

**Resolution Agreement
Academy of Alameda
OCR Case No. 09-16-1194**

To resolve the concerns raised in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), the Academy of Alameda (School), without admitting any violation of law, and without a compliance determination by OCR, agrees to take the actions outlined in this Resolution Agreement (Agreement). "Student" refers to the daughter of the individuals who filed the complaint.

- A. Investigative Report -- Individual Student. The School will draft a written response to the Student's and complainants' allegations that the Student was subject to sexual harassment during the fall 2015 semester. The response will memorialize the allegations, the steps the School took to investigate them, the School's factual findings and conclusions as to whether harassment occurred, and the School's responsive steps. The School will provide the draft to OCR for review. If either the School or OCR determines additional investigation or remedial measures are necessary to resolve the allegations, then the School will conduct that investigation and/or begin implementing the remedial measures and memorialize these actions in the written response. Upon OCR's approval, the District will issue the response to the complainants.

By September 30, 2016, the School will provide OCR with a draft of its written report. If OCR notifies the School that additional investigation or remedial measures are required, the School will take responsive action, revise the report, and provide the revised report to OCR within 30 working days. Within five working days of OCR's approval of the report, the School will issue it to the complainants. If additional remedial action is required, the School will report to OCR on implementation of the remedial action by the last day of each semester until the actions are complete.

- B. Title IX Coordinator. The School will designate an individual with appropriate training or expertise (Coordinator) to coordinate its efforts to comply with and carry out its responsibilities under Title IX. The School will provide the Coordinator with a written description of her or his responsibilities, including: ensuring all members of the School community understand their rights and obligations under Title IX, including how to file complaints; overseeing implementation of the School's procedures to ensure Title IX complaints are resolved promptly and appropriately; monitoring campus climate with respect to sex-based harassment; and ensuring equal access to athletics and academic programs. The School may designate multiple Title IX coordinators, provided it designates one lead coordinator with ultimate oversight responsibility. The School will publish the name and contact information of the Coordinator on its website.

By September 7, 2016, the School will provide a draft written description of the Coordinator's responsibilities and proposed qualifications for OCR's review and approval. Within 10 days of OCR's approval of the Coordinator's qualifications and the written description, the School will notify OCR of the identity and qualifications of the Coordinator, confirm that it shared the written description with the Coordinator, and provide evidence that it published the Coordinator's name and contact information on the School website.

- C. Policies and Procedures. The School will review and, as needed, revise, any complaint procedures that apply to sex-based harassment complaints to reflect Title IX requirements, including the appropriate legal standards, interim measures, investigative steps, and potential remedies. The School will disseminate the revised procedures to the School community.

By September 7, the School will provide OCR with a draft of its complaint procedures, as revised, for review and approval. Within 30 days of OCR approval the School will provide documentation showing that it has adopted the procedures, and disseminated them to parents, guardians, and staff. Dissemination will include, for example, inclusion on the School's website and family and employee handbooks.

- D. Administrator Investigative Training. The School will provide training by a person with appropriate expertise to School administrators and others with responsibility for investigating and responding to allegations of sex-based harassment. The instruction will cover behavior that constitutes sex-based harassment; the obligation to respond to notice of such conduct, including how to identify complaints, conduct thorough investigations, evaluate evidence, reach conclusions, and implement remedies; and the School's relevant policies and procedures. OCR is available to provide this training at no cost upon request.

If the School elects not to have OCR conduct the training then, by September 7, 2016, it will provide a written description of the proposed training, including the names and qualifications of the proposed trainers, to OCR for review and approval. By October 15, 2016, the School will provide OCR documentation that the training occurred, including evidence of attendance by name, and any training materials such as presentation slides.

- E. Student Instruction. For the term of this Agreement, the School will continue to provide recurring age-appropriate student instruction designed to increase awareness of what constitutes sexual harassment, the negative effects of sexual harassment, and how students may seek redress for sexual harassment.

By December 31, 2016, the School will provide OCR documentation of the instruction provided this year, including any training materials such as presentation slides. The School is not required to submit documentation of student instruction for future academic years.

- F. Investigative Reports – Other Sex-Based Harassment. Except for incidents for which the School already issued a written response that complies with the School's *Uniform*

Complaint Procedure, the School will prepare a written response to each incident of alleged sex-based harassment of a student received during the 2015-16 school year. The written response will memorialize the allegations, the steps the School took to investigate them, the School's factual findings and conclusions as to whether harassment occurred, and the School's responsive steps. The School will provide the draft reports to OCR for review. If the School or OCR determines additional investigation or remedial measures are necessary to resolve the allegations, then the School will conduct that investigation and/or begin implementing the remedial measures and memorialize these actions in the written response.

By October 31, 2016, the School will provide OCR with drafts of the written reports. If OCR notifies the School that additional investigation or remedial measures are required, the School will take responsive action, revise the relevant reports, and provide the revised reports to OCR within 30 working days. Within five working days of OCR's approval of the reports, the School will issue them to the parents or guardians of the students allegedly harassed. If additional remedial action is required, the School will report to OCR on implementation of the remedial action by the last day of each semester until the actions are complete.

- G. Monitoring. The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled its terms and is in compliance with the regulation implementing Title IX, at 34 C.F.R. §106.31, which was at issue in this case.

The School further 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 regulation implementing Title IX, at 34 C.F.R. §106.31, which was at issue in this case. By signing this Agreement, the School agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement.

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 proceedings to enforce this Agreement, OCR shall give the School written notice of the alleged breach and 60 calendar days to cure the alleged breach.

ACADEMY OF ALAMEDA

By: _____/s/_____
Matt Huxley, Executive Director

07/21/2016
Date