

**Resolution Agreement**  
**Imagine Prep - Superstition**  
**OCR Complaint # 08-17-1003**

In order to resolve an allegation in Case Number 08-17-1003, filed against Imagine Prep - Superstition (School) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the School agrees to implement the following Resolution Agreement. The complaint was opened to investigate an allegation that the School failed to comply with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of federal financial assistance from the U.S. Department of Education.

This Agreement shall not in any way be construed as an admission by the School that it has acted wrongfully or violated any laws or that OCR made any finding of wrongdoing or legal violation, and the School specifically disclaims any liability to or wrongful acts against the Student or any other person.

**Review of Policies, Practices, and Procedures**

1. *Notice of Nondiscrimination.* The School will amend its notice of nondiscrimination to ensure that it meets the requirements of the regulation implementing Title IX, including listing the name, title and contact information (including phone number, office address and e-mail) for its Title IX Coordinator; and stating that inquiries concerning the application of Title IX may be referred to the Title IX Coordinator or to OCR. The School will broadly publish its revised notice of nondiscrimination in accordance with 34 C.F.R. § 106.8(a).

**REPORTING REQUIREMENT:** By November 15, 2017, the School will provide to OCR for review and approval a copy of its amended notice of nondiscrimination.

**REPORTING REQUIREMENT:** Within 30 calendar days of OCR's approval of the notice of nondiscrimination, the School will provide to OCR a list of the titles of the publications in which the notice of nondiscrimination appears (e.g. School catalog, website, student handbook) and a copy of at least one publication disseminated to the campus community, or printouts or a link to an on-line publication containing the notice. Should the School require more than 30 days due to periodic printing of School materials, inserts may be used pending reprinting of those publications.

2. *Sexual Harassment Policies and Grievance Procedures.* The School will review and revise, as necessary, its sexual harassment policies and grievance procedures to ensure they adequately address and provide the School sufficient options for responding

promptly and appropriately to reports of sex discrimination and harassment. At a minimum, the School will ensure that its policies and procedures provide the following:

- a. Notice to students, parents of elementary and secondary students, and employees of the procedure, including where complaints may be filed;
- b. Application of the procedure to complaints alleging harassment carried out by employees, other students, 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;
- e. Notice to the parties of the outcome of the complaint; and
- f. An assurance that the School will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

**REPORTING REQUIREMENT:** By November 15, 2017, the School will provide for OCR's review a draft of the revised procedures and any additional policies or informational documents that address complaints alleging discrimination on the basis of sex (including sexual and gender-based harassment, assault, and violence). OCR will review these grievance procedures and related materials in order to ensure that these comply with Title IX and this Agreement.

**REPORTING REQUIREMENT:** Within 30 calendar days of OCR's approval of the revised policies and procedures, the School will certify to OCR that it has formally adopted the revised documents; updated all printed publications and on-line publications with the revised documents (inserts may be used pending reprinting of these publications); and electronically disseminated the revised grievance procedures to students and employees. This documentation will include evidence of the electronic dissemination of the revised grievance procedures to students and employees, a list of the titles of the publications in which the information appears (e.g. School catalog, website, student handbook) as well as a copy of any such publications or a link to an on-line publication containing the revised grievance procedures; or if not yet finalized, a copy of the insert for printed publications. The School will also provide documentation of how the revised procedures were distributed; and that the Title IX Coordinator, Title IX staff, students, employees, and parents have access to the procedures and know where copies may be obtained.

### **Training**

3. *Training for Title IX Staff.* The School will provide training for all School Title IX Staff (i.e. Title IX Coordinator or other staff charged with responding to or receiving

Title IX reports). The training, at a minimum, will cover: instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including an emphasis on the complainant's right to pursue the School's process and the law enforcement process at the same time, as well as a reminder of the policy prohibiting retaliation and intimidation; how to interview and interact with students in a way that is trauma-informed, sensitive, and respectful; and what to do to respond to additional incidents of alleged sexual harassment and retaliatory harassment of which the School receives notice during an investigation.

**REPORTING REQUIREMENTS:** Within 30 calendar days of OCR's approval of the School's revised Non-discrimination Notice and Sexual Harassment Policies and Grievance Procedures, the School will also identify the proposed trainer, describe the trainer's qualifications to deliver the required training, and provide a brief description of the training that is planned. The School will respond to any feedback OCR provides regarding the qualifications of the trainer and description of the training.

**REPORTING REQUIREMENTS:** Within 60 calendar days of OCR's approval proposed training, the School will provide documentation to OCR demonstrating that the training described herein was provided by the School. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s); the date(s) and time(s) of the training(s); a description of each training; the type of audience; sign-in sheets for each session with the names and titles of those attending; and copies of any training materials distributed.

### **Individual Relief**

4. *Investigation.* Within 30 days of the OCR's approval of the School's revised Non-discrimination Notice and Sexual Harassment Policies and Grievance Procedures, the School will complete its investigation into the Complainant's allegation, determining whether the Student was subjected to an on-campus hostile environment in the xxxxxxxx semester. If the School determines that any off-campus or on-campus activity created a hostile environment for the Student on-campus, it will take steps to redress the hostile environment that are tailored to the particularized facts it determined as a result of its investigation, which may include but are not limited to (but also are not required to include) providing the Student an opportunity to meet with a School employee, the selection of whom is subject to OCR's approval, which shall not be unreasonably withheld, to discuss the effects, if any, of any hostile environment, if appropriate, and/or taking steps necessary to ensure that the Student is not subjected to further harassment or bullying, including sex-based harassment, on School grounds and in School-sponsored activities, if applicable.

**REPORTING REQUIREMENT:** Within 15 days of the School completing its investigation as described above, the School will provide a copy of all documentation, including notes, memoranda, witness interviews, and notice of findings, related to any investigation into whether the Student was subjected to an on-campus hostile environment and, if so, any steps the School took to redress a hostile environment.

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The School understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the School understands that during the monitoring of this Agreement, if necessary, OCR may visit the School, interview staff and students,<sup>1</sup> 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 Title IX and its implementing regulation at 34 C.F.R. Part 106. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 this Agreement, OCR shall give the School 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 School's representative below.

\_\_\_\_\_/s/\_\_\_\_\_  
For the School

\_\_\_\_11-9-17\_\_\_\_\_  
Date

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<sup>1</sup> OCR shall obtain written consent from a parent or guardian prior to conducting an interview of any person under 18 years of age or otherwise adjudicated legally incompetent