

Commitment To Resolve
Fayetteville Public Schools
OCR Case Number 06971182

The Fayetteville Public Schools (FPS) voluntarily agrees to implement this Commitment To Resolve (CTR) without admission of liability or implication of any statutory or regulatory civil rights violation, to resolve the complaint allegations in OCR Case Number 06971182. The CTR document and associated reporting requirements constitute an agreement between the United States Department of Education, Office for Civil Rights (OCR), and the FPS that, upon full implementation, will resolve the allegations contained in this case consistent with the requirements of Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations.

The CTR agreement has been designed to systematize and facilitate the FPS's efforts to discourage and/or prevent instances of harassing conduct of a sexual nature throughout the District. To do so, requires enhanced communications between students, faculty/staff and parents in an effort to promote at all levels, the elimination of harassment of a sexual nature. The FPS's will also be sensitive to and recognize the various forms of sexual harassment and inform through administrators, faculty/staff, counselors and students that harassing conduct of a sexual nature constitutes a form of discrimination prohibited by Title IX because it compromises students ability to receive the benefits of the educational program. Further, OCR's guidance, Sexual Harassment of Students by School Employees, Other students, or Third Parties, 62 Fed. Reg. 12034, 12039 (1977), stipulates that "although Title IX does not prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian students may constitute sexual harassment covered by Title IX."

In entering into this CTR, the FPS assures the OCR that the following components will be implemented within the specified timeframes. Periodic status reports, as delineated in the separate monitoring section, will be submitted to the OCR as described on the following pages.

1. During the month of September, 1998, the FPS will disseminate information to students, parents and faculty advising them of the name, address and telephone number of the Title IX Coordinator designated to coordinate FPS's efforts to comply with and carry out its responsibilities under Title IX. In addition, the FPS's will disseminate information to faculty/staff and students clarifying that the current policy on sexual harassment protects all students regardless of the student's sex from conduct of a harassing nature.

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2. During the month of August, 1998, the FPS will review and as appropriate, revise its current Policy On Sexual Harassment (Policy) to clarify that all students, regardless of the student's sex or the sex of the alleged harasser, are protected against harassing conduct of a sexual nature which occurs within the FPS. Should revisions be made, revised copies will be forwarded to OCR.
3. The FPS will continue to invoke appropriate disciplinary sanctions against any student reported and confirmed to have engaged in sexually harassing behavior against another student(s). The FPS will address similar incidents with the same degree of urgency and purpose regardless of whether male or female students are involved.

The sanction(s) are progressively more stringent contingent upon the severity and frequency of the harassing behavior and are designed to ensure that the offending behavior does not continue to limit and/or interrupt the ability of any student to participate in or benefit from the educational services and/or opportunities provided by the FPS.

4. The FPS will continue to develop and implement a procedure for monitoring reported incidents of sexual discrimination, including harassment, to determine if the severity and/or frequency are indicative of a sexually hostile environment as defined in OCR's policy guidance.
5. During the month of August, 1998, the FPS will conduct an inservice training program for faculty/staff providing essential guidance/instructions for addressing sexual harassment incidents inclusive of the applicable Policy and a timely response.

Faculty/staff will be required to report all instances of sexual harassment to their immediate supervisor or appropriate administrative personnel and also refer the student affected to the Title IX Coordinator or Equity Coordinator.

6. During orientation activities at the beginning of the 1998-1999 school year and each year thereafter, the FPS will formally notify and reiterate to students, faculty and staff that sexual harassment is prohibited, where they can obtain a copy of the FPS's Policy on Sexual Harassment.

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This information will include the name of the Title IX Coordinator responsible for coordinating the FPS's efforts to comply with Title IX, which prohibits discrimination on the basis of sex inclusive of sexual harassment. The information will also be posted on highly visible bulletin boards at each school clearly indicating that charges of sexual harassment will be promptly investigated regardless of the sex of the charging party.

7. The FPS will conduct, at the beginning of the 1998-1999 school year, orientation/training sessions for all staff with responsibility to implement the Policy, including descriptive briefing information and related reference material. The identity/position of the trainer will be submitted to OCR on or before October, 1998.
8. By September, 1998, the FPS will present to students an open orientation/training session providing information/discussion of sexual harassment and other student policy issues.

Monitoring

1. By January 31, 1998, and June 30, 1999, the FPS will provide a summary to OCR of reported incidents of sexual discrimination, including harassment. The summary will provide the nature of the infraction, the sex of the student(s) involved and the resulting disciplinary response.
2. By October 25, 1998, the FPS will submit to OCR a written narrative that describes how the training delineated in paragraph 5 above achieved its objective including number in attendance, training format i.e. lecture, workshop, etc. and nature of discussions/questions originating from participants.
3. By October 25, 1998, the FPS will submit to OCR copies of the sexual harassment policy including dates on which the orientation/training sessions to students and staff were held.

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- 4. By October 25, 1998, the FFS will submit to OCR a written narrative indicating that the open orientation session delineated in paragraph 8 above was conducted inclusive of general descriptive information that clarifies how the session proceeded i.e. most frequent questions and/or topics of discussion, controversial issues, if any, and resulting disposition, etc.

Executive Approval



Dr. Bobby C. New, Superintendent
Fayetteville Public Schools



Date