

**Otto, Diana**

---

**From:** ocr\_complaint@ed.gov  
**Sent:** Sunday, October 24, 2010 7:00 PM  
**To:** [REDACTED] OCR Boston  
**Subject:** OCR Electronic Complaint Submission

PLEASE DO NOT REPLY TO THIS E-MAIL. THIS E-MAIL ADDRESS IS USED BY DEPARTMENT OF EDUCATION AUTOMATED SYSTEMS AND IS NOT MONITORED.

Your complaint with the Office for Civil Rights, a copy of which is reproduced below, has been automatically forwarded to the following office for review:

Office for Civil Rights/ED  
 Boston Office

5 Post Office Square

Boston, MA, 02109-3921

So that we can best assist you, we call your attention to the following:

1. If you need to communicate with OCR regarding your complaint before you are contacted directly, please do not reply to this message, which would result in your reply going to a send-only server address. Instead, please direct your correspondence to the above office at OCR.Boston@ed.gov.
2. If you need to modify or supplement your complaint, please do not use the complaint form to submit another complaint with the new information. Instead, you may simply send an email to the office that has your complaint. Filing duplicative complaints may impede our ability to review your concerns in a timely manner. (If you have a separate complaint involving other matters, you may of course use this form to submit it.)
3. Remember that before OCR can process your complaint it must receive at the above address a signed copy of the Office for Civil Rights Consent Form, which you can obtain at <http://www.ed.gov/about/offices/list/ocr/edlite-consentform.html>.
4. It is recommended that you print a copy of this message and retain it for your records.

The following information has been sent to the specified office:

#### OCR COMPLAINT FORM

1. Enter information about you.

Your First Name: [REDACTED] Your Last Name: [REDACTED]

Your Address: [REDACTED]

Non Responsive

City: [REDACTED]

Non Responsive

State: MA Zip Code: [REDACTED]

Best Time to Call You: DAY Primary Phone No: [REDACTED]

Non Responsive

Non Responsive

Alternative Phone No: [REDACTED]

Your Email Address: [REDACTED]

Non Responsive

2. Who else can we call if we cannot reach you?

Non Responsive

Contact's Name: [REDACTED]

Daytime Phone No: [REDACTED]

Non Responsive

Relationship to you: wife

3. Who was discriminated against?

Someone else

(b)(7)(C)

Injured Person's Name: [REDACTED]

Daytime Phone No:

Relationship to You (eg. son or daughter): N/A

Evening Phone No:

Injured Person's Address: N/A

City: Amherst State: MA

Zip Code: 01002

4. What institution discriminated?

Institution Name: Amherst-Pelham Regional H. S.

Address: 170 Chustnut Street

City: Amherst,

State: MA

Zip Code:

School or department involved: ARHS Athletic Department

5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

No

Agency Name:

Date Filed: (mm/dd/yyyy)

Status:

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

All that apply:

sex

Why you believe the discrimination was because of race, sex, disability, or whatever basis you indicated above or why you believe the action was retaliatory.

Two discriminatory actions are occurring at the Amherst- Pelham Regional School District High School (APHS) this fall, 2010. They are:

1. Unequal distribution games scheduled during prime time.
2. Untrained Title IX coordinator.

1. Failure to provide that male and female athletes receive the same benefits of athletic participation, including games scheduled/played during prime time.

"Prime time" games are those scheduled at times when a player's parents, family, friends, neighbors, the community, etc. can attend. They are usually scheduled in the evenings (after the typical work day), weekends, or on holidays (when work/school are canceled).

"Non prime time" games are scheduled at times when it is not possible or highly inconvenient for a player's parents, family, friends, neighbors, the community, etc. to attend. They are typically scheduled on school-day afternoons when most people are either at work, in school, or commuting home.

The ARHS 2010 home fall sports schedule (see below) demonstrates the inequality of prime time games. All boys' (b)(7)(C) varsity (b)(7)(C) games are played during prime time; only two girls' varsity (b)(7)(C) games are scheduled during prime (b)(7)(C) time; and only one girls' varsity (b)(7)(C) game is scheduled during prime time. Altogether, girls' varsity teams have 17 home games of which only three are scheduled during prime time. Thus, girls' varsity sports are played with virtually (b)(7)(C) no audience, while the boys' (b)(7)(C) team gains the experience and prestige of playing in front of family, friends and the wider community. This is a clear violation of Title IX.

Both the soccer field and the football field (either of which can accommodate field hockey games) have lights installed for night games. Further, lights were added to the soccer field, in part, through the efforts of volunteers and community donors, when allegations of similar Title IX violations were raised approximately six years ago. The fact that soccer field lights are not in use and that Title IX violations are once again in question, boggles one's mind.

2. ARHS has failed to provide their Title IX coordinator with any training regarding Title IX compliance. This is also a violation of Title IX. In addition to Title IX compliance, the ARHS Title IX Coordinator is responsible for carrying out numerous other duties, programs and responsibilities.

2010 ARHS Home fall sports schedules: date and start times.

Boys Varsity Football (all at prime time)

Friday 9/24	7:00PM	vs.	Cathedral H.S.
Sunday 10/3	3:00PM	vs.	Putnam Vocational H.S.
Sunday 10/17	5:00PM	vs.	Hoosac Valley H.S.
Friday 10/29	7:00PM	vs.	Commerce H.S.
Friday 11/5	7:00PM	vs.	Chicopee Comp H.S.
Thursday 11/25	10:00AM	(annual Thanksgiving game) vs Northampton H.S.	

(b)(7)(C)

Girls Varsity (b)(7)(C)

Monday 9/13	4:00PM (day)	vs.	Greenfield H.S.
Thursday 9/16	4:00PM (day)	vs.	Longmeadow H.S.
Friday 10/8	4:00PM (day)	vs.	West Springfield H.S.
Wednesday 10/13	5:15PM (day)	vs.	East Longmeadow H.S.
Monday 10/18	4:00PM (day)	vs.	Westfield H.S.
Wednesday 10/20	6:30PM (night)	vs.	Agawam H.S.
Friday 10/22	4:00PM (day)	vs.	Minnechaug H.S.
Tuesday 10/26	5:00PM (day)	vs.	Cathedral H.S.

(b)(7)(C)

Girls' Varsity (b)(7)(C)

Tuesday 9/7	4:00PM (day)	vs.	Minnechaug
Friday 9/10	7:00PM (night)	vs.	Northampton H.S.
Tuesday 9/14	4:00PM (day)	vs.	Longmeadow H.S.
Friday 9/24	4:00PM (day)	vs.	Ludlow H.S.
Tuesday 9/28	4:00PM (day)	vs.	Belchertown
Thursday 10/14	4:00PM (day)	vs.	Cathedral

Monday 10/18 4:00PM (day) vs. Chicopee Comp  
 Monday 10/25 4:00PM (day) vs. Agawam H.S.  
 Thursday 10/28 7:00PM (night) vs. Westfield H.S.

7. Your complaint must be filed within 180 days of the discriminatory action

When did the last act of discrimination occur?

Enter the date: 10/18/2010 (mm/dd/yyyy)

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

No.

8. What would you like the institution to do as a result of your complaint - what remedy are you seeking?

1. For every fall sports season, the ARHS Athletic Director shall be responsible for scheduling an equal number of prime time home games for boys' [REDACTED] for girls' [REDACTED] and for girls' [REDACTED] teams. If the Athletic Director fails to do so, the District Superintendent shall notify in writing the Regional Federal Office of Civil Rights (OCR) at least two weeks prior to the first scheduled fall season game. Thus, for each fall season, each of these three varsity teams shall have scheduled (and shall play) an equal number of prime time home games. In addition to equalizing the total number of prime time home games between the aforementioned varsity teams, the Athletic Director shall schedule (and the boys' [REDACTED] team shall play) the same number of prime time home games as does the boys' [REDACTED] girls' [REDACTED] and girls' [REDACTED] teams. Thus, every fall season the varsity girls' [REDACTED] girls' [REDACTED] boys' [REDACTED] and boys' [REDACTED] teams shall play an equal number of prime time games.

2. By no later than December 1, 2010, the Amherst Regional School District Title IX coordinator shall be fully trained to ensure compliance with Title IX. If the District fails to provide this training, the District Superintendent shall notify in writing the OCR, the high school Principal, and the District School Committee by no later than December 14, 2010.

From here on, any new Title IX Coordinator shall, within 30 days following the date of appointment, receive sufficient training to ensure compliance with Title IX. Failure to do so shall be reported in writing by the District Superintendent to the OCR, the high school Principal, and the District School Committee by no later than 60 days following the appointment of a new Title IX Coordinator.

3. By no later than December 1, 2010, the District shall hire an independent Title IX expert to fully investigate all areas of Title IX compliance at ARHS. All ARHS staff and personnel shall fully cooperate in this investigation. Any failure to cooperate with this investigation shall be immediately be reported by the Title IX expert to the District Superintendent. Failure to cooperate with the Title IX expert shall be reported in writing by the District Superintendent within five business days of the alleged infraction to the OCR, the high school Principal, and the District School Committee.

Upon completion of the investigation, the Title IX expert shall, as soon as practicable, but no later than April 1, 2011, prepare a report containing the results of the investigation and proposals to bring the District into full compliance with Title IX. Copies of the report shall be given to the OCR, the District Superintendent, high school Principal, Athletic

Director, Title IX Coordinator and District School Committee. Two copies shall be made available at ARHS for review by any person during any school day.

By no later than June 1, 2011, the District Superintendent shall put in place the recommendations contained in the Title IX expert's report to ensure full compliance by the fall 2011 season and thereafter.

Do you have written information that you think will help us understand your complaint?

No