

Voluntary Resolution Agreement
Attleboro Public Schools
U.S. Department of Education, Office for Civil Rights
Complaint 01-12-1044

To resolve the allegations related to Complaint No. 01-12-1044 filed with the U.S. Department of Education, Office for Civil Rights (OCR) alleging sex discrimination under Title IX of the Education Amendments of 1972 and its implementing regulation found at 34 C.F.R. Part 106 (Title IX), Attleboro Public Schools (District) agrees to the terms below. Nothing herein shall be deemed to be an admission or acknowledgment by the District that it has violated Title IX, any other laws that OCR enforces, or any other Federal or State law.

Terms 1 and 2: Title IX Grievance Policies & Procedures – Drafting and Circulating to Stakeholders

1. The District will submit to OCR for its review and approval draft Title IX grievance policies and procedures to address sex-based harassment. The District will ensure that these procedures provide for impartial, prompt and equitable resolution of complaints alleging sex-based harassment and will include, at a minimum, the following:
 - a. an assurance that 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, including any complaints or reports made to the District, and will take appropriate action to respond to these incidents, which may include disciplinary action against students and/or staff found to have committed such harassment;
 - b. an assurance of the District's commitment to take prompt and responsive steps reasonably designed to stop any sex-based harassment, eliminate the hostile environment if one has been created, and prevent recurrence of any harassment of which it becomes aware or should have been aware, regardless of whether a formal complaint is filed, and to provide remedies to the reporting student(s) where appropriate;
 - c. a notice that the procedures apply to complaints of sex-based harassment filed by employees, students, or third parties as well as to reports of sex-based harassment and to all other incidents of sex-based harassment of which the District knows or should know about;
 - d. a requirement that staff who observe or otherwise learn or become aware of possible sexual-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 the District will respond consistent with Title IX and the assurances set forth in section 1.a., above;
 - e. an explanation of how to file a complaint pursuant to the procedures, and in particular shall explain the responsibilities of any building-level personnel (e.g., School Principal) versus the District's Title IX Coordinator in the complaint process;
 - f. the name or title, office address, email address, and telephone number of the individual with whom to file a complaint;

- g. definitions and examples of what types of actions may constitute sex-based harassment;
- h. a statement that because students often experience the continuing effects of off-campus sex-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;
- i. a statement that the District will refer the matter to law enforcement authorities, where appropriate;
- j. an explanation that the District will follow the revised policies and procedures regardless of whether the alleged harassment is also being investigated by another agency, unless the fact finding process would impede a law enforcement investigation; in such cases the District will implement appropriate interim steps to provide for the safety of the subject of the alleged harassment 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,
- k. provision for the adequate, reliable, and impartial investigation of all complaints;
- l. timeframes for the major stages of the investigation and, if available, any appeal process;
- m. written notification to the parties of the outcome of the investigation;
- n. an assurance that the District will keep the complaint and investigation confidential to the extent possible;
- o. an assurance that parties have an opportunity to present to the investigator witnesses and information;
- p. notice of the opportunity for the parties to appeal the findings, if available;
- q. an assurance that the appeal, if available, will be conducted in an impartial manner by an impartial decision-maker;
- r. an assurance that the District will take interim measures during its investigation to ensure the safety of the subject of the alleged harassment and of the larger school community during the investigation, and to address any ongoing harassment and to prevent retaliation against the reporting student, and shall minimize the burden of such measures on complainants;
- s. an assurance that the District will maintain on-going contact with the subject of the alleged harassment throughout the investigation;
- t. an assurance that the District will contact the individual harassed within a reasonable period of time following the conclusion of the investigation to assess whether there has been on-going sex-based harassment or retaliation, and to determine whether additional supportive measures are needed;
- u. a statement that the District will take appropriate disciplinary action against students and staff who violate the District policies and procedures addressing harassment (with

- examples of the range of possible disciplinary sanctions), plus other possible responses as necessary and appropriate;
- v. a statement that the District will, where appropriate, take steps to remedy the harm to the subject(s) of alleged harassment and others, and examples of the types of remedies available, including the provision of counseling and academic resources to students who have been subjected to sex-based harassment and/or counseling to students who have engaged in sex-based harassment;
 - w. a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX, participates in a complaint investigation, and also protects individuals who otherwise oppose in a reasonable manner an act or policy believed to constitute sex discrimination, and that disciplinary action will be taken against any student or staff member who engages in retaliation;
 - x. an assurance that the District uses the preponderance of the evidence standard of review in its investigation of complaints; and
 - y. corrected OCR-Boston's mailing address across policies/procedures, and listed under a heading separate from District personnel.

If the District has an informal process to resolve some complaints of sexual harassment (e.g., mediation), the procedures shall specifically include and explain the following:

- z. complaints of sexual assault will not be resolved through mediation;
- aa. any informal process is entirely voluntary and that complainants can opt out anytime and trigger the formal complaint process; and
- bb. the informal process shall not require complainants to work out a problem directly with alleged harassers without the assistance of trained staff to serve as a buffer between and protect the parties.

Reporting Requirement for Term 1: By January 15, 2015, the District will submit to OCR for its review and approval its draft Title IX grievance procedures referenced immediately above.

- 2. Within 45 calendar days of written notification of OCR approval of the draft Title IX grievance procedures, the District will adopt, implement and publish the procedures. The District will provide all students, parents and employees with written notice regarding the new grievance procedures, and information on how to obtain a copy of them. The District, at a minimum, will make this notification through the District's website, electronic mail messages to employees, parents and students, and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

Reporting Requirement for Term 2: Within 45 calendar days of written notification from OCR, the District will submit to OCR documentation that it has adopted, implemented and distributed the procedures as required immediately above.

Terms 3 and 4: Notice of Nondiscrimination and Appointment of Title IX Coordinator

3. The District will draft and submit to OCR for review and approval a notice of nondiscrimination, which will notify students, employees, parents and other relevant persons that it does not discriminate on the basis of sex in the educational programs or activities that it operates and that it is required by Title IX not to discriminate in such a manner. The notice will state that the requirement not to discriminate in the District's educational programs and activities extends to employees and students, and that inquiries concerning the application of Title IX should be referred to the Title IX Coordinator.

The policy shall also include the name and title, office address, email address, and telephone number for the District's Title IX Coordinator as well as any building-level Title IX Coordinator(s) at each District school.

Reporting Requirement for Term 3: If it has not done so already, then by January 15, 2015, the District will submit to OCR for its review and approval the notice of nondiscrimination and Title IX coordinator's contact information referenced immediately above.

4. The District will designate an employee to coordinate the District's efforts to comply with Title IX and will notify all students, parents and employees. The employee selected must have training or experience in handling and investigation of complaints of sex-based harassment and discrimination under Title IX and in the applicable District policies and procedures, including the Title IX grievance procedures.

Reporting Requirement for Term 4: If it has not done so already, then by January 15, 2015, the District will provide OCR with documentation that it has implemented the term immediately above, including the name and title of the Title IX Coordinator, and a description of Title IX Coordinator's relevant experience and/or training in Title IX sexual harassment, at the District level and, if available, at Attleboro High School.

Terms 5 and 6: Training for Staff

5. The District will prepare, for OCR review and approval, training for its Title IX Coordinator, and any District staff who will be directly involved in processing, investigating, and/or resolving complaints of sex-based discrimination, with detailed training on the District's harassment policies and procedures, including its Title IX grievance procedures.

Among other features of Title IX compliance, the training must provide instruction on the following:

- a. a focused review of the revised 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 how escalating responses may be necessary if the initial responses are not effective in stopping the harassment ;

- b. best practices to maintain and share relevant data in any investigation, including instruction that upon notice of potential harassment a written record must be created, maintained, and shared with appropriate parties;
 - c. understanding that bullying statutes are not mutually exclusive with Title IX, such that a complaint of “bullying” based on sex may also need to be analyzed as a potential claim for Title IX harassment regardless of how the incident is described (“bullying” versus “harassment”);
 - d. examples of appropriate interim measures, including instruction that “safety plans” and/or other interim measures should minimize burdens on complainants;
 - e. necessity of conducting an impartial, thorough investigation to formulate the basis for investigators’ conclusions, which should include a deliberate effort to identify and review relevant evidence; and
 - f. instruction that both parties must be notified, in writing, about the outcome of any investigation into a complaint of sexual harassment, including the outcome of any appeal.
6. Relatedly, the District will prepare, for OCR review and approval, training for all staff, teachers, and substitute teachers on its revised harassment policies and procedures, including data maintenance and reporting requirements.

Reporting Requirement for Terms 5 and 6: By January 15, 2015, the District will provide to OCR the training materials it intends to use for this training, for OCR review and approval.

The District shall promptly incorporate feedback from OCR, and shall conduct the training and provide proof of same within 90 days of final approval from OCR.

Term 7: Student Orientation

7. The District will provide an age-appropriate orientation program for Attleboro High School that will remind students of its commitment to having a school environment free from all harassment, including sexual harassment. The program will include an explanation of what constitutes sexual harassment, including but not limited to social media-based harassment (Facebook), possible disciplinary sanctions for any violations of the District’s harassment policies and procedures (including examples) and other possible responses the School may take as necessary and appropriate, and to whom students may report allegations of such harassment.

Reporting Requirement for Term 7: By January 15, 2015, the District will provide to OCR the materials it used for the student orientation.

Term 8: Title IX Task Force

8. The District will form an Anti-Bullying/Anti-Harassment Task Force to advise the District how best to foster an educational environment free from sex-based harassment. At a minimum, members of the Task Force shall include, but are not limited to: the Title

IX Coordinator; students, so long as there are students who wish to participate; parents of students in the District; teachers; school counselors; and school administrators. The Title IX Coordinator shall ensure that parents and students have meaningful representation on the Task Force. The Task Force will meet at least twice per year and keep written reports summarizing each meeting.

Within two weeks of each meeting, the Task Force will advise the District in writing of its findings and recommendations. In addition, the Task Force may advise the District of additional findings or recommendations informally throughout the school year.

Reporting Requirement for Term 8: By January 15, 2015, the District will provide to OCR documentation of the steps it has taken to implement this term.

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The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Title IX and its implementing regulations, which were at issue in this case.

The District also understands that by signing this Agreement, it agrees to provide data and other 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 and is in compliance with Title IX and its implementing regulations, which were at issue in this case.

The District also 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.

Signed: /s/ Kenneth M. Sheehan
(On behalf of Attleboro Public Schools)

Date: 9/18/14

Printed name: Kenneth M. Sheehan

Title: Superintendent