

U.S. Department of Education

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## U.S. Department of Education's Office for Civil Rights Announces Resolution of Sexual Harassment Investigation of San Francisco Conservatory of Music

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JANUARY 10, 2024

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The U.S. Department of Education's Office for Civil Rights (OCR) today announced that the San Francisco Conservatory of Music has entered into a resolution agreement to ensure its compliance with Title IX of the Education Amendments of 1972, when responding to allegations of student-to-student sexual harassment, including sexual assault and stalking. OCR investigated whether the Conservatory responded consistent with Title IX to a student's complaint that another student had sexually assaulted her twice and then stalked her in 2022.

OCR determined that the Conservatory's defective response violated Title IX at every stage of investigation and resolution. First, the Conservatory did not provide the student with reasonable, individualized supportive measures designed to preserve her equal access to its education programs. As a result, the student lost access to certain classes, tutorials and performances that were part of her education program during the pendency of the Conservatory's investigation. Then, in the investigation phase, the Conservatory failed to provide both the student and the respondent written notice of its Title IX grievance process and the alleged misconduct that the Conservatory investigated, failed to offer both parties the opportunity to review relevant evidence in the investigative report at least 10 days prior to its completion, failed to ensure the report included all that the Title IX regulations require, and failed to hold a live hearing.

At the determination stage, the Conservatory failed to identify the investigated allegations, to make a determination regarding each alleged assault and the stalking, and to notify the student of her right to appeal the sexual assault determination. At the resolution stage, OCR found the Conservatory's responses to the student's multiple reports that the respondent had violated the active avoidance order and stalked her to be clearly unreasonable in light of known circumstances. OCR also determined that the Conservatory's Title IX grievance procedures themselves did not comply with the Department's Title IX regulations, and that the Conservatory did not fulfill its Title IX recordkeeping obligations.

The resolution agreement reached today commits the Conservatory to take steps needed to ensure nondiscrimination on the basis of sex in all of its education programs and activities.

"This resolution agreement with the San Francisco Conservatory of Music addresses its multiple failures to respond to alleged sexual assault and stalking as Title IX requires," said Catherine E. Lhamon, Assistant Secretary for Civil Rights. "Today's agreement commits the Conservatory to comply with Title IX to protect all its students in the future."

The Conservatory's commitments in the resolution agreement include the following:

- Reviewing and revising its Title IX policies, grievance procedures, and Notice of Nondiscrimination to comply with the Title IX regulations.
- Training and issuing a guidance memorandum to its Title IX Coordinator and all staff members responsible for responding to and investigating reports of sexual harassment.
- Providing OCR with information about all complaints of sexual harassment, including sexual assault and stalking, to the Conservatory in the 2021-2022, 2022-2023, and 2023-2024 academic years, including how it responded.
- Taking steps to protect the student on the Conservatory's campus or on property under the Conservatory's control, including classrooms, performance spaces, and dorms.
- Offering to reimburse the student for health-related costs to address the effects of the Conservatory's noncompliant response to her allegations of sexual harassment.
- Providing the student and the respondent with a copy of the investigative report. And,
- Providing the student with the opportunity to retake at no cost any class in which her grade was negatively affected as a result of the Conservatory's deliberately indifferent response to her reports of alleged sexual assault, stalking, and violations of the order.

The resolution [letter](#) and resolution [agreement](#) are available on the [Office for Civil Rights website](#).

**CONTACT**

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