

**Voluntary Resolution Agreement  
Kingston Hill Academy  
OCR Complaint No. 01-14-1230**

Kingston Hill Academy (Academy) enters into this resolution agreement (Agreement) to resolve the allegation in the above-referenced complaint, which the U.S. Department of Education, Office for Civil Rights (OCR) investigated pursuant to the requirements of Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX).

**ACTION ITEM 1 – POLICIES AND PROCEDURES:**

1. By July 1, 2018, the Academy will review its policies and procedures related to sex discrimination, including sexual harassment, and revise where necessary to ensure compliance with Title IX.

The revised procedures for resolving allegations of sex discrimination, including sexual harassment, shall include at least the following information:

- a. Notice to students, parents, and employees of the procedure, including where complaints may be filed;
- b. Application of the procedure to complaints alleging harassment carried out by other students, employees or third parties;
- c. Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
- d. Designated and reasonably prompt timeframes for the major stages of the complaint process;<sup>1</sup>
- e. Notice to the parties of the outcome of the complaint; and
- f. An assurance that the Academy will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

**Reporting Requirements:**

1. By August 1, 2018, the Academy will submit for OCR's review and approval a list of policies/procedures it reviewed, and shall identify all changes made to these documents to ensure internal consistency and clarity (e.g., via track changes).

This submission shall include the Academy's revised policies and procedures for resolving allegations of sex discrimination, including sexual harassment.

2. The Academy agrees to promptly incorporate feedback from OCR. Within 30 days of receiving OCR's final written approval of these materials, the Academy will adopt, implement, and publish the revised policies and procedures. The Academy will make this information available through the Academy's website, revised student handbooks, and any other additional means of notification the Academy deems effective to ensure that the information is disseminated.

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<sup>1</sup> Furthermore, if not clearly identified already, the identification of each informal and formal meeting and hearing that may occur in the resolution process.

3. Within 30 days of receiving OCR's final written approval of these materials, the Academy will provide OCR with documentation that it has adopted, implemented and published its revised policies and procedures, including a description of how the policies and procedures were distributed, copies of its revised student handbooks, a link to its webpage where the revised policies and procedures are located, and documentation of any other additional means of notification used by the Academy.

**ACTION ITEM 2 – GENERAL TRAINING:**

1. Within 90 days of disseminating the revised policies and procedures for which OCR provided final written approval as detailed in Action Item 1, above, the Academy will provide Title IX training to Academy staff who interact with students on a regular basis, including teachers, paraprofessionals, guidance counselors and administrative staff. The training will provide attendees with guidance and instruction on:
  - a. What constitutes sexual harassment under Title IX, including examples of different types of sex discrimination (different treatment and sexual harassment, including sexual violence);
  - b. The responsibility of staff to report potential sex discrimination of which they have knowledge, including when to report such incidents to the Title IX Coordinator(s);
  - c. The Academy's obligation under Title IX to recognize and respond to incidents of possible sex discrimination of which it has notice;
  - d. The Academy's OCR-approved procedures related to sex discrimination, including sexual harassment, as set forth in Action Item 1; and
  - e. Potential disciplinary consequences for students and, separately, staff who are found responsible for sex discrimination, including sexual harassment.
2. Within 90 days of disseminating the revised policies and procedures for which OCR provided final written approval as detailed in Action Item 1, the Academy will also provide training for its designated Title IX Coordinator(s) and investigators; and any other staff involved in receiving, processing, investigating, adjudicating, or resolving complaints of sexual harassment, on how to conduct thorough, reliable, and impartial investigations of complaints of sexual harassment pursuant to Title IX. Such training will include:
  - a. Instruction on preventing, recognizing, and appropriately addressing allegations and complaints pursuant to Title IX;
  - b. Instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation and how to create and maintain adequate case files;
  - c. Developing and communicating interim measures;
  - d. Appropriate remedies to address the effects of sexual harassment;
  - e. Best practices for tracking patterns and/or systemic problems or trends;
  - f. The Academy's OCR-approved procedures related to sex discrimination, including sexual harassment;
  - g. How to objectively evaluate the credibility of parties and witnesses; and
  - h. Obtaining, analyzing, and documenting both inculpatory and exculpatory evidence;
  - i. Decision-makers' obligation to understand conflicts of interest and the process to recuse themselves if needed to preserve the impartiality of the resolution;
  - j. Decision-makers' obligation to ensure that each party had or has the same meaningful access to information that will be used during any informal or formal disciplinary meeting or hearing, including the investigation report; and

- k. Decision-makers' obligation to ensure that disciplinary sanctions shall (1) be made for the purpose of deciding how to best enforce the Academy's code of conduct; (2) consider the impact of separating a student from his/her education; and (3) be a proportionate response to the violation.

**Reporting Requirements:**

1. Within 30 days after the trainings in Action Item 2 have been conducted, the Academy will provide to OCR:
  - a. the name(s) of the individuals who conducted the training;
  - b. a list of the individuals who attended the training and their positions;
  - c. the date(s) the training was conducted; and
  - d. copies of any training materials disseminated.

**ACTION ITEM 3 – RECORD KEEPING**

1. By July 1, 2018, the Academy will develop and maintain a recordkeeping system that comprehensively documents its receipt, investigation, and resolution of all oral and written complaints, reports or other notices of sexual harassment.

The Academy will also maintain documentation fully detailing any interim measures afforded to students pending the completion of an investigation and, where sexual harassment is found to have occurred, documentation fully detailing all the steps, individual and systemic, the Academy took to stop the harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects on the student and any others as appropriate. In addition, this protocol shall ensure that the information in Reporting Requirement 3(a)-(i) below is documented.

**Reporting Requirement:**

1. By August 1, 2018, the Academy will provide to OCR verification that it has developed and is implementing the documentation system described in Action Item 3.
2. By January 31, 2019, the Academy shall provide OCR with a summary of its Title IX investigations/resolutions beginning the date the Agreement is signed through the fall 2018 term. The information shall include the following:
  - a. name or unique identifier of student/complainant,
  - b. name or unique identifier of alleged perpetrator,
  - c. date of alleged harassment,
  - d. location of alleged harassment,
  - e. allegation,
  - f. date of investigation and names of investigator(s),
  - g. what interim measures (if any) were provided,
  - h. resolution, and
  - i. how the notice of outcome was communicated to the parties.
3. By July 31, 2019, the Academy will provide to OCR this same information for all additional complaints filed through the spring 2019 term.

4. The Academy agrees that it shall make additional information available to OCR upon request, including, but not limited to, the complaint itself, incident reports, correspondence (including e-mail) or other written descriptions of the allegations, and documentation of the Academy's response (including interview notes, investigative reports, written findings, and records of any corrective action taken, including any disciplinary action).

### **General Requirements**

The Academy understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the Academy understands that during the monitoring of the Agreement, if necessary, OCR may visit the Academy, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Academy has fulfilled the terms of the Agreement.

Upon the Academy's satisfaction of the commitments made under the Agreement, OCR will close the case.

The Academy 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 the Agreement, OCR will give the Academy 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 Academy's representative below.

/s/ Linda Paolillo

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[Authorized Official]  
Name/Title: Linda Paolillo, Principal

\_\_\_\_\_ 4/12/18 \_\_\_\_\_

Date