



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, D.C.

April 1, 2014

Dr. H. Randall Dozier  
Superintendent  
Georgetown County School District  
J.B. Beck Administration and Education Center  
2018 Church St.  
Georgetown, SC 29440

Re: OCR Complaint No. 11-13-1323  
Letter of Findings

Dear Dr. Dozier:

This letter is to notify you of the outcome of the above-referenced complaint filed on September 18, 2013 with the District of Columbia Office for Civil Rights (“OCR”), within the U.S. Department of Education (“the Department”), against Georgetown County School District (“the District”). OCR investigated the Complainants allegations that during the 2012-2013 and 2013-2014 school years:

1. The District discriminated on the basis of sex by:
  - a. failing to designate a Title IX coordinator and failing to provide appropriate notification of the identity or contact information for the Title IX coordinator prior to September 2013; and
  - b. failing to adopt, develop, publish and implement appropriate grievance procedures regarding sex-based discrimination, including not identifying or training staff regarding the identity of a Title IX Coordinator; and
2. The District retaliated against the Complainants after the Complainants asserted allegations of sex-based discrimination in the District by:

<XXXX PARAGRAPH REDACTED XXXX>

OCR investigated the complaint under the authority of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity receiving Federal financial assistance from the Department. The District is a recipient of Federal financial assistance from the Department and, therefore, is subject to Title IX.

In reaching a determination, OCR reviewed documentation submitted by the Complainants and the District and conducted interviews with the Complainants and District personnel. OCR’s

*The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

investigation identified initial compliance concerns related to the Complainants' claim that the District discriminated on the basis of sex. In a letter addressed to the Complainants, the District acknowledged that at the time the Complainants initially filed their complaint, the District had not formally identified its current Title IX coordinator or established a specific Title IX grievance procedure. The District indicated in that letter that the situation was rectified and that new policies were enacted. OCR found that the District currently provides notice of its Title IX Coordinator on its website, although certain District notices related to Title IX do not meet Title IX standards. The District did not adopt Title IX grievance procedures pertaining to discrimination complaints until January 2014, when it also adopted separate grievance procedures pertaining to sexual harassment. Both the general sex discrimination grievance procedures and sexual harassment grievance procedures adopted in 2014 do not meet Title IX requirements.

Prior to the completion of the investigation, the District expressed a willingness to resolve these concerns. Pursuant to Section 302 of OCR's *Case Processing Manual*, the District voluntarily entered into the enclosed agreement. The provisions of the agreement are aligned with the relevant issues raised in the complaint and information obtained during the course of OCR's investigation and are consistent with the applicable regulations. OCR is closing its investigation of these allegations, but will monitor implementation of the Resolution Agreement.

However, after carefully considering all the information obtained during the investigation, OCR found insufficient evidence to conclude that the District retaliated against the Complainants as alleged. OCR's findings and conclusions are discussed below. A summary of the applicable legal standards and a more detailed discussion of our determinations are also set forth below.

### **Legal Standard**

To establish that unlawful retaliation has occurred, OCR must find the following: (1) the Complainant engaged in a protected activity (e.g., filed a complaint or opposed what he or she reasonably and in good faith believed to be an unlawful practice pursuant to Title IX); (2) the District took a materially adverse action against the Complainant; and (3) there is some evidence that the District took the adverse action as a result of the Complainant's protected activity. If all of these elements are present, this establishes an initial or prima facie case of retaliation. OCR then determines whether the District had a legitimate, non-retaliatory reason for taking adverse action against the Complainant. Finally, OCR examines whether the District's reason for its action is a pretext or excuse for unlawful retaliation.

### **Factual Findings & Analysis**

<XXXX PARAGRAPHS REDACTED XXXX>

#### **Background**

OCR reviewed documents produced by the Complainants and the District, as well as information obtained during interviews of the Complainants, District staff, and another booster club representative.

<XXXX PARAGRAPHS REDACTED XXXX>

OCR's Determination

<XXXX PARAGRAPHS REDACTED XXXX>

**Conclusion**

OCR's investigation found insufficient evidence that the Complainants were retaliated against as alleged. This concludes OCR's investigation of this complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

OCR is closing this complaint investigation effective the date of this letter. As discussed above, OCR will monitor the District's compliance with the Resolution Agreement to resolve the Complainants' allegations concerning the District's designation of a Title IX coordinator and implementation of a Title IX grievance procedure. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainants may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please note that the District is not permitted to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces. If any individual is harassed or intimidated because of filing a complaint or participating in any aspect of OCR case resolution, the individual may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If we receive such a request, we will seek to protect, to the extent provided by law, information that, if released, could constitute an unwarranted invasion of personal privacy.

We appreciate the cooperation of the District, especially the District's counsel, Ms. Andrea White. If you have any questions, you may contact the attorneys assigned to this complaint: Jan Gray at 202-453-6028 or [Jan.Gray@ed.gov](mailto:Jan.Gray@ed.gov) and Kimberly Conway at 202-260-0991 or [Kimberly.Conway@ed.gov](mailto:Kimberly.Conway@ed.gov).

Sincerely,

/S/

Rachel Glickman  
Team Leader  
District of Columbia Office  
Office for Civil Rights

Enclosure