

RESOLUTION AGREEMENT

Beacon City School District OCR Case No. 02-15-1417

In order to resolve Case No. 02-15-1417, the Beacon City School District (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: Title IX Coordinator(s)

By February 29, 2016, the District will 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 the District's efforts to comply with the requirements of Title IX. Notification may occur by the methods usually employed by the District for distributing District/School policies and procedures, including posting on the District's website.

Reporting Requirement: By February 29, 2016, the District will provide documentation to OCR demonstrating 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 information, and printouts or a link to all online publications contained the required notification. Inserts may be used pending reprinting of publications.

Action Item 2: Notice of Nondiscrimination

By March 31, 2016, the District will revise its notice of nondiscrimination to identify the District's designated Title IX coordinator(s) and state 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 the revised notice of nondiscrimination states that the District does not discriminate on the basis of race, religion, color, national origin, disability, sex or age, or under the Boy Scouts of America Equal Access Act (the notice may include other bases), in its programs and activities; and that this requirement not to discriminate extends to employment and admission as applicable. The District will ensure that the revised notice of nondiscrimination is included in each announcement, bulletin, catalog, or application form which the District makes available to students, parents, employees, applicants for employment, unions, and professional organizations holding collective bargaining or professional agreements with the District.

Reporting Requirements:

- (a) By February 15, 2016, the District will provide a copy of its proposed revised notice of nondiscrimination to OCR for review and approval.

- (b) Within 30 days of OCR’s approval of the revised notice of nondiscrimination, the District will provide documentation to OCR demonstrating that the approved notice has been adopted and published; including a list of the titles of the publications in which the notice of nondiscrimination appears (e.g. Student Handbook, Employee Handbook) and a copy of at least one publication disseminated to the school community, or printouts or a link to an on-line publication containing the notice. Inserts may be used pending reprinting of these publications.

Action Item 3: Grievance Procedures

By February 29, 2016, the District will adopt and publish grievance procedures that provide for the prompt and equitable resolution of complaints alleging all forms of discrimination (including harassment) on the basis of sex (and may include other bases). The procedures will include, at a minimum:

- Notice that the procedures apply to complaints alleging all forms of discrimination on the basis of sex (including sexual harassment and sexual assault) 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 sex discrimination (including sexual harassment and sexual assault);
- 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 procedures allow appeals; and
- an assurance that any appeal will be conducted in an impartial manner by an impartial decision maker.

Reporting Requirements:

- (a) By January 30, 2016, the District will provide to OCR a draft of the grievance procedures it intends to publish for OCR’s review and approval.
- (b) Within thirty (30) calendar days after the District’s receipt of OCR’s approval of the grievance procedures, the District will provide documentation to OCR to substantiate that it has adopted the OCR-approved procedures and updated its printed publications and on-line publications to include the grievance 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 grievance procedures; and (ii) if not yet finalized, copies of inserts for printed publications. If inserts were used for any publications, then by September 1, 2016, the District will provide to OCR copies of the printed versions of all publications disseminated to students and employees containing the grievance procedures. Dissemination may occur by the methods usually employed by the District for distributing District policies and procedures, including posting on the District’s website.

Action Item 4: Training for Staff

By May 2, 2016 and periodically thereafter, the District will provide training to the Title IX coordinator(s), and any other coordinators, and any/all District officials and administrators who will be directly involved in processing, investigating, and/or resolving complaints of discrimination (including harassment/assault) based on sex. The training will cover the District’s Title IX grievance procedures, and provide attendees with instruction on recognizing and appropriately addressing allegations and complaints of discrimination on the basis of sex, including sexual harassment/assault. The training will also be provided, at a minimum, to school principals, assistant principals, anti-bullying coordinators, anti-bullying specialists, school safety team members, teachers, guidance counselors and school social workers. The training will, at a minimum, cover the following: (1) the requirements of Title IX, including that discrimination and/or harassment based on sex is prohibited and will not be tolerated; (2) information on what constitutes sex discrimination and sexual harassment/assault, and the District’s responsibilities to address such allegations; (3) the disciplinary sanctions applicable to anyone who engages in discrimination and/or harassment based on sex; (4) the responsibility of staff to report incidents of possible discrimination and/or harassment and the procedures for doing so; and (5) where, how and to whom instances of discrimination and/or harassment are to be reported. Additionally, the training for the 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 District will distribute copies of its grievance procedures to all attendees.

Reporting Requirement: By May 15, 2016, the District 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.

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 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 Title IX, at 34 C.F.R. §§ 106.8 and 106.9. 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

Ann Marie Quartironi
Interim Superintendent of Schools
Beacon City School District