

Voluntary Resolution Agreement
Norman Howard School
OCR Case No. 02-14-1494

In order to resolve Case No. 02-14-1494, the Norman Howard School (School) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will voluntarily 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; Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100; the Age Discrimination Act of 1975 (the Age Act), 42 U.S.C. § 6101 *et seq.*, and its implementing regulation at 34 C.F.R. Part 110; and the Boy Scouts of America Equal Access Act (Boy Scouts Act), 20 U.S.C. § 7905, and its implementing regulation at 34 C.F.R. Part 108.

Action Item 1: Title IX Coordinator

The School has designated a Title IX Coordinator(s). By August 31, 2015, the School will also take steps to ensure that all students, parents or guardians, and employees are notified of the name and/or title, office address, telephone number, and electronic mail (email) address of the person(s) designated to coordinate its efforts to comply with Title IX. Notification may occur by the methods usually employed by the School for distributing School policies and procedures, including posting on the School's website.

Reporting Requirement: By August 31, 2015, the School will provide documentation to OCR of its compliance with Action Item 1, including copies of the printed versions of all publications disseminated to students, parents/guardians and employees 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

By August 31, 2015, the School will revise its existing notice of nondiscrimination to add a statement that the School does not discriminate under the Boy Scouts Act in its programs and activities (the notice may include other bases). The School will ensure that the revised notice includes the name and/or title, office address, email address, and telephone number of the person(s) designated to coordinate the School's efforts to comply with all aspects of Title IX, Section 504, the Age Act, and their implementing regulations prohibiting discrimination on the bases of sex, disability, and age, respectively. The notice will state that inquiries concerning the application of regulations prohibiting discrimination on the bases of sex, disability, and age may be referred to the applicable School coordinator(s) or to OCR. The School will post the notice of nondiscrimination on the School's website and include the notice in each vacancy or admissions announcement, bulletin, catalog, or application form which School makes available to students, parents, employees, applicants for employment, and as applicable, to any unions, and

professional organizations holding collective bargaining or professional agreements with the School.

Reporting Requirements:

- (a) By July 31, 2015, the School will provide a copy of its proposed notice of non-discrimination to OCR for review and approval. OCR will complete its review by August 15, 2015.
- (b) By August 31, 2015, the School will provide documentation to OCR demonstrating that the approved notice has been provided consistent with Action Item 2 above, such as a copy of revised materials and publications containing the notice of nondiscrimination, and/or a link to the on-line version of the materials and publications. Inserts may be used pending reprinting of the materials and publications.

Action Item 3: Grievance Procedures

By August 31, 2015, the School will revise its existing “Student Harassment and Bullying Prevention and Intervention” policy in the manner described below to provide for the prompt and equitable resolution of complaints by students and their parents or guardians alleging all forms of discrimination on the basis of sex (and may include other bases). The procedures will continue to include and/or add the following provisions:

- Notice that the procedures apply to complaints by students alleging discrimination on the basis of sex (including sexual harassment and sexual assault, and may include other bases) by employees, other students, or third parties;
- an explanation to students and parents or guardians, 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, and may include other bases);
- 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 School 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 (and may include other bases).

By June 30, 2015, the School will revise its existing employee policy on “Sexual Harassment & Other Unlawful Harassment & Discrimination” to ensure that all of the above provisions continue

to be included and/or are added with respect to complaints by employees alleging discrimination on the basis of sex (including sexual harassment and sexual assault).

Reporting Requirements:

- (a) By June 30, 2015, the School will provide to OCR a draft of its revised grievance procedures for OCR's review and approval. OCR will complete its review by July 31, 2015.
- (b) Within thirty (30) days after the School's receipt of OCR's approval of the revised grievance procedures, the School will provide documentation to OCR to substantiate that it has 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. If inserts were used for any publications, then by December 31, 2015, the School will provide to OCR copies of the printed versions of all publications disseminated to students and employees containing the revised grievance procedures. Dissemination may occur by the methods usually employed by the School for distributing School policies and procedures, including posting on the School's website.

Action Item 4: Training for Staff

The School will continue its existing practice of providing training to the Title IX Coordinator, any other coordinators, and any School officials and administrators who will be directly involved in processing, investigating, and/or resolving complaints of sex discrimination, including sexual harassment/assault. By September 30, 2015, and periodically thereafter, the training will cover the School's revised grievance procedures. The training will continue to provide attendees with instruction on recognizing and appropriately addressing allegations and complaints of discrimination on the basis of sex. The training will continue to include information on what constitutes sex discrimination and sexual harassment/assault, and the School's and the attendees' responsibilities to address such allegations. Additionally, the training for the Title IX Coordinator(s) 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 School will distribute copies of its revised grievance procedures to all attendees.

Reporting Requirement: By October 31, 2015, the School will provide documentation to OCR 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.

Action Item 5: Training for Students

The School will continue its existing practice of providing training to all students at the School, appropriate to the students' ages and disabilities, regarding discrimination and harassment on the basis of sex. By September 30, 2015, and periodically thereafter, the training will continue to include and/or add instruction regarding: (a) the requirements of Title IX, including that discrimination and/or harassment on the basis of sex is prohibited and will not be tolerated; (b) the range of behaviors that constitute discrimination and/or harassment on the basis of sex; (c) the disciplinary sanctions applicable to anyone who engages in discrimination and/or harassment on the basis of sex; and (d) where, how, and to whom instances of discrimination and/or harassment on the basis of sex are to be reported.

Reporting Requirement: By October 31, 2015, the School will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 5 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, proof of attendance by students at the School.

Action Item 6:

By July 1, 2015, the School will complete a supplemental investigation of the allegations of sexual harassment made by the complainant and/or Student on January 13, 2014, January 14, 2014, and May 28, 2014, and ensure that the investigation complies with Title IX. The investigation of the complainant's allegations will involve a detailed review by the School of all information previously provided to School staff; interviewing or re-interviewing witnesses, as appropriate; an opportunity for the complainant and Student to provide any additional information or witnesses to the School relevant to the complaints; a review of such additional information and/or, as appropriate, interviews of such additional witnesses; and a determination of whether the evidence presented, together with such additional information and witnesses as may be identified or presented, supports a finding of a sexually hostile environment. The outcome of the supplemental investigation will be communicated to the complainant and the accused in writing.

Reporting Requirement:

By July 15, 2015, the School will submit to OCR a report documenting the procedures used to conduct its supplemental investigation as outlined in Action Item 6 above, as well as the outcome of the supplemental investigation; any corrective actions deemed necessary; and a timeline for implementation of the corrective actions, if necessary. The School will also provide documentation supporting the supplemental investigation to OCR for review and approval.

This Resolution Agreement has been entered into voluntarily by the Norman Howard School and does not constitute an admission by the Norman Howard School that it is not in compliance with Title IX and/or its implementing regulations and/or any other statute or regulations enforced by OCR.

The School 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, Section 504, at 34 C.F.R. § 104.8; the Age Act, at 34 C.F.R. § 110.25(b); and the Boy Scouts Act, at 34 C.F.R. § 108.9, which were at issue in this case. The School 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 School understands that 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 and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§106.8 and 106.9, Section 504, at 34 C.F.R. § 104.8; the Age Act, at 34 C.F.R. § 110.25(b); and the Boy Scouts Act, at 34 C.F.R. § 108.9, which were at issue in this case. The School 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 School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

6/15/15
Date

/s/
Authorized Representative
The Norman Howard School