

Resolution Agreement
Monticello Central School District
OCR Case No. 02-12-1225

In order to resolve Case No. 02-12-1225, the Monticello Central School District (District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the following actions pursuant to the applicable requirements of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106.

Action Item 1: Title IX Coordinator(s)

The District will revise its website, calendar, job application, Discrimination Grievance Procedures, and any other relevant publications disseminated to students, employees, and beneficiaries to notify all students, employees, and beneficiaries of the name and/or title, physical office address, electronic mail (email) address, and telephone number of the person(s) designated to coordinate its efforts to comply with Title IX. The District will ensure that if it chooses to identify the Title IX coordinator by name, the name listed will be accurate.

Reporting Requirement: By February 28, 2014, the District will provide to OCR documentation demonstrating its compliance with Action Item 1, including copies of the printed versions of all publications disseminated to students, employees and beneficiaries containing the required notification; and, printouts or a link to all on-line publications containing the required notification. Inserts may be used pending reprinting of these publications.

Action Item 2: Notice of Non-Discrimination

The District will revise its existing notice of non-discrimination to include a statement that inquiries concerning the application of Title IX and its implementing regulation may be referred to the designated Title IX coordinator(s) or to OCR. The District will ensure that if it chooses to identify the Title IX coordinator by name, the name listed will be accurate. The District will include the notice of nondiscrimination in each announcement, bulletin, catalog, or application form which it makes available to students, parents, employees, applicants for employment, unions, or other professional organizations holding collective bargaining or professional agreements with the District.

Reporting Requirement: By February 28, 2014, the District will provide to OCR documentation demonstrating its compliance with Action Item 2 above, including copies of the printed versions of all publications disseminated to students, parents and employees, and applicants for employment; and, printouts or a link to all on-line publications containing the notice, including applications for employment. Inserts may be used pending reprinting of these publications.

Action Item 3: Grievance Procedures

The District will revise its “Discrimination Grievance Procedures” to ensure that these procedures provide for the prompt and equitable resolution of complaints by students, employees, and beneficiaries alleging all forms of discrimination on the basis of sex. The procedures will include, at a minimum:

- Notice that the procedures apply to complaints alleging sex discrimination (including sexual harassment and sexual assault) by employees, students, or third parties;
- an explanation to students, employees, and beneficiaries as to how to file a complaint pursuant to the procedures;
- the name, title, office address, email address, and telephone number of the individual(s) with whom to file a complaint;
- definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment and sexual assault);
- designated and reasonably prompt timeframes for major stages of the grievance process;
- written notice to parties of the outcome;
- notice of the opportunity for the parties to appeal the findings;
- an assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker;
- an assurance that the District will take steps to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, and to correct its discriminatory effects, if appropriate;
- examples of the range of possible disciplinary sanctions and the types of remedies available to address the effects on victims and others; and,
- a statement that Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation.

Reporting Requirements:

- (a) By February 28, 2014, the District will provide to OCR a draft of its revised grievance procedures for OCR’s review and approval.
- (b) Within thirty (30) days of the District’s receipt of OCR’s approval of the revised grievance procedures, the District will provide to OCR documentation to substantiate that it has formally adopted the OCR-approved revised procedures; and updated its printed publications and on-line publications with the revised procedures (inserts may be used pending reprinting of these publications). This documentation will include, at a minimum, (i) printouts or a link to all on-line publications containing the revised grievance procedures; and, (ii) if not yet finalized, copies of inserts for printed publications.
- (c) By August 31, 2014, the District will provide to OCR copies of the printed versions of all publications disseminated to students and employees containing the revised Title IX grievance procedures.

Action Item 4: Training

By June 30, 2014, and periodically thereafter, the District will provide training to the Title IX Coordinator/Compliance Officer, any other coordinators, and any District officials and administrators who will be directly involved in processing, investigating, and/or resolving complaints of sex discrimination, including sexual harassment/assault. The training will cover the District’s revised Title IX grievance procedures, and will provide attendees with instruction on recognizing and appropriately addressing allegations and complaints of discrimination on the basis of sex. The training will include information on what constitutes sex discrimination and sexual harassment/assault, and the District’s responsibilities to address such allegations. Additionally, the training will include instruction on how to conduct and document adequate, reliable, and impartial investigations, including the appropriate legal standard of a preponderance of the evidence to apply in an investigation. The District will distribute copies of its revised non-discrimination statement and grievance procedures to all attendees.

Reporting Requirement: By June 30, 2014, the District will provide to OCR documentation demonstrating that it provided the training in accordance with Action Item 4 above. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts, guides, or other materials; and, a list of the individuals who attended the training and their positions.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§106.8 and 106.9, 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 the regulations implementing Title IX, at 34 C.F.R. §§106.8 and 106.9, which were at issue in this case. 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 proceeding 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.

Date

Authorized Representative
Monticello Central School District