, the District will notify OCR that it has provided the requisite training, including a description of the content covered, who provided the training and who participated. The District will continue to notify OCR of completion of this training each October on an annual basis until such time as OCR closes the monitoring of this case.

**X. STUDENT TRAINING.**

In collaboration with the consultant, the District will develop and provide annual age-appropriate student instruction designed to increase awareness of what constitutes sexual and gender-based harassment. The training will cover the District's Policy and Procedures, ensure that students are aware of the District's prohibition against such harassment, educate students on how to recognize such harassment, inform students of the consequences of such harassment, and encourage students to report such harassment.

**REPORTING REQUIREMENT:**

By September 26, 2014, the District will inform OCR of the steps it has taken to provide student instruction pursuant to Item VIII.

**XI. OUT-OF-CLASS SUPERVISION OF STUDENTS.**

The District will ensure an appropriate level of supervision of students by school staff at each school during times that students are on campus but not in class, such as immediately before and after school, during passing periods, lunch/recess, and all school-sponsored after-school activities, whether held on campus or off campus.

**REPORTING REQUIREMENT:**

By February 14, 2014 the District will inform OCR of the steps it has taken to ensure that students are appropriately supervised when they are on campus but out of class and at all school-sponsored after-school activities, either on campus or off campus.

**XII. HARASSMENT BY PERSONNEL.**

- a. The District will establish a process for school sites to communicate to Human Resources when a regular or substitute teacher has engaged in inappropriate behavior with students (including any sex-based harassing behavior), and the process that Human Resources must follow upon receipt of such notice to ensure that appropriate responsive steps, such as discipline of a regular teacher or actions to establish the substitute teacher's ineligibility to teach in the District and notification of law enforcement, are taken. The District will inform all school sites and Human Resources of this process.
- b. The District will take corrective action if necessary to address the sexually harassing conduct of a Richmond High School site supervisor toward female students on the girls' basketball team during the 2006-2007 school year, as well as any subsequent incidents of sexual harassment of students by this person. The District will consider evidence gathered during the investigation by the school site in 2009 as well as any subsequently discovered evidence and notify the party who complained of the harassment on behalf of students in spring 2009 of the resolution of her complaint. The District will notify OCR whether discipline or termination of sports duties was implemented and the nature of such discipline or termination of duties.
- c. The District will take corrective action appropriate if necessary to address the harassing conduct of an elementary school teacher at Bayview Elementary School toward a sixth grade female students during the 2009-2010 school year, as well as any subsequent incidents of sexual harassment of students by this individual. The District will consider evidence gathered by the Principal at that school site and any other relevant, reliable evidence, in determining the appropriate corrective actions.
- d. The District will revise personnel procedures to ensure that employees know that sexual harassment of students will have serious consequences, including possible discipline and reporting to law enforcement and to credentialing agencies, and that failure to report knowledge of such harassment or peer to peer harassment will also result in consequences.

#### REPORTING REQUIREMENT:

By March 7, 2014, the District will inform OCR of the process established to address sex-based harassing conduct of substitute teachers and provide a copy of the written notice provided to school sites and Human Resources.

By December 6, 2013, the District will provide OCR with documentation of the corrective actions taken in response to the sexually harassing conduct of the employee at Richmond High School.

By August 29, 2014, the District will provide documentation of the changes to the personnel procedures.

### **XIII. TRACKING COMPLAINTS OF SEXUAL HARASSMENT.**

In collaboration with the consultant, the District will develop and implement a system for tracking and reviewing reports (including reports that do not result in the filing of a complaint), investigations, interim measures, and resolutions of student and employee conduct that may constitute sexual or gender-based harassment to ensure that such reports are promptly and impartially investigated and resolved.

The Title IX Coordinator 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.

#### REPORTING REQUIREMENT:

By April 25, 2014, the District shall provide to OCR a description of the tracking and reviewing system and confirmation of the date that it became operative.

#### **XIV. ADDITIONAL MEASURES.**

In collaboration with the consultant and taking into account the recommendations of the Task Force, the results of the climate check and the District's experiences implementing the other provision of this agreement, the District will develop and implement best practices to reduce the incidence of sexual and gender-based harassment among students through the education of students, parents and employees, and improvements in remediation.

- a. Education. The District will develop a plan for educating the students, parents and employees about issues related to sexual and gender-based harassment, including what constitutes harassment and the impact it has on individual students and the educational environment, the prohibition of harassment in the educational setting, the importance of reporting harassment, the District's obligation to respond appropriately to notice of harassment, and potential consequences and corrective action if harassment is found. Each of the District's schools will implement the plan and monitor its effectiveness.

The plan will include differentiated approaches for educating students at the elementary and secondary level. In developing the plan, the District will consider a variety of age-appropriate approaches to student education, including, for example, small group student instruction, integration of relevant curriculum in the classrooms and expansion of relevant programs already being provided at some District schools in partnership with community-based organizations (e.g., My Strength, Expect Respect, Healthy Relationships and Girls' Assertiveness Training). The proposal will include, specifically, recommendations on how to address students' reluctance to report incidents of sexual and gender-based harassment based on concerns about being labeled a "snitch" and the repercussions of such a label. This may include, for example, facilitation of discussions regarding the importance of protecting self and peers, providing a mechanism for students to report incidents anonymously at the school site, and/or designating volunteer student "ambassadors" who report such incidents.

Educational outreach for parents may include, for example, evening classes, mailings sent home and posted in the schools, and collaboration with existing parent groups such as School Site Councils, Parent Teacher Associations and Bayside.

- b. Guidance on Remedial Action. The District will develop guidance to help ensure the effectiveness of remedial actions taken in response to sexual and gender-based harassment. Each of the District's schools will implement the guidance and monitor its effectiveness.

In developing guidance, the District will assess what remedial actions are or would be most effective for this purpose at the elementary, middle and high school levels. The District will consider the current practices regarding remedial action at District schools, and their effectiveness, the letter of findings that OCR issues explaining the results of its compliance review, written guidance published by OCR and other resources the District deems useful, such as current research and best practices in other school districts.

The guidance will address age-appropriate strategies for stopping the harassment, remedying the effects of the harassment, and preventing repeat behavior. The guidance will identify (a) possible interventions for the student who engages in the conduct, such as participation in a facilitated discussion group, counseling, adult or peer mentoring, restorative justice, a behavioral intervention plan, and discipline, and (b) strategies to mitigate the impact of the conduct on the target of the harassment, such as counseling, participation in a discussion group or a self-defense workshop, adult or peer mentoring, development of a personal safety plan at school, and referral to outside resources. The guidance will identify actions to address the various types of conduct that may constitute sexual and gender-based harassment, such as sexual/gender-specific or gender-connotative name-calling, sexual language/innuendo, both consensual and nonconsensual touching, and sexual graffiti. The guidance will also address when more systemic responses, such as classroom discussions and assemblies, are needed to address the overall campus environment. Prior to implementing the Guidance on Remedial Action, the school sites will provide instruction on the guidance to faculty and relevant staff.

In assessing the effectiveness of and determining appropriate changes to the educational plan and guidance, the District will consider the results of the District's annual climate check.

#### REPORTING REQUIREMENTS:

By November 21, 2014 the District will provide OCR, for its review and approval, the proposed education plan. Within 30 days of OCR's review and approval of the Plan, the District will confirm to OCR that it has begun implementing the plan at District schools. The District will provide bi-annual reports to OCR thereafter on its progress in implementing the plan.

By January 23, 2015, the District will provide OCR with its draft guidance for review and

approval. Within 30 days of OCR's review and approval of the guidance, the District will confirm to OCR that it has begun implementing the guidance at District schools. The District will provide bi-annual reports to OCR thereafter on its progress in implementing the guidance.

## **XV. REPORTS.**

Within thirty (30) days of the end of each semester, the District will provide to OCR information regarding each incident of alleged sexual harassment against a student that occurred in the preceding semester in all schools in the District. Information provided will include any complaint, incident report, correspondence (including email) or other written description of the allegations, and a copy of any documentation of the school's or District's response, including interview notes, investigative reports, written findings, and records of any corrective action taken, including any disciplinary action.

## **XVI. MONITORING.**

By March 13, 2015, in collaboration with the consultant, the District will develop and implement a monitoring program to assess the effectiveness of its efforts to prevent and address sexual and gender-based harassment and to promote a non-discriminatory school climate. At the conclusion of each school year, the District will conduct an assessment of the effectiveness of its anti-harassment efforts and submit the assessment to OCR. The assessment will include:

- a. A review of student climate surveys and interviews to determine where and when sexual and gender-based harassment occurs; deficits in students' knowledge of what sexual and gender-based harassment is and where to report it, and recommendations for how the District can better encourage reporting of and improve its response to complaints;
- b. A review of all reports of sexual and gender-based harassment and the District's responses to such reports;
- c. Evaluation and analysis of the data collected concerning reported incidents of sexual and gender-based harassment;
- d. Evaluation of all measures designed to prevent or address sexual and gender-based harassment, including the education plan and guidance on remedial action required;
- e. Any recommendations made by the Task Force.

The District agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until the later of July 31, 2016 and such date as it determines that the District has fulfilled the terms of this Agreement and is in compliance with the provisions of Title IX of the Education Amendments of 1972 applicable to this compliance review.

The District will provide data and other information in a timely manner. During the monitoring of this Agreement, 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 complied with the terms of this Agreement and the provisions of Title IX of the Education Amendments of 1972 applicable to this compliance 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 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

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Bruce Harter  
Superintendent

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Date