

**Resolution Agreement  
St. Paul Conservatory for Performing Artists  
Case No. 05-18-1026**

St. Paul Conservatory for the Performing Artists (School) enters into this Resolution Agreement, as set forth below, with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 05-18-1026. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the School. The School assures the OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688 (Title IX), and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination based upon sex in any education program or activity operated by a recipient of Federal financial assistance from the Department of Education.

**General Principals**

Effective immediately, the School agrees to take all steps necessary to ensure that students enrolled in the School are not subjected to a hostile environment on the basis of sex. To this end, the School will promptly investigate all incidents of sexual harassment of which it has notice and will take appropriate disciplinary action against students or staff who violate School policies and procedures addressing sexual harassment. The School will take prompt and effective responses to end sexual harassment, prevent its recurrence, and, where appropriate, remedy the effects of sexual harassment on the affected students, including imposition of a series of escalating consequences, if necessary. The School will also take steps necessary to ensure that no individual is subjected to retaliation for reporting harassment or participating in a harassment investigation.

**TITLE IX SEXUAL HARASSMENT POLICIES AND PROCEDURES**

1. By **November 2, 2018**, the School will review and revise its written policies and procedures relating to sexual harassment, including the School’s student/parent handbook, to ensure that they adequately address incidents of sexual harassment of any kind and provide for the prompt and equitable resolution of complaints alleging sexual harassment.<sup>1</sup> The School will ensure that the revised policies and procedures include, at a minimum, the following:
  - a. Notice to students, parents, and employees of the policy and procedures, including where complaints may be filed, that is written in language appropriate to the age of the school’s students, easily understood, and widely disseminated;
  - b. A description of formal complaint procedures, including timeframes for major stages of the investigation and for completion of the investigation of a complaint, a requirement that written notice of the outcome be provided to the parties, and a requirement that both parties will be given equal opportunity to present witnesses and other evidence; and

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<sup>1</sup> For purpose of this Agreement, “complaints” includes not only complaints filed through the School’s grievance procedures, but also reports of sexual harassment the School receives informally (verbally or by email or letter) and sexual harassment of which School employees and representatives otherwise become aware.

- c. An assurance that the school will take steps to prevent recurrence of any harassment and correct its discriminatory effects on the complainant and others, if appropriate.
2. By **November 2, 2018**, the School will examine its code of conduct and disciplinary procedures for students to ensure that the current versions appropriately and adequately address violations of the School's sexual harassment policies and procedures, as developed pursuant to Item #1, and will revise the code of conduct and disciplinary procedures to the extent necessary to ensure they adequately address such violations.
3. By **December 21, 2018**, the School will adopt, implement, and widely publish the revised policies and procedures referenced in Items #1 and #2. Publication will include written notice of the policies and procedures to the School community, including students, parents, administration, and staff. The School will make such notification(s) available through the School's website, revised parent/student handbook(s), and any regularly issued newsletters (print or electronic), as well as by any other additional means of notification the School deems effective to ensure that the information is widely disseminated.

**REPORTING REQUIREMENT:** By **December 21, 2018**, the School will provide OCR with documentation that it has completed Items #1–#3, including copies of any written notice(s) to students, parents, administrators, and staff regarding the revised policies and procedures and a description of how the notices were distributed, copies of any revised student/parent handbooks, copies of any newsletters, a link to any webpage, and a copy of any other documentation of notification used by the School.

#### **IMPLEMENTATION OF TITLE IX SEXUAL HARASSMENT POLICIES AND PROCEDURES**

4. **Within 30 days** of the publication of revised policies and procedures described in Item #3, the School will take the following actions to ensure that its written policies and procedures relating to sexual harassment are implemented in a manner that is prompt and effective with respect to any complaint of a violation of the School's Title IX policies and procedures:
  - a. The School will promptly interview any reporting and responding student(s), except in extraordinary circumstance.
  - b. The School shall conduct an investigation of any matter in which the reporting and responding students present contradictory accounts of relevant underlying facts. Such investigation shall include an attempt to substantiate the accounts of the relevant parties, including but not limited to making credibility determinations, conducting follow-up interviews with the responding and reporting students to obtain additional details, and interviewing witnesses, if any, to the incident(s) in question.
  - c. Written investigative reports or other notice to the parties following an investigation shall include, at a minimum, the outcome of the investigation and, a

description of the inculpatory and exculpatory evidence, the outcome of the complaint, i.e., whether the complaint was found to be credible and whether harassment was found to have occurred, and a description of the disciplinary action imposed on a student found guilty of harassment if that information relates directly to the complainant or the harassment involves sexual violence. Notice shall not include information prohibited from disclosure by Federal law.

**REPORTING REQUIREMENT:** By **February 1, 2019**, and **June 14, 2019**, the School will provide documentation to OCR that it has implemented the provisions of Item #4, including copies of all documents related to any investigation and/or final report in any sexual harassment investigation completed during the 2018–2019 school year.

### **FOCUSED TRAINING ON TITLE IX POLICIES AND PROCEDURES**

5. By **February 1, 2019**, the School will provide training to its Director of School/ Superintendent/Title IX Coordinator, Principal/Artistic Director, Principal/Academic Director, Assistant Academic Director, Dean/Counselors, and any other School staff who are directly involved in processing, investigating, and/or resolving complaints or other reports of sexual harassment. The training will include the following components, at a minimum:
  - a. The School will explain the Title IX obligations of the administrators and dean/counselors if they believe or receive notice that a student has been subjected to sexual harassment, including the duty to immediately report possible sexual harassment of which they have knowledge to the Principal/Academic Director, Principal/Artistic Director, or Title IX Coordinator, as required by School policy and procedures, without any initial evaluation, and the possibility of discipline for any failure to report;
  - b. The School will explain what constitutes sexual harassment, including examples of conduct that may constitute sexual harassment and the necessity to address reports of conduct as sexual harassment that the reporting party identifies as sexual harassment without any initial screening by administrators or deans/counselors;
  - c. The School will explain investigative techniques, which will include, but not be limited to, an explanation of the types of facts and circumstances to consider when making credibility assessments.

**REPORTING REQUIREMENT:** By **February 1, 2019**, the School will provide OCR with documentation that it has provided the training referenced in Item #5, including the date(s) of the training(s), the name(s) and title(s) of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names, titles, and signatures of attendees of the training.

## **STAFF-WIDE TRAINING ON TITLE IX POLICIES AND PROCEDURES**

6. By **February 1, 2019**, the School will provide all School employees and independent contractors who have the responsibility for enforcing school policies and all School students with effective training on the School's sexual harassment policies and procedures. The training will review the School's revised sexual harassment policies and procedures referenced in this Agreement, and include the following components at a minimum:
  - a. The School will remind all trainees of its commitment to having a school environment free from sexual harassment and explain what they should do if they believe a student has been subjected to sexual harassment, including the duty of all employees and contractors to immediately report sexual harassment of which they have knowledge and possible discipline for failure to report.
  - b. The program will include a review of the School's revised Title IX policies and procedures, including an explanation and examples of sexual harassment and disciplinary consequences that may apply for violation of the School's Title IX policies and procedures.
  - c. The School will provide a general overview of Title IX, including how the law's nondiscrimination provisions apply to students, the names and contact information for the designated staff members to whom students and others may report allegations of sexual harassment, where to locate the School's sexual harassment policies and procedures on the School's website, and the existence of OCR and its authority to enforce Title IX.
  - d. The School will distribute written materials during the program(s) that contain the information discussed, including all information required by this Item #7.
  - e. The program(s) will also provide attendees with instruction on recognizing and appropriately addressing allegations and complaints of sexual harassment pursuant to Title IX.
  - f. The program(s) provided to students will provide age-appropriate, effective information to students aimed toward promoting respect and tolerance for others and toward averting the establishment or continuation of a hostile environment based on sex for students enrolled in the School.

**REPORTING REQUIREMENT:** By **February 1, 2019**, the School will provide OCR with documentation that it has trained all individuals required by Item #6, including the dates of the training, the names, titles, and qualifications of all trainers, a copy of all materials used or distributed during each training, and any sign-in sheets used during each training.

7. By **March 1, 2019**, the School will assess the effectiveness of the trainings required by Item #6 by conducting surveys of a random sampling of employees, contractors, and students required to be trained under each item. The surveys shall specifically inquire about the survey takers' knowledge of applicable School policies and procedures and shall solicit feedback as to whether the survey takers believe the School will respond to harassment complaints in a manner that is prompt, equitable, fair, and effective, and the reasons for the survey takers' beliefs.

**REPORTING REQUIREMENT:** By **March 1, 2019**, the School will provide documentation to OCR of the results of the surveys and a description of any actions the School poses to take, if warranted, in response to the survey results.

### **TITLE IX INVESTIGATION INTO ALLEGATIONS AGAINST STUDENT C**

8. By **August 31, 2018**, the School will complete the investigation and make a determination with respect to the complaints against Student C that are at issue in this OCR complaint. The School will also offer to any student found to have been subject to sexual harassment by Student C the option to submit, within 15 days of notice by the School of the opportunity, a request for any remedial actions, along with supporting documentation, that the student and/or the student's parent(s)/guardian(s) deem(s) warranted because of the harassment by Student C and the School's initial inaction relating to the harassment.

**REPORTING REQUIREMENT:** The School will document to OCR that it has completed the investigations and determinations required by Item #8 by producing the following to OCR by **October 12, 2018**:

- a. Copies of any and all documents related to any additional interviews of any reporting and responding students conducted pursuant to Item #8 and, if not included in such documents, a summary of all information obtained during each interview.
- b. Copies of any and all documents related to any additional investigation conducted pursuant to Item #8 and, if not included in such documents, a summary of all information obtained during such investigation.
- c. A copy of any written investigative report(s) or other notice to the parties following its investigation.
- d. A list and description of any remedial actions the School proposes to take, whether such remedial actions were accepted by the student or the student's parent, and when such remedial actions will be provided.

### **SCHOOL-WIDE CONTINUOUS IMPROVEMENT PROCESS**

9. By **October 5, 2018**, the School will establish a working group that includes School administrators, faculty, parents, and students to make recommendations to the School regarding the effectiveness of the School's anti-harassment program for all students in the School. The School will designate an employee to coordinate the group's meetings and work. The working group will be asked to provide School officials with input regarding strategies for preventing sexual harassment, ensuring that School students understand their right to be protected from discrimination on the basis of sex, including harassment, and to be protected from retaliation for reporting discrimination. The group will also be tasked with ensuring that School students understand how to report possible violations of the School's anti-harassment policy and are aware of the School's obligation to promptly and effectively respond to complaints alleging sex discrimination, including harassment. The working group will also provide specific suggestions for developing an effective

orientation program that promotes respect and tolerance for others and prevents the establishment of a hostile environment based on sex for students enrolled in the School and encourages bystander intervention. The group will consider how and if outreach efforts to families can be made to garner support for the School's anti-harassment program, and the role, if any, students should play in the orientation program. The designated employee will prepare a written summary of the steps the working group has recommended.

**REPORTING REQUIREMENTS:** The School will document to OCR that it has completed the steps required by Item #9 by producing the following:

- a. By **October 12, 2018**, the School will provide OCR a list of the individuals who will serve on the working group, including each individual's role with the School (e.g., administrator, teacher, student, etc.).
- b. By **November 2, 2018**, the School will provide OCR with a copy of the working group's recommendations and a description of any steps that the School has taken or will take in light of the recommendations.
- c. By **June 14, 2019**, the School will provide OCR documentation of steps taken in the previous school year to implement the working group's recommendations.

The School 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 the Agreement. Further, the School 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 OCR deems necessary to determine whether the School has fulfilled the terms of the Agreement. Upon the School's satisfaction of the commitments made under this Agreement, OCR will close this case.

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 the specific terms and obligations of this Agreement, OCR will give the School written notice of the alleged breach and sixty (60) days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the School's representative below.

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Superintendent or designee

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Date