

RESOLUTION AGREEMENT
Belmont Public Schools
OCR Complaint No. 01-15-1241

The Belmont Public Schools (District) has voluntarily entered into this Agreement to resolve the above-referenced complaint, which involved alleged violations of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Section 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. The District agreed to resolve this case, prior to the completion of OCR's investigation, pursuant to Section 302 of OCR's *Case Processing Manual*.

All references to the Title IX regulation in this Resolution Agreement shall include the amendments promulgated by the U.S. Department of Education on May 19, 2020 at 85 FR 30026.

Action Item 1: Sexual Harassment Procedures

The District will review and revise its procedures for the resolution of reports and formal complaints alleging sexual harassment perpetrated by students, employees, and/or third parties, to ensure that they fully comply with the Title IX regulation. The revised procedures will also specifically highlight the District's obligation to conduct a Title IX investigation even when there is a concurrent law enforcement investigation.

The District also agrees to prominently display the name or title, office address, electronic mail address, and telephone number of its Title IX Coordinator on its website and in its revised sexual harassment procedures.

Once approved by OCR, the District will adopt and publish the revised procedures on its website.

Reporting Requirement

By **August 1, 2023**, the District will provide OCR with a copy of its revised procedures for OCR's review and approval. Within 30 days of OCR's final approval of the revised procedures, the District will provide proof that the procedures were adopted and published on the District's website.

Action Item 2: Notice of Nondiscrimination

The District will revise its notice(s) of nondiscrimination to comport with the Title IX regulation. Once approved by OCR, the District shall publish this notice(s) on its website.

Reporting Requirement

By **August 1, 2023**, the District will provide to OCR with a copy of its revised notice(s) of nondiscrimination for OCR's review and approval. The District agrees to promptly incorporate OCR's feedback. Within 30 days of OCR's final approval of the revised notice(s), the District will provide proof that the notice(s) were adopted and published on the District's website.

Action Item 3: Recordkeeping

Effective immediately, the District agrees to maintain documents, in accordance with laws and regulations regarding retention of student records and personnel files, relating to formal complaints or other reports of sexual harassment to comply with the Title IX regulation at 34 C.F.R. Section 106.45(10).

Reporting Requirement

Within 30 days of the end of the 2023-2024 and 2024-2025 school years, the District will provide to OCR an Excel spreadsheet, sorted by school, of all reports and formal complaints of sexual harassment. This list shall include the following:

- a. the date of the alleged incident;
- b. the date the report or formal complaint was received;
- c. the nature of the alleged conduct;
- d. the results of the investigation, including District's determination regarding responsibility;
- e. any and all disciplinary sanctions issued;
- f. whether any supportive measures were put in place;
- g. the results of any appeals; and
- h. the results of any informal resolutions.

The District agrees to produce any underlying documentation within 10 business days of OCR's request.

Action Item 4: Training

- A. The District will annually conduct a mandatory Title IX training that is approved by OCR for District staff and District administrators. The training will include, at a minimum:
 - a. Title IX's prohibition on discrimination based on sex;
 - b. the District's revised sexual harassment procedures;
 - c. the definition of "sexual harassment" and examples of sexual harassment;

- d. a statement of District personnel’s responsibility to report incidents of possible harassment, the procedures for doing so, and instructions on how to recognize, prevent, and respond appropriately to such report;
 - e. a statement of the requirement that a student or parent/guardian who has reported alleged incidents of sexual harassment must be notified of their right to file a formal complaint pursuant to the District’s sexual harassment procedures, and be offered a copy of the procedures;
 - f. that the District’s obligation to conduct a Title IX investigation exists regardless of whether there is a concurrent law enforcement investigation;
 - g. identification of the Title IX Coordinator, by name or title, and contact information;
 - h. the existence of OCR and its authority to enforce Title IX; and
 - i. distribution of written materials that contain the information discussed.
- B. In addition, the District will annually conduct a mandatory Title IX training that is approved by OCR for its Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process, that covers the topics above, and all other topics required by 34 C.F.R. Section 106.45(b)(1)(iii). The District shall make these training materials publicly available on its website.

Reporting Requirement

- (i) Within 30 calendar days of the District’s adoption of the revised sexual harassment procedures, the District will provide OCR with a copy of the Title IX training materials and the name(s), title(s)/position(s), and credentials of one or more qualified individuals to provide the training. Within 30 days of OCR’s approval of the District’s training materials, the District will conduct the Title IX trainings in Action Items 4A and 4B.
- (ii) Within 10 days of completion, the District will provide to OCR:
 - a. documentation demonstrating that the training was provided to District staff and administrators in accordance with Action Item 4A and 4B;
 - b. an attendance sheet or similar documentation showing which District staff attended the training(s); and
 - c. the URL for the training(s) provided in accordance with Action Item 4B.

Action Item 5: Reimbursement

By **August 1, 2023**, the District will reimburse the Complainant in the amount of [redacted content], the cost of the [redacted content] the Complainant incurred relating to the alleged incidents of sexual harassment and sexual assault in this complaint.

Reporting Requirement

By **August 15, 2023**, the District will provide documentation to OCR demonstrating that it has fulfilled this provision.

Action Item 6: Parent and Student Meeting

By **September 1, 2023**, the Assistant Superintendent will send a letter (via both email and U.S. mail) to the Student and her parents. The letter will state that the Assistant Superintendent will be available, by phone, in person, and/or virtually, to meet with the Student and her parents to discuss any concerns that they may have about alleged incidents of harassment that occurred within the educational programs and activities of the District. The letter will provide the family with 30 days to accept this invitation.

Should the Student and/or her parents accept, the Assistant Superintendent will meet with them at a mutually agreeable date and time within 20 calendar days to discuss the topics referenced above.

Reporting Requirement

By **November 1, 2023**, the District will provide OCR:

- i. a copy of the written invitation sent to the Student and her parents; and
- ii. a statement regarding whether the Student and/or her parents accepted the invitation; and if so, a summary of the discussion at the meeting.

The District 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 the 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 and obligations of this Agreement.

The District understands and acknowledges that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and the statute(s) and regulation(s) at issue in the case.

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

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

By: /s/
John P. Phelan, Superintendent

Date: 6/23/2023