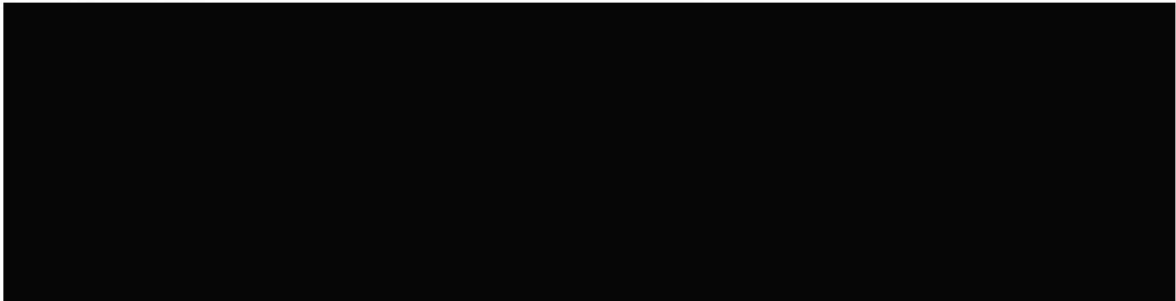


**RESOLUTION AGREEMENT**  
**Community School of Davidson**  
**OCR Case No. 11-23-1694**

Community School of Davidson (the School) agrees to fully implement this Resolution Agreement to resolve the allegation investigated in Office for Civil Rights (OCR) Case No. 11-23-1694. This Agreement does not constitute an admission by the School of a violation of Title VI of the Civil Rights Act of 1964 (Title VI) or any other law enforced by OCR.

**Action Item 1 – INDIVIDUAL REMEDY**

1.



**Reporting Requirements:**

a.



b.



**Action Item 2 – ANTI-HARASSMENT STATEMENT**

1. The Heads of the Lower and Upper Schools will issue a joint statement that will be published on the School's website, printed in appropriate publications reaching all School parents/guardians, students, and employees, including the Lower and Upper School Handbooks and posted in prominent locations at the School. The statement will:
  - a. Reiterate that the School does not tolerate acts of harassment, including acts of harassment based on a student's actual or perceived race, color, or national origin, including shared ancestry or ethnic characteristics (e.g., antisemitism).
  - b. 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 it to the School and identify the process that should be used to report such incidents.
  - c. Outline the School's commitment to conducting a prompt investigation.
  - d. Warn that students found to have engaged in acts of harassment that create a hostile environment based on race, color, or national origin may be disciplined and clarify that such discipline, if circumstances warrant, may include suspension and expulsion.

- e. Encourage students, parents/guardians, and School staff to work together to prevent acts of harassment.

**Reporting Requirements:**

- a. By May 31, 2023, the School will submit to OCR for its review and approval a draft statement written pursuant to Action Item 2.
- b. Within 30 calendar days of receiving OCR's final approval of the statement, the School will provide documentation which demonstrates the School has distributed the statement pursuant to Action Item 2.

**Action Item 3 – POLICY REVIEW AND REVISION**

- 1. The School will review its policies and procedures to ensure that the School effectively addresses the Title VI prohibition on discrimination based on race, color, and national origin, including discrimination based on a student's actual or perceived shared ancestry or ethnic characteristics. During its review, the School will identify the relevant policies and procedures currently in effect; convene a group of School staff to review the identified policies and procedures; revise the policies and procedures, as described below; and adopt and publish the revised policies and procedures prominently on the School's website and in any publication that is given to students and staff. The School will disseminate the revised policies and procedures by email to all administrators who will be directed to distribute, convene, and discuss the revised policies and procedures with staff. The dissemination will include a web link to the revised policies and procedures.

At a minimum, the School will ensure its policies and procedures include the following:

- a. Non-discrimination and reporting.
  - i. The statement must explain that the School prohibits harassment based on race, color, or national origin, including actual or perceived shared ancestry and ethnic characteristics, and that the School prohibits such harassment in the school environment, including all academic, extra-curricular and school-sponsored activities. The statement should outline the School's commitment to having a school environment free from all discrimination, including harassment, on the basis of race, color, and national origin. The statement will also encourage students to immediately report incidents of harassment. The statement will emphasize that staff must promptly report to the designated School administrators, all incidents of harassment of which they become aware, regardless of whether a formal report and/or complaint is filed. The statement will specify that the School will investigate all reports of harassment.
  - ii. An explanation of the right to report or file a complaint pursuant to the Schools' policies and procedures, and be offered a copy of the procedures;
  - iii. A requirement that School personnel report incidents of possible harassment of students by either students or staff that may be based on actual or perceived

- race, color, and/or national origin that school personnel observe or about which they have received reports or information.
- iv. Examples of the type of harassing conduct and behavior that is covered by the non-discrimination policy, including examples of harassment on the basis of actual or perceived shared ancestry and ethnic characteristics.
  - v. A statement that staff and students are prohibited from retaliating against persons who report harassment or participate in an investigation or related proceedings.
- b. Complaint Procedures.
- i. A definition of the term harassment including harassment based on actual or perceived shared ancestry.
  - ii. The name or title, office address, and telephone number for the School employee(s) responsible for receiving and investigating reports of harassment.
  - iii. A description of the procedures that will be used to receive, investigate and resolve complaints, including how to make a report and complaints, the availability of interim measures (including safety plans), the steps that will be taken as part of the investigation, and notice of the outcome. At a minimum, the description of the procedures will include the following:
    - a) Written or recorded documentation of all interviews with individuals who have information about the report and complaint, including but not limited to, the complainant, the person accused of discrimination, witnesses, and anyone mentioned as having relevant information.
    - b) Review of any records, notes, statements, or other documents related to the report and complaint.
    - c) Notice of the outcome of the complaint, including:
      1. The findings of fact based on the evidence gathered;
      2. As to each allegation, the School's conclusion as to whether the alleged conduct occurred;
      3. Considering the conclusion for each allegation, a determination as to whether discrimination and/or harassment occurred and the rationale for the determination;
      4. The consequences imposed on any individual(s) found to have engaged in discrimination and/or harassment; and,
      5. Notice to the complainant to immediately report any recurrence of the conduct or of acts of retaliation to the School.
    - d) An express commitment that after a finding of discrimination and/or harassment, the School will take appropriate remedial action to eliminate the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant and any other affected individuals.

**Reporting Requirements:**

- a. By May 20, 2024, the School will provide to OCR documentation which demonstrates the School has: (i) identified all relevant policies and procedures and (ii) convened a group of School staff for review;

- b. By May 20, 2024, the School will provide a draft of the proposed revisions for OCR's review and approval pursuant to the requirements in Action Item 3.
- c. Within 30 calendar days of receiving OCR's final approval of the revised policies and procedures, the School will submit to OCR documentation which demonstrates the School has: (i) formally adopted the revised policies and procedures, and (ii) disseminated the adopted policies and procedures to School staff, posted on the website, and published in the Lower and Upper School Handbooks.

#### **Action Item 4 – Record-Keeping**

1. The School will develop or revise its procedure for documenting the date and substance of each report or complaint of harassment received by the School, and actions taken by the School in response to the report or complaint. The School will document witness interviews and other evidence gathered; findings or determinations of responsibility at each stage, including on appeal, if applicable; remedies; written notice of the outcome provided to the parties; and disciplinary sanctions imposed. The School will also document internal correspondence; records of conversations amongst staff involved in the investigative or disciplinary process; correspondence or records of conversations with parties, witnesses, and other individuals; and records of any interim or supportive measures offered or provided to parties.
2. The School will maintain these records in a manner that permits the School to readily identify all reports and complaints alleging harassment or possible harassment on the basis of race, color, or national origin, including harassment based on a student's actual or perceived shared ancestry or ethnic characteristics.

#### **Reporting Requirements:**

- a. By July 1, 2024, the School will provide to OCR for review and approval a description of the system for tracking and reviewing the records as described in Action Item 4.
- b. Within 30 days of OCR's approval of the record-keeping system, the School will implement the system and provide documentation to OCR that School administrators and staff involved in the investigative process use the system.

#### **Action Item 5 – Training of School Staff**

1. The School will annually train all administrators and staff at the School on Title VI's prohibition of discrimination based on race, color, and national origin, including on the basis of actual or perceived shared ancestry and ethnic characteristics. The first training will occur after the School has adopted the revised policies and procedures under Action Items 3 and 4 and will include, at a minimum:

- a. Title VI's prohibition on discrimination based on race, color, and national origin, including harassment based on actual or perceived shared ancestry or ethnic characteristics;
  - b. the School's revised policies and procedures under Action Item 3, and the School's record-keeping process for incidents of harassment under Action Item 4, as approved by OCR;
  - c. the definition of "harassment" and how it is distinguished from "bullying," including examples of harassment on the basis of race, color, and national origin, including actual or perceived shared ancestry and ethnic characteristics;
  - d. a statement of School personnel's responsibility to report incidents of possible harassment, the procedures for doing so, and instructions on how to recognize and respond appropriately to such reports; and,
  - e. identification of the individual responsible for receiving and investigating reports of harassment, by name or title, and contact information.
2. The School will assess the effectiveness of the training referenced in Action Item 5 by conducting training assessment surveys at the conclusion of the training each year, of all staff who attended the training(s). The survey will specifically inquire about their knowledge and perceptions about their obligation to report all allegations of possible harassment on the basis of race, color, and national origin, including actual or perceived shared ancestry and ethnic characteristics, and the process for doing so, and will specifically inquire about their knowledge of the process for responding to and investigating such harassment complaints.

### **Reporting Requirements**

- a. Within 30 calendar days of receiving OCR's approval of the School's revised policies and procedures under Action Items 3 and 4, the District will provide to OCR for review and approval draft training materials; the name(s), title(s)/position(s), qualifications of the trainers who will provide the training; and a draft of a survey to assess the effectiveness of the training under Action Item 5.
- b. Within 90 calendar days of receiving OCR's final approval of the training materials and trainer(s), the School will ensure that staff are trained and will submit to OCR: (i) the date, time, and location of the training; (ii) the names and titles/positions of staff who attended the training; and (iii) a plan to train any staff who did not attend the training; (iv) the results of the survey disseminated to staff; and (v) the steps the School will take, if any, to address the survey results.

### **Action Item 6 – Investigative Training of School Staff**

1. The School will annually train administrators who are directly involved in processing, investigating, and/or resolving complaints and other reports of discrimination based on race, color, and national origin, including harassment based on actual and perceived shared ancestry and ethnic characteristics. The first training will occur after the School has

adopted the revised policies and procedures under Action Items 3 and 4, and will include, at a minimum:

- a. A review of the School's policies and procedures that focus on how to conduct reliable and impartial the investigation of discrimination complaints on the basis of race, color, and national origin, including harassment on the basis of actual or perceived shared ancestry and ethnic characteristics;
  - b. A description of the steps the School will take in response to any harassing behavior discovered, including actions to ensure that the offending student(s) understand the seriousness of the possible offense and, where applicable, progressive disciplinary steps;
  - c. A statement that a student or parent/guardian who has reported possible incidents of harassing behavior must be notified of the steps the School is taking in response to the reported incident(s), and guidance to staff on how and when to provide this notification; and,
  - d. Racial sensitivity training, including on the basis of actual or perceived shared ancestry and ethnic characteristics, to make staff aware of their attitudes and behaviors during investigations and when receiving reports of harassment as well as engaging with students and parents reporting harassment.
2. The School will assess effectiveness of the training referenced in Action Item 6 by conducting training assessment surveys at the conclusion of the training each year, of all staff who attended the training(s). The survey will specifically inquire about their knowledge the School's investigation of discrimination complaints and perceptions about their obligation to investigate all allegations of possible harassment on the basis of race, color, and national origin, including actual or perceived shared ancestry and ethnic characteristics, and the process for doing so.

### **Reporting Requirements**

- a. Within 30 calendar days of receiving OCR's approval of the School's revised policies and procedures under Action Items 3 and 4, the School will submit to OCR for review and approval draft training materials and the name(s), title(s)/position(s) of the individuals who will provide the training, and a draft of a survey to assess the effectiveness of the training under Action Item 6.
- b. Within 60 calendar days of receiving OCR's final approval of the training materials, trainer(s), and survey, the School will ensure that administrators are trained and will submit to OCR: (i) the date, time, and location of the training; (ii) the names and titles/positions of staff who attended the training; (iii) a plan to train any administrators who did not attend the training; and (iv) the results of the survey and the steps, if any, the School will take to address the results.

### **Action Item 7 – Student Informational Program**

1. The School will provide age-appropriate informational program(s) for students at the School to address discrimination based on race, color, and national origin, including harassment based on actual or perceived shared ancestry and ethnic characteristics. The program will occur after the School has adopted the revised policies and procedures under Action Items 3 and 4 and will include, at a minimum:
  - a. A statement of the School’s commitment to having a school environment free from discrimination, including harassment based on actual or perceived shared ancestry and ethnic characteristics.
  - b. An explanation that harassment is prohibited pursuant to the School’s policies and procedures and how harassment is distinguished from bullying;
  - c. Examples of the type of harassing conduct and behavior that is covered by the policy, including examples of harassment based on actual or perceived shared ancestry and ethnic characteristics;
  - d. An explanation about how students who believe they or other students are being harassed based on actual or perceived race, color, and national origin or retaliation, should go about reporting it.
  - e. An explanation regarding the potential disciplinary consequences related to findings of discrimination on the basis of race, color, and national origin, including harassment on the basis of actual or perceived shared ancestry and ethnic characteristics; and,
  - f. A notice of how to access the School’s revised policies and procedures under Action Item 3, as approved by OCR.

### **Reporting Requirements**

- a. Within 30 calendar days of receiving OCR’s approval of the School’s revised policies and procedures under Action Items 3 or 4, the School will submit to OCR draft program(s) materials and the name(s), title(s)/position(s), and qualifications of the individuals to facilitate the program.
- b. Within 60 school days of receiving OCR’s final approval of the program materials and facilitator(s), the School will ensure that students attend the program and will submit to OCR: (i) the date, time, and location of the program(s); (ii) a description of who attended the program(s); and (iii) a plan to provide the program to each student who did not attend the program(s).

### **Action Item 8 – Audit for the 2024-2025 School Year**

1. The School will conduct an audit at the end of the 2024-2025 school year to review the consistency of the application of and compliance with the School’s policies and procedures regarding non-discrimination on the basis of race, color, and national origin, including harassment on the basis of shared ancestry and ethnic characteristics. The School will complete the audit no later than June 30, 2025. The audit will include, at a minimum:

- a. a review of all reports and/or complaints received during the school year addressing discrimination on the basis of race, color, and national origin, including harassment on the basis of shared ancestry and ethnic characteristics; and whether they were processed in accordance with the School's policies and procedures; and
  - b. a self-evaluation by the School with regard to any areas of concern arising based on the review and analysis outlined above, including recommendations for the subsequent school year.
2. Upon completion of the audit, the School will distribute the self-evaluation to appropriate staff, including the Heads of School and each staff member responsible for addressing complaints of harassment on the basis of national origin.

### **Reporting Requirements**

- a. By July 15, 2025, the School will submit documentation to OCR demonstrating the School's compliance with the provisions outlined in Action Item 8.

### **Action Item 9 – Audit for the 2022-2023 and 2023-2024 School Years**

1. The School will conduct an audit of all incidents at the School coded as "Inappropriate Language/Disrespect" during the 2022-2023 and 2023-2024 school years to determine if any of the incidents constituted discrimination on the basis of race, color, and national origin, including harassment on the basis of actual or perceived shared ancestry and ethnic characteristics. If the School determines that any of the incidents were harassing in nature, and created a hostile environment, the School will take steps to remedy the harassment towards any affected students.
2. Upon completion of the audit, the School will generate a report summarizing the audit's findings, specifically identifying the incidents that the School determined to be harassing in nature, and summarizing the steps that the School took to remedy the harassment on any affected students.

### **Reporting Requirement:**

- a. September 1, 2024, the School will submit documentation to OCR demonstrating the School's compliance with the provisions outlined in Action Item 9.

### **Action Item 10 – Climate Assessment**

1. The School will administer a climate assessment during the first quarter of the 2024-2025 school year. The climate assessment may be accomplished through the use of a written or electronic survey. Students and parents receiving the assessment must be notified of a contact person, such as a counselor, should they wish to discuss this issue in person. The assessment will, at a minimum, address:
  - a. The definition of harassment and how it differs from bullying;



- b. The prevalence of harassment on the basis of race, color, and national origin, including on the basis of actual or perceived shared ancestry and ethnic characteristics, in the School;
  - c. The willingness to report incidents of harassment on the basis of race, color, and national origin, including on the basis of actual or perceived shared ancestry and ethnic characteristics, to School personnel;
  - d. The perception of the School's handling of reports and complaints of harassment; and
  - e. Suggestions for reducing incidents of harassment in the school and improvement of the School's response to reports and complaints of harassment.
2. After the School climate survey is completed, the School will review the results to assess whether any additional student or other training is needed to further improve the school climate.

**Reporting Requirements:**

1. At least 45 calendar days before the scheduled climate assessment administration date, the School will provide OCR with a copy of the proposed assessment for OCR's review and approval.
2. Within 45 school days of OCR approval of the climate assessment, the School will administer the climate assessment.
3. Within 60 calendar days after the climate assessment is conducted, the School will provide OCR a copy of the final assessment along with a report summarizing the results of the assessment, and a description of further activities, if any, the School plans to implement in response to the assessment results.

By signing this Agreement, the School agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of this Agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this Agreement.

The School understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the School is in compliance with the terms of the Agreement and with Title VI and its implementing regulation at 34 C.F.R. Part 100.

The School understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice for judicial proceedings to enforce the specific terms of this Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the School written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: Amy Tomalis Date: 5/10/24  
Community School of Davidson