Settlement Agreement
Hanover Community School Corporation
OCR Case #05-12-1214

Hanover Community School Corporation (Corporation) submits the following Settlement Agreement to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case #05-12-1214. The Corporation submits this Agreement to ensure its compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin, with respect to the allegation raised in the complaint. By voluntarily entering into this Agreement with OCR, the Corporation admits no wrongdoing. This Agreement may not be used or construed to suggest that the Corporation has violated Title VI or its implementing regulations. The Corporation agrees to take the following actions.

Definition

As used in this Agreement, the term "harassment" includes the use of derogatory language (including racial epithets), intimidation, and threats, unwanted physical contact and/or physical violence, and the use of derogatory language and images in graffiti, pictures or drawings, notes, e-mails, and/or phone messages, based on race, color, and/or national origin.

Anti-Harassment Statement

1. By March 15, 2013, the Superintendent and School Board will issue a statement to all Middle School (School) students, parents and staff that will be printed in the School's newsletter, posted in prominent locations at the school, and published on the Corporation's website, stating that the Corporation does not tolerate acts of harassment, including acts of harassment based on race, color, or national origin. The statement will encourage any student who believes he or she has been subjected to harassment or a hostile environment based on race, color, or national origin to report the harassment or hostile environment to the Corporation and note the Corporation's commitment to conducting a prompt investigation. The statement will warn that students found to have engaged in acts of harassment or other acts that create a hostile environment based on race, color, or national origin will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension and expulsion. The statement will encourage students, parents and Corporation staff to work together to prevent acts of harassment of any kind.

   REPORTING REQUIREMENTS: By April 1, 2013, the Corporation will provide OCR with documentation demonstrating implementation of item 1. In particular, the Corporation will provide a copy of the statement issued by the Superintendent and School Board, documentation of the posting of the statement, and the location on the Corporation's website where the statement may be found.

Harassment-Related Policies and Procedures

2. By April 1, 2013, the Corporation will review and revise, as necessary, the Corporation's anti-harassment policy (Policy) to ensure it adequately addresses and provides the Corporation sufficient options for responding promptly and appropriately to incidents of harassment on the basis of race, color, or national origin. At a minimum, the Policy will provide the following:

   a. A statement setting forth the Corporation's commitment to having a school environment free from all harassment on the basis of race, color, or national origin. Such statement must explain that the Corporation prohibits race, color, and national origin harassment in the school environment, including all academic, extra-curricular and school-sponsored activities. The statement will encourage students to immediately report incidents of harassment. The statement will emphasize that staff are required to promptly report incidents of harassment. The statement will specify that the Corporation will investigate formal and informal complaints of harassment.

   b. Examples of the type of conduct and behavior that is covered by the policy, including examples of student-to-student conduct.

   c. Identification of the kinds of activities and sites where prohibited conduct could occur. (To the extent that a student experiences continuing effects of off-campus racial harassment in the school environment, the Corporation will consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus for the student.)

   d. An explanation of how to report harassment and/or file a complaint (formally or informally).

   e. A description of the Corporation's formal complaint procedures, including a Complaint Form, timeframes for the Corporation's investigation of a complaint and a requirement that written notice of the outcome be provided to the parties.

   f. Specific information as to the name or title and contact information (including office and email address and telephone number) for the Corporation employee(s) responsible for receiving the Complaint Form and/or investigating reports of harassment.

   g. A requirement that the designated Corporation employee(s) document all reports of incidents of harassment and that the Corporation establish a protocol for recordkeeping.

   h. A recommendation that Corporation staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment, unless circumstances would make such intervention dangerous.

   i. Prohibition of retaliation against persons who report harassment or participate in related proceedings.

j. A statement that the Corporation will provide counseling services, which could include school counseling, to any person found to have been subjected to harassment or to have engaged in harassment on the basis of race, color, or national origin.

k. Identification of the means the Corporation will use to investigate incidents of harassment, including but not limited to the following:
   i. the various steps the Corporation will take to conduct adequate, reliable and impartial investigations of reported incidents;
   ii. an assurance that the Corporation will take action to stop the harassment, remedy the harassment, and prevent recurrence;
   iii. the Corporation's standards for determining whether a hostile environment exists; and
   iv. a description of interim and, if appropriate, permanent measures it may take for the person who is the target of the harassment to assure no further harassment occurs, such as providing an escort or voluntary transfer, and an assurance that such interim or permanent measures are not disruptive to the student's educational opportunities.

REPORTING REQUIREMENTS: By April 1, 2013, the Corporation will submit the Policy revised pursuant to item 2 to OCR for approval.

3. By April 1, 2013, the Corporation will examine its School student code of conduct to determine whether it contains rules of behavior, offense categories, and disciplinary procedures to appropriately address violations of the Corporation's anti-harassment policies, as developed pursuant to item 2. The Corporation will revise the student code of conduct to the extent necessary to ensure it contains such rules of behavior, offense categories, and disciplinary procedures.

REPORTING REQUIREMENTS: By April 1, 2013, the Corporation will submit the student code of conduct revised pursuant to item 3 to OCR for approval.

4. Within 30 days of receipt of notice of OCR's final approval of the policies and procedures described in items 2 and 3, the Corporation will adopt, implement and publish the policies and procedures. Publication will include written notice of the Corporation's anti-harassment policy and procedures, including its formal and informal complaint procedures, to the school community, including students, parents, and Corporation administrators and staff. The Corporation will make this notification through its website as well as by any other means of notification the Corporation deems effective to ensure that the information is widely disseminated. As necessary, the Corporation will also update its parent, student, and employee handbooks, as well as its website.

REPORTING REQUIREMENTS: The Corporation will provide OCR with a report demonstrating implementation of item 4 within 60 days of OCR's final approval. In particular, the Corporation will provide copies of publications showing the revised

documents, copies of any handbooks revised, and the location on the Corporation's website where the policies and procedures may be found.

Staff and Student Training

5. By May 1, 2013, and annually thereafter, the Corporation will provide training to all School teachers, administrators, school aides, and any other Corporation personnel charged with supervising students on the policies and procedures referenced in items 2, 3 and 4 of this agreement. The training will specifically address the responsibility of staff to report incidents of possible harassment and the procedures for doing so, and provide instruction on how to recognize, prevent and respond appropriately to such harassment.

   REPORTING REQUIREMENTS: By May 15, 2013, and March 15, 2014, the Corporation will provide OCR with a report demonstrating implementation of item 5. In particular, the Corporation will provide documentation indicating the date of the training, lists of the trainers and attendees, topics covered during the programs and the amount of time spent on each topic, and copies of the materials used in the training.

6. By March 15, 2013, and annually thereafter for new staff, the Corporation will provide training to all School staff who are directly involved in processing, investigating and/or resolving complaints or other reports of race, color or national origin discrimination, including harassment complaints and any counselors or other Corporation personnel who are likely to receive confidential reports of race, color or national origin harassment. The training will review the Corporation policies and procedures referenced in items 2, 3 and 4 of this agreement and include instruction on how to conduct and document adequate, reliable, and impartial race, color or national origin discrimination or harassment investigations, including the appropriate legal standards to apply in such investigations. The training for new staff may be provided as part of the Corporation's orientation program for such staff.

   REPORTING REQUIREMENTS: By March 15, 2013, and by and March 15, 2014, the Corporation will provide OCR with a report demonstrating implementation of item 6. In particular, the Corporation will provide documentation indicating the date of the training, lists of the trainers and attendees, topics covered during the programs and the amount of time spent on each topic, and copies of the materials used in the training.

7. By March 15, 2013, and on an annual basis thereafter, the Corporation will provide an orientation program for all School students, administrators, staff, employees, agents, security officers, counselors, and coaching staff, which will address harassment, including racial harassment, in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on race, color or national origin for students enrolled in the Corporation. The Corporation will remind students of its commitment to having a school environment free from all harassment and explain to students what they should do if they believe they or other students are being harassed. The program will include a review of the Corporation's harassment policies and procedures, including an explanation of what harassment on the basis of race, color, or

national origin is, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation. The Corporation will also provide students with the name and contact information of a Corporation employee, such as a counselor, that the students may contact if they wish to confidentially discuss any concerns they have and remind students of the availability of counseling services. The Corporation will distribute written materials during the program that contain the information discussed. This program may be provided as part of the Corporation's annual session for students on bullying.

REPORTING REQUIREMENTS: By March 15, 2013, and March 15 2014, the Corporation will provide OCR with a report demonstrating implementation of item 7. The Corporation will provide documentation indicating the dates of the orientation, lists of the presenters, topics covered during the program and the amount of time spent on each topic, and copies of the materials used in the orientation.

Student Focused Remedies

8. a. By April 15, 2013, the Corporation will take all steps necessary to ensure that Student A is not subjected to a hostile environment on the basis of race or color. These steps will include identifying a specific contact person to whom Student A should report incidents of harassment if they recur and checking in with Student A to ascertain whether any further instances of harassment have occurred. In addition, the Corporation will conduct an investigation into reports of racial harassment of Student A since the beginning of the 2011-2012 school year (for any incidents not already investigated by the District), including any harassment mentioned during periodic check-ins described above, and determine consistent with its disciplinary policies, whether to take appropriate disciplinary action against students found to have engaged in racial harassment of Student A and/or violated the Policy. The investigation will include, at a minimum, an interview with Student A to identify all incidents of alleged harassment and names of witnesses to each incident, interviews with all individuals allegedly involved and witnesses identified for each incident, and a factual determination as to what occurred with regard to each incident. The Corporation will notify Student A's parents in writing of the determination(s) reached concerning the alleged racial harassment, including any incident previously investigated but for which the District did not provide the parent notice of the outcome. The Corporation will take prompt and appropriate responsive action to end the hostile environment if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects on Student A of the hostile environment, including providing counseling and academic support.

b. Throughout the remainder of the 2012-13 school year, the Corporation will check in with Student A on a periodic (at least monthly) basis to ascertain whether any further instances of harassment have occurred and take appropriate action if any harassment has occurred in accordance with this agreement. To the extent Student A identifies any "hot spots" in school where harassment is most often occurring, such as the cafeteria, hallways or restrooms, the Corporation will take appropriate action to monitor such hot spots to assure Student A is not subject to further harassment.

REPORTING REQUIREMENTS: By April 15, 2013, the Corporation will provide documentation to OCR that it has implemented item 8(a) of the agreement. In particular, the Corporation will provide the name of the designated contact person for Student A and all documents related to its investigation of the reported harassment of Student A, including notes of all interviews, and will provide documentation describing any disciplinary actions taken by the Corporation in connection with any incidents of alleged harassment. In addition, by June 3, 2013, the Corporation will provide documentation to OCR that it has implemented item 8(b) of the agreement. In particular, the Corporation will provide the dates of each check in with Student A, as well as a description of all information Student A provided during the check-ins, including whether or not Student A identified any "hot spots" where harassment is most often occurring, and the steps the Corporation took in response. The Corporation will also provide documentation describing any efforts to remedy the effects of a hostile environment on Student A.

Data Maintenance

9. On an annual basis, the Corporation will maintain the following data:

   a. all written reports and a written narrative describing all oral reports of incidents involving allegations of harassment based on race, color or national origin;
   b. a narrative of all actions taken in response to the reports, including any written documentation;
   c. a copy of all disciplinary sanctions issued to students for violations of the policies and procedures described in items 2, 3 and 4;
   d. documentation demonstrating any remedial efforts offered and provided to the victim of the harassing incidents, such as counseling, tutoring or other appropriate services; and,
   e. a narrative of all action taken to prevent recurrence of the harassing incidents, including any written documentation.

   REPORTING REQUIREMENT: By June 3, 2013 and June 3, 2014, the Corporation will provide the data referenced in item 9 to OCR for the most recently completed school year.

The Corporation understands that by signing this agreement, it agrees to provide data and other information in a timely manner. Further, the Corporation understands that, during the monitoring of this agreement, OCR may visit the Corporation, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Corporation has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title VI, at §100.3(a), which were at issue in this case.

The Corporation understands that OCR will not close the monitoring of this agreement until OCR determines that the Corporation has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title VI, at §100.3(a), which were at issue in this case.

Approved and agreed to on behalf of Hanover Community School Corporation:

Richard H. Cook
Name and Title
Interim Supt.

2/20/13
Date