

## Resolution Agreement

### EAGLE College Preparatory Schools – South Mountain OCR Case Number 08-18-1551

EAGLE College Preparatory Schools – South Mountain (“School”) enters into this Agreement to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the School. The School assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (“Title IX”), 20 United States Code (U.S.C.) Section 1681, and its implementation regulations, at 34 Code of Federal Regulations (C.F.R.) Part 106.

#### TERM I: TITLE IX COORDINATOR

The School will designate at least one qualified employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX (“Title IX Coordinator”).<sup>1</sup>

#### Reporting Requirements:

- A. Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval the name(s), title(s) or position(s), and qualifications of one or more individuals to serve as the Title IX Coordinator(s) for the School. The School will promptly respond to OCR’s concerns, if any, about the proposed Title IX Coordinator(s) until OCR considers the concerns resolved and issues final approval of the Title IX Coordinator(s).
- B. Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval a written description of the Title IX Coordinator’s (or Coordinators’) roles and responsibilities.<sup>2</sup> The School will promptly respond to OCR’s concerns, if any, about the proposed roles and responsibilities until OCR considers the concerns resolved and issues final approval of the roles and responsibilities.

#### TERM II: GRIEVANCE PROCEDURES

The School will adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by Title IX (“Grievance Procedures”).<sup>3</sup> The Grievance Procedures, at a minimum, will provide the following:

- A. notice to 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.

---

<sup>1</sup> See 34 C.F.R. § 106.8(a).

<sup>2</sup> The School will make the description consistent with the guidance in OCR’s *Dear Colleague Letter: Title IX Coordinators* (Apr. 24, 2014).

<sup>3</sup> See 34 C.F.R. § 106.8(b).

Reporting Requirements:

- A. Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for review and approval proposed Grievance Procedures. The School will promptly respond to OCR's concerns, if any, about the proposed Grievance Procedures until OCR considers the concerns resolved and issues final approval of the Grievance Procedures.

TERM III: NOTICE

The School will take ongoing steps to notify all its students (and their parents and guardians) and employees:

- A. of the name(s), office address(es), and telephone number(s) of the School's Title IX Coordinator(s);<sup>4</sup>
- B. that the School does not discriminate on the basis of sex in the educational programs or activities which it operates ("Notice of Nondiscrimination");<sup>5</sup>
- C. of the School's Grievance Procedures; and
- D. that inquiries concerning the application of Title IX to the School may be referred to the School's Title IX Coordinator(s) or to OCR.<sup>6</sup>

Reporting Requirements:

- A. Within sixty (60) calendar days of receiving OCR's notice that Term I and Term II have been fulfilled, the School will submit to OCR for review and approval: (i) copies of the notifications; and (ii) a written description of how the School will disseminate the notifications, including, but not necessarily limited to, the School's website and handbooks for students, parents, guardians, and staff. The School will promptly respond to OCR's concerns, if any, about the proposed notifications and dissemination plan until OCR considers the concerns resolved and issues final approval of the notifications and dissemination plan.
- B. Within forty-five (45) calendar days of OCR's final approval of the notifications and dissemination plan, the School will submit to OCR for review and approval documentation showing that the approved notifications were disseminated in accordance with the dissemination plan.<sup>7</sup> The School will promptly respond to OCR's concerns, if any, about the documentation until OCR considers the concerns resolved and notifies the School that Term III has been fulfilled and no further reporting is required.

TERM IV: STAFF TRAINING

Using a qualified trainer or qualified trainers, the School will train all School staff about student-on-student sexual harassment, including:

- A. the definition, types, and examples of sexual harassment;
- B. the definition of a hostile environment, factors used to evaluate a hostile environment, and examples of a hostile environment;
- C. the School's responsibility to address sexual harassment, including its responsibility to determine whether a hostile environment exists regardless of whether a formal complaint is filed, provided the School knows or should have known of the underlying behavior;

---

<sup>4</sup> See 34 C.F.R. § 106.8(a).

<sup>5</sup> See 34 C.F.R. § 106.9(a)(1).

<sup>6</sup> See 34 C.F.R. § 106.9(a)(1).

<sup>7</sup> e.g., links to websites and copies of handbooks

- D. investigating sexual harassment and hostile environments on campus caused by off-campus sexual harassment, including documenting investigations;
- E. interim safety measures, including written safety plans;
- F. reasonable, timely, age-appropriate, and effective corrective actions, including ending harassment, eliminating hostile environments, preventing harassment from reoccurring, and preventing retaliation; and
- G. the School's Title IX Coordinator(s) and his/her/their roles and responsibilities.

Reporting Requirements:

- A. Within ninety (90) calendar days of this Agreement being signed, the School will submit to OCR for review and approval: (i) draft training materials; and (ii) the name(s), title(s) or position(s), and qualifications of one or more proposed individuals to provide the training to staff. The School will promptly respond to OCR's concerns, if any, about the training materials and trainer(s) until OCR considers the concerns resolved and issues final approval of the materials and trainer(s).
- B. Within ninety (90) calendar days of receiving OCR's final approval of the materials and trainer(s), the School will provide to OCR: (i) the date(s), time(s), and location(s) of the training(s); (ii) written confirmation that the approved trainer(s) delivered the training(s); (iii) written confirmation that the approved training materials were used; (iv) the names and titles of all individuals who attended the training(s); and (v) the name(s) and title(s) of all individuals who did not attend the training, an explanation for each person's absence, and a plan to train each person (if possible). The School will promptly respond to OCR's concerns, if any, about the monitoring report until OCR considers the concerns resolved and notifies the School that Term IV has been fulfilled and no further reporting is required.

TERM V: ADDITIONAL REPORTING TO OCR

The School will report to OCR about all reported and actual incidents of student-on-student sexual harassment from September 15, 2018 to the end of the 2018-2019 school year.<sup>8</sup>

Reporting Requirements:

- A. By June 24, 2019, the School will submit to OCR: (i) a copy of all written reports, grievances, or complaints, whether formal or informal, regarding peer-on-peer sexual harassment among School students; (ii) a detailed, written narrative of all oral reports of peer-on-peer sexual harassment among School students; and (iii) a detailed, written narrative of, and a copy of all documentation related to, the School's response to each written or oral report, grievance, or complaint. The Recipients will promptly respond to OCR's concerns, if any, about the School's response(s) until OCR considers the concerns resolved.

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. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

---

<sup>8</sup> *i.e.*, May 23, 2019

The School also 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, 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 are in compliance with Title IX and its implementation regulations. Upon completion of the obligations under this Agreement, OCR will close this case.

**EAGLE College Preparatory Schools – South Mountain**

/s/ \_\_\_\_\_  
Crystal Danzy, Principal

October 18, 2018 \_\_\_\_\_  
Date