

Resolution Agreement
Complaint No. 09-23-2061
San Francisco Conservatory of Music

San Francisco Conservatory of Music (the Conservatory), without admitting to any violation of the law, agrees to fully implement this resolution agreement (the Agreement) to resolve the findings by the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681-1688, and its implementing regulation, 34 C.F.R. Part 106, in the above-referenced OCR case number.

I. Revisions to Title IX Policies and Procedures

- A. The Conservatory will review and revise its Title IX policies and grievance procedures to comply with the Title IX regulation at 34 C.F.R. Part 106, including at least these policies: *Sexual, Gender, and Other Unlawful Harassment Policy*; *Reporting Sexual Misconduct, Discrimination, Harassment and Retaliation Policy*; and *Addressing Title IX Complaints Process*. The Conservatory will ensure that the revised policies and complaint procedures clearly indicate which one should be used for complaints of sexual harassment, as defined in the Title IX regulation, which includes sexual assault and stalking.
- B. The Conservatory will revise the Nondiscrimination Policy on its website to ensure that it complies with the Title IX regulation at 34 C.F.R. Part 106.8(b).
- C. Within 30 days of receiving OCR's approval of the revised Title IX policies and grievance procedures and the Nondiscrimination Policy, the Conservatory will (a) finalize them, (b) adopt the revised policies and procedures, and (c) provide notice to students and faculty by posting the revised policies and grievance procedures and Nondiscrimination Policy on the Conservatory's website and in the student handbook, and by sending an email to all Conservatory staff and students with a weblink to the revised policies and grievance procedures and the Nondiscrimination Policy.

D. Reporting:

- 1. Within 90 days of executing the Agreement, the Conservatory will submit drafts of its revised Title IX policies and grievance procedures and Nondiscrimination Policy to OCR for review and approval.
- 2. Within 15 days of providing notice to students and faculty in accordance with Section I.C above, the Conservatory will provide documentation of such notice to OCR.

II. Guidance Memo and Training

- A. Within 90 days of executing the Agreement, the Conservatory will issue a written guidance memorandum to its Title IX Coordinator and all staff members who are

responsible for responding to reports and complaints of sexual harassment, investigating complaints of sexual harassment, and adjudicating such complaints. The guidance memorandum will: (1) explain Title IX's prohibition on sex discrimination and its coverage of sexual harassment, including the definition of sexual harassment and how the District receives actual knowledge of sexual harassment under the Title IX regulations; (2) summarize the Conservatory's policies and procedures for reporting and responding to reports and complaints of sexual harassment, with links to such policies and procedures; (3) notify all staff of the Title IX coordinator's name, contact information, and responsibilities under Title IX; (4) identify all other employees who have authority to institute corrective measures on behalf of the Conservatory with respect to sexual harassment; (5) instruct all such employees to notify the Title IX coordinator of any witnessed or reported conduct that could constitute sexual harassment, as defined in the Title IX regulation, which includes sexual assault and stalking; and not to dissuade any individual from filing a complaint of sexual harassment; (6) clarify that when a Conservatory employee with authority to institute corrective measures on behalf of the Conservatory has actual knowledge of conduct that could constitute sexual harassment, as defined in the Title IX regulation, the Title IX coordinator must (a) contact the person alleged to be the victim of the conduct that could constitute sexual harassment ("the complainant"), offer the complainant supportive measures, and consider the complainant's wishes about such measures, (b) explain that they are available with or without the filing of a complaint of sexual harassment; and (c) explain how to file a complaint; (7) explain that investigations of complaints of sexual harassment must comply with all requirements in the Title IX regulation; (8) clarify that all allegations of conduct that could constitute sexual harassment must be investigated unless a dismissal of the allegation(s) is appropriate under the Title IX regulation; (9) require decisionmakers to determine responsibility for any investigated allegations of sexual harassment and when appropriate, to issue remedies to the complainant and/or discipline to the respondent; and (10) offer the parties the right to appeal a determination, remedy, and/or discipline, consistent with the requirements for appeals in the Title IX regulations.

- B. Within 60 days of OCR's approval of the Conservatory's revised sexual harassment policies and grievance procedures, the Conservatory will provide training on the revised policies and procedures to the Title IX Coordinator and all staff members who are responsible for responding to reports and complaints of sexual harassment, investigating complaints of sexual harassment, and adjudicating such complaints. This training will cover the topics in Section II.A.1-10 above. The Conservatory may request that OCR provide the training.

C. Reporting:

1. Within 90 days of executing the Agreement, the Conservatory will submit a draft of the guidance memorandum for OCR's review and approval.

2. Within 30 days of OCR's approval, the Conservatory will finalize and issue the guidance memorandum as required in Section II.A above.
3. Within 90 days of executing the Agreement, the Conservatory will notify OCR if the Conservatory would like OCR to do the training and if not, provide OCR with draft training materials and the name(s), job title(s), and experience of the proposed trainers for OCR's review and approval. The Conservatory will promptly respond to OCR's feedback until OCR has approved the proposed training materials and trainers.
4. If OCR does not do the training, the Conservatory will provide OCR with the following documentation within 15 days of providing the training required in Section II.B above: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing that all employees who were required to do so attended the training, a list of the required employees who did not attend, and a plan for providing the training to those employees who did not attend.

III. Reporting of Title IX Complaints at the Conservatory

- A. The Conservatory will provide OCR with an electronic spreadsheet of all written and oral complaints of student-to-student sexual harassment including sexual assault and stalking that it received in the 2021-2022 and 2022-2023 academic years and receives in the 2023-2024 academic year. The spreadsheet will include the following fields and information:
 1. the student ID or other unique identifying number of the reporter;
 2. the status of the reporter (e.g., student, parent, employee);
 3. the name of the complainant;
 4. the status of the complainant;
 5. the name of the respondent;
 6. the status of the respondent;
 7. the date(s) of the alleged incident(s);
 8. the date the report or the complaint was received by the Conservatory;
 9. the nature of the alleged conduct, including any harassment and retaliation;
 10. the date the Conservatory provided written notice of the allegations to the parties;
 11. the date the Conservatory offered any supportive interim measures;
 12. a description of the supportive measures offered to the complainant;
 13. the date the Conservatory commenced the investigation;
 14. the date the Conservatory completed the investigation;
 15. the date the Conservatory provided written notice of the investigation's outcome to the parties;
 16. any findings of responsibility regarding each investigated allegation,
 17. any disciplinary action taken;
 18. any associated remedies for the complainant and/or others;
 19. the date of any filed appeal;

20. the date any appeal was resolved;
 21. the outcome of the appeal with respect to findings of responsibility, remedies, and/or discipline;
 22. a description of any steps the Conservatory took to eliminate and/or prevent the recurrence of a hostile environment created by the incident(s);
 23. the date of any mandatory dismissal of a formal complaint or allegation(s) therein;
 24. the basis for any mandatory dismissal of a formal complaint or allegation(s) therein (e.g., allegations did not meet the definition of sexual harassment in 34 C.F.R. § 106.30(a));
 25. the date of any discretionary dismissal of a formal complaint or allegation(s) therein; and
 26. the basis for any discretionary dismissal of a formal complaint or allegation(s) therein.
- B. With respect to the complaints identified in Section III.A., the Conservatory will provide to OCR within 15 days of its request the electronic copies of the complete case files, including supportive measures offered and provided to the complainant (and the respondent if applicable), investigative records, adjudication and appeal records, records of any remedies offered and/or provide, student disciplinary records, employee disciplinary records, and Human Resources/Personnel files. The data will be produced electronically in a mutually agreed format and will be organized and labeled as individual files, with all relevant documents for an incident.
- C. Reporting:**
1. Within 30 days of the end of the 2023-2024 academic year, the Conservatory will provide OCR with the electronic spreadsheet required by Section III.A above.
 2. If OCR notifies the Conservatory of a compliance issue with respect to how it handled a report or complaint of sexual harassment in the 2022-2023 and/or 2023-2024 academic years, the Conservatory will take corrective actions to resolve the issue within 30 days and report such actions to OCR.

IV. Individual Remedy

- A. Within 30 days of signing this Agreement, the Conservatory will offer the following to the Student to the address the effects of the Conservatory's response to her report of alleged sexual harassment:
1. Reimbursement for up to \$5,000 for counseling, therapy, and medical expenses incurred from [Redacted Content] 2022 until the Student's graduation from the Conservatory. The total amount of reimbursement will not exceed \$5,000 for counseling or therapy services received, conditioned on reasonable proof of the expenditure by the Student. The Conservatory shall make its offer of reimbursement to the Student within 15 calendar days of signing the Agreement. The Student shall provide the Conservatory with the documentation proving the

expenditure for counselling, therapy, or medical expenses within 30 calendar days of the Conservatory’s offer. The Conservatory shall reimburse the Student within 15 calendar days of receipt of documentation proving the expenditure.

2. The issuance of an Active Avoidance Order (AAO) or similar order prohibiting Student 2 from being present on campus or on property under the Conservatory’s control, including classrooms, performance spaces, and dorms.
 3. Provide to the Student and Student 2 a copy of the investigative report.
 4. The opportunity for the Student to retake at no cost any class in which her grade was negatively affected as a result of the Conservatory’s investigation of her report of sexual assault to the Conservatory.
- B. Within 30 days of offering the Student these remedies, the Conservatory will inform OCR that it has done so and if the Student has accepted the offer. If the Student accepts the offer of reimbursement as described in this section, the Conservatory will provide OCR with proof that such reimbursement has been provided within 30 days of the final reimbursement.

V. MONITORING

By signing this agreement, the Conservatory agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the Agreement, OCR may visit the Conservatory, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Conservatory has fulfilled the terms of the Agreement.

The Conservatory understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the Conservatory is in compliance with the terms of the agreement and the statute(s) and regulatory obligation(s) at issue in the case.

The Conservatory understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the Conservatory written notice of the alleged breach and 60 calendar days to cure the alleged breach.

Signed:

/s/
Jonas Wright
Dean and Chief Academic Officer

01/9/2024
Date