

## **RESOLUTION AGREEMENT**

### **Haledon Public School District Case No. 02-18-1198**

In order to resolve Case No. 02-18-1198, Haledon Public School District (the District) assures the U.S. Department of Education, 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), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106.

#### **Action Item 1: Complaint Investigation**

By October 1, 2018, the District will complete an investigation of the complainant's report of sexual harassment, made on behalf of the Student on February 23, 2018, regarding any additional incidents of sexual harassment aside from the incident of February 22, 2018, and ensure that the investigation complies with Title IX. The investigation of the complainant's report of sexual harassment will involve, at a minimum, the following: providing the complainant with an opportunity to provide additional information or identify any other witnesses relevant to her complaint; conducting a detailed review of all information previously provided by the complainant; interviewing the Student, and all witnesses, as appropriate; and, making a determination of whether the evidence presented, together with such additional information and witnesses as may be identified or presented, support a finding that sexual harassment occurred. The outcome of the investigation will be communicated to the parties in accordance with the District's procedures for investigating Title IX complaints.

#### **Reporting Requirement:**

By December 31, 2018, the District will submit to OCR, for review and approval, a report documenting the procedures used to conduct its investigation, as well as the outcome of the investigation; proof that notice of the outcome was provided to the complainant and the parent/guardian of Student A; any interim measures, and/or corrective actions deemed necessary (e.g., discipline, counseling, revision of the Student's attendance records, etc.); and, a timeline for implementation of the corrective actions, if necessary. The District will also provide all documentation obtained relevant to the investigation.

#### **Action Item 2: Title IX Coordinator**

By October 1, 2018, the District will take steps to ensure that 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. The District will publish this information in at least its Student Handbook and on its website. Additional notification may occur by any other methods usually employed by the District for distributing District policies and procedures.

**Reporting Requirement:**

By October 15, 2018, the District will provide documentation to OCR demonstrating its compliance with Action Item 2, including copies of the relevant pages 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 containing the required notification. Inserts may be used pending reprinting of publications.

**Action Item 3: Notice of Non-discrimination**

By November 15, 2018, the District will revise its notice(s) of non-discrimination consistent with the requirements of the regulation implementing Title IX, at 34 C.F.R. § 106.9. The District will ensure that the notice of non-discrimination is posted in the School's main office and faculty lounge; included in the District's Policy Manual, Student Handbook, registration materials, and application forms 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, and posted on its website.

**Reporting Requirements:**

- a) By October 1, 2018, the District will provide a copy of its proposed notice of non-discrimination to OCR for review and approval.
- b) Within thirty calendar days after receipt of OCR's approval of the proposed notice of non-discrimination, 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 non-discrimination appears (e.g., the Policy Manual, Student Handbook) and a copy of at least one publication disseminated to the District community, or printouts or a link to any online publication of the notice on its website. Inserts may be used pending reprinting of the materials and publications.

**Action Item 4: Grievance Procedures**

By November 30, 2018, the District will adopt and publish revised 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 District will ensure that the revised procedures contain the following provisions, to the extent not already included:

- 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, and third parties;<sup>1</sup>

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<sup>1</sup> The District may have separate procedures for students, employees, and third parties; however, taken as a whole, the procedures must cover students, employees, and third parties.

- an explanation of 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;
- an equal opportunity for the parties to provide witnesses and other evidence;
- notice to the 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 parties attend classes together);
- notice of the opportunity of both parties to appeal the findings; and,
- an assurance that any appeal will be conducted in an impartial manner by an impartial decision maker.

**Reporting Requirements:**

- a) By September 30, 2018, the District will provide to OCR a draft of the revised grievance procedures for OCR's review and approval.
- b) Within sixty (60) calendar days of the District receipt of OCR's approval of the revised grievance procedures, the District will provide documentation to OCR to demonstrate that it has adopted the OCR-approved procedures and updated its printed publications and online publications to include the revised 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 online publications containing the grievance procedures; and (ii) copies of relevant pages, or if not yet finalized, copies of inserts, for printed publications. If inserts were used for any publications, then by December 31, 2018, the District will provide to OCR copies of the relevant pages of 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 5: Training**

By December 1, 2018, the District will provide training to all District administrators and staff members who are responsible for recognizing and reporting incidents of sexual harassment. The training will cover, at a minimum: the District's revised grievance procedures; the obligation of responsible employees to report sexual harassment; how to recognize and identify sexual harassment, including sexual assault/violence and behaviors that may lead to and result in sexual violence; the District's responsibilities under Title IX to address such allegations; and the relevant resources available. During the trainings, the District will provide copies of its revised Title IX grievance procedures to all attendees, or refer them to their location within the publications they already possess.

By December 15, 2018, the District will provide training to its Title IX coordinator, Affirmative Action Officer(s), and any other District employees or third parties directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of sexual harassment, including sexual assault/violence. The training will include instruction on the District's revised Title IX grievance procedures; the District's obligation regarding investigation of complaints; and, how to conduct adequate, reliable and impartial Title IX investigations for those charged with investigative duties. The training will also include information regarding the provision of interim measures and the need for remedial actions for the parties and District/school community. Finally, the training will stress fully documenting all steps of an investigation and resolution, such as testimony collected from witnesses, the start and stop dates of any investigation suspension, the offer and acceptance/decline of interim relief, and the issuance of notice of outcomes to the parties.

**Reporting Requirement:**

By December 31, 2018, the District will provide documentation to OCR demonstrating that it provided training in accordance with Action Item 5 above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s), the date(s) and time(s) of the training(s), the names and positions/titles of staff in attendance, confirmation of whether all relevant employees have been trained (and if not, how many remain), and copies of any training materials distributed.

**Action Item 6: Handling of New Complaints**

The District assures OCR that it will process and investigate all complaints in a timely manner. The District also assures OCR that District staff will handle all complaints consistent with Title IX and its implementing regulation, and consistent with the District's policies and procedures for processing and investigating Title IX complaints. During school year 2018-2019, the District will maintain documentation to demonstrate that it met these obligations, and report the following information to OCR by June 30, 2019.

**Reporting Requirement:**

By June 30, 2019, the District will report to OCR the status and/or outcome of all Title IX investigations conducted during academic year 2018-2019. The documentation will include, at a minimum:

- a) the dates that each complaint or other report was made to the District;
- b) the dates that the District notified each party of the complaint;
- c) the dates that each investigation began;
- d) the dates that the complainant, respondent and all witnesses were interviewed;
- e) a description of any relevant documentary evidence obtained (including signed affidavits as appropriate), and the date(s) on which each was obtained;
- f) proof that the District offered each party a right to provide witnesses and evidence;
- g) if applicable, where an investigation was not initiated or was initiated but not completed, the reason for not conducting or completing an investigation, and an assessment of the situation and what actions the District must take, if any, to discharge its obligations under Title IX;
- h) the outcome of the investigation, and if any, the disciplinary process, and the dates that the parties were notified of these outcomes; and
- i) whether there were any appeals, the outcome of the appeals, and the dates that the parties were notified of the outcome of the appeals.

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 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. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close 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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

August 17, 2018  
Date

/s/  
Dr. Miguel Hernandez, Superintendent  
(or designee)  
Haledon Public School District