

RESOLUTION AGREEMENT

Broadalbin-Perth Central School District OCR Case No. 02-13-1220

In order to resolve Case No. 02-13-1220, the Broadalbin-Perth Central School District assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106.

Action Item 1: Grievance Procedure

By April 4, 2016, the District will adopt and publish a grievance procedure that provides for the prompt and equitable resolution of complaints alleging discrimination (including harassment) on the basis of sex (and may include other bases), and ensure that the grievance procedure is easily located (including on the District's website) and widely distributed. The procedures will include the following provisions at a minimum:

- Notice to students, parents and employees that the procedure applies to complaints alleging all forms of discrimination (including harassment) on the basis of sex (and may include other bases) by employees, students, or third parties;
- An explanation 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 discrimination (including harassment);
- designated and reasonably prompt timeframes for major stages of the grievance process;
- the right of the parties to provide witnesses and other evidence;
- written notice to parties of the outcome;
- an assurance that the District will take steps 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;
- a statement that the District prohibits retaliation against any individual who files a complaint or participates in a complaint investigation;
- a statement that responsible employees are expected to promptly report harassment that they observe or learn about;
- provisions indicating the availability of interim measures during the District's investigation of possible harassment (such as how to obtain counseling and academic assistance in the event of a sexual assault, and what interim measures can be taken if the alleged perpetrator attends classes with the complainant), and that such interim measures will not disproportionately impact the complainant;
- notice of the opportunity of both parties to appeal the findings, if the procedure allow appeals; and

- an assurance that any appeal will be conducted in an impartial manner by an impartial decision maker.

Reporting Requirements:

- (a) By February 19, 2016, the District will provide to OCR a draft of its grievance procedure for OCR's review and approval.
- (b) Within thirty (30) calendar days after the District's receipt of OCR's approval of the grievance procedure, the District will provide documentation to OCR to substantiate that it has adopted the OCR-approved procedure and updated its printed publications and on-line publications with the procedure (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 grievance procedures; and (ii) if not yet finalized, copies of inserts for printed publications. If inserts are used for any publications, then by September 15, 2016, the District will provide to OCR copies of the printed versions of all publications disseminated to students and employees containing the grievance procedure. Dissemination may occur by the methods usually employed by the District for distributing District policies and procedures, including posting on the District's website in a manner that is easily located for students, parents and employees.

Action Item 2: Notice of Nondiscrimination

By January 31, 2016, the District will ensure that its notice of nondiscrimination in all relevant policies and publications includes a prohibition of discrimination on the basis of sex (the District may maintain its reference to gender), and indicates 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 notice may also include other bases such as race, color, national origin, disability and age). The District will include the revised notice of nondiscrimination in each announcement, bulletin, catalog (e.g., School Calendar, Student Handbook, Employee Handbook), or application form, which it makes available to students, parents, employees, and applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District.

Reporting Requirement: By January 31, 2016, the District will provide documentation to OCR demonstrating its compliance with Action Item 2 above, including copies of the printed versions of all publications disseminated to students, parents, 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.

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 the regulation 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 proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Date

Stephen M. Tomlinson
Superintendent of Schools