

August 22, 2018

Dr. Miguel Hernandez  
Superintendent  
Haledon Public School District  
70 Church Street  
Haledon, New Jersey 07508

Re: Case No. 02-18-1198  
Haledon Public School District

Dear Superintendent Hernandez:

This letter is to notify you of the determination made by the U.S. Department of Education, Office for Civil Rights (OCR), regarding the above-referenced complaint filed against Haledon Public School District (the District). The complainant alleged that the District discriminated against her son (the Student), on the basis of his sex, by failing to respond appropriately to a complaint of sexual harassment that she and the Student made on February 22, 2018.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The District is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

The regulation implementing Title IX, at 34 C.F.R. § 106.31(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity operated by a recipient. Sexual harassment that creates a hostile environment is a form of sex discrimination prohibited by Title IX. Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances; requests for sexual favors; and, other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Sexual harassment of a student creates a hostile environment if the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the recipient's program.

When responding to alleged sexual harassment, a recipient must take immediate and appropriate action to investigate or otherwise determine what occurred. If an investigation reveals that

discriminatory harassment has occurred, a recipient must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. Pending the outcome of an investigation, Title IX requires a recipient to take steps to avoid further harassment as necessary, including taking interim steps before the final outcome of the investigation. The recipient should undertake these steps promptly once it has notice of a sexual harassment allegation. Interim measures are individualized services offered as appropriate to either or both parties involved in the alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of class schedules, restrictions on contact between the parties, and other similar accommodations.

In its investigation, OCR reviewed documents and information submitted by the complainant and the District. OCR also interviewed the complainant, the Student, the Student's teacher (teacher 1), a special education teacher (teacher 2), a supervisor of instruction (supervisor), the guidance counselor/Harassment Intimidation, and Bullying (HIB) Specialist (guidance counselor), and the principal of the Student's school (the School).<sup>1</sup>

*Designation and Notice of Title IX Coordinator*

The regulation implementing Title IX, at 34 C.F.R. § 106.8(a), requires a recipient to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX and its implementing regulation, including the investigation of any complaint communicated to such recipient alleging its noncompliance with Title IX or alleging any actions which would be prohibited by Title IX. It also requires that each recipient notify all of its students and employees of the name, office address, and telephone number of the employee or employees appointed.

The District designated the principal as the employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX and its implementing regulation (Title IX Coordinator). The District asserted that it notified all students and employees of the identity of District's Title IX Coordinator by publishing this information in the minutes from the District's Reorganization/Regular Business Meeting held on January 2, 2018, during which its Board of Education (BOE) confirmed the principal's designation; however, OCR determined that the minutes are not made available on a continuing basis, such as included in any regularly disseminated District publication, or readily available on the District's website, and do not include the principal's office address or telephone number. OCR determined that the District also notifies all students and employees of the District's Title IX Coordinator by posting this information on its Title I & IX webpage wherein the principal is identified by name and the posting lists his email address and telephone number; however, the webpage does not provide the Title IX Coordinator's office address. OCR determined that the District's 2018-2019 Student Handbook, available online, identifies the principal by name as the District's designated Title IX Coordinator and provides his email address; however, it does not include his office address and telephone number.

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<sup>1</sup> The District consists of one school serving students from kindergarten to eighth grade.

Based on the foregoing, OCR determined that the District has designated a Title IX Coordinator, but it has not effectively notified all students, parents/guardians, and employees of the contact information, including the office address, of the designated Title IX Coordinator, as required by the regulation implementing Title IX, at 34 C.F.R. § 106.8(a). On August 17, 2018, the District signed a resolution agreement (the Agreement) to address this compliance issue.

*Notice of Non-discrimination*

The regulation implementing Title IX, at 34 C.F.R. § 106.9(a), requires each recipient to implement specific and continuing steps to notify applicants for admission and employment, students, employees, sources of referral of applicants for admission and employment, and all unions and professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of sex in the educational programs or activities which it operates, and that it is required by Title IX and its implementing regulation not to discriminate in such a manner. Such notification shall state at least that the requirement not to discriminate in the education programs or activities extends to employment therein, and to admission thereto, unless Subpart C does not apply to the recipient, and that inquiries concerning the application of Title IX and this part to such recipient may be referred to the employee designated pursuant to 34 C.F.R. § 106.8, or to OCR’s Assistant Secretary. The regulation implementing Title IX, at 34 C.F.R. § 106.9(b), requires each recipient to include the notice of non-discrimination in each announcement, bulletin, catalog, or application form which it makes available to the types of persons described in 34 C.F.R. § 106.9(a), or which is otherwise used in connection with the recruitment of students or employees.

The District indicated that its notice of non-discrimination is published in various District publications available in print and/or online, including, but not limited to the District’s BOE policy manual<sup>2</sup> and the student handbook.<sup>3</sup> Further, the District asserted that the notice of non-discrimination is posted on the information board located at School’s main office entrance and in the faculty lounge.<sup>4</sup>

OCR determined that the District publishes different versions of its non-discrimination notice in its publications and webpages; however, none of the published notices comply with the requirements of the regulation implementing Title IX at 34 C.F.R. § 106.9. OCR determined that the District’s policy manual and the student handbook prohibit discrimination on protected bases, including sex; however, the notices do not state that the District’s prohibition against discrimination extends to admission and employment. Further, the notices fail to state that Title IX inquiries may be referred to the District’s Title IX Coordinator or to OCR.

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<sup>2</sup> Specifically, the District asserted that the notice of non-discrimination is published in the following policies within the policy manual: Policy 1140, entitled “Affirmative Action Program”; Policy 5512, entitled “Harassment, Intimidation, and Bullying”; Policy 5751, entitled “Sexual Harassment”; and, Policy 5710, entitled “Pupil Grievance”.

<sup>3</sup> OCR reviewed versions of the student handbook from school years 2017-2018 and 2018-2019.

<sup>4</sup> The District provided photographs of the notice of non-discrimination, which is currently posted in the main office. The District asserted that this notice will also be posted in the faculty lounge after the completion of ongoing renovations.

Based on the foregoing, OCR determined that the District does not publish a compliant notice of non-discrimination in its publications, or on its website, in accordance with the regulation implementing Title IX, at 34 C.F.R. § 106.9. On August 17, 2018, the District signed the Agreement to address this compliance issue.

### *Grievance Procedures*

The regulation implementing Title IX, at 34 C.F.R. § 106.8(b), requires a recipient to adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action prohibited by Title IX and its implementing regulation. OCR has identified a number of elements in evaluating whether a recipient's grievance procedures are prompt and equitable, including whether the procedures provide for: (1) notice to students and employees of the procedures, including where complaints may be filed, that is easily understood, easily located, and widely distributed; (2) application of the procedures to complaints alleging discrimination or harassment carried out by employees, students, and third parties; (3) adequate, reliable, and impartial investigation of complaints, including an opportunity to present witnesses and evidence; (4) designated and reasonably prompt timeframes for the major stages of the grievance process; (5) notice to the parties of the outcome; and (6) an assurance that the district will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

OCR requested that the District provide copies of policies and procedures governing complaints of discrimination on the basis of sex, including sexual harassment; and, an explanation of the means by which the District informs students, parents, employees and third parties of the these policies and procedures. In response, the District provided copies of the following BOE policies: Affirmative Action Grievance Procedure (policy 1); Policy 5512, entitled "Harassment, Intimidation, and Bullying" (policy 2); Policy 5751, entitled "Sexual Harassment" (policy 3); and, Policy 5710, entitled "Pupil Grievance" (policy 4). OCR determined that the District publishes these policies on the District's website and physically posted policy 1 in the School's main office.

### *Policy 1*

OCR determined that policy 1 governs the investigation of complaints filed by students, parents, or employees alleging discrimination on the basis of race, color, creed, religion, affectional or sexual orientation, sex, ancestry, national origin, or socioeconomic status. Policy 1 does not clearly state whether it applies to complaints filed against students, employees, and/or third parties. Policy 1 identifies various steps of the grievance process, specifying with whom complaints may be filed at each stage, and designates reasonably prompt timeframes for the various stages of the complaint process. Specifically, at step one of the process, complaints must be filed in writing to the designated Affirmative Action Officer<sup>5</sup> who will investigate and respond to the complainant within five working days. Thereafter, the complainant has the right to appeal the Affirmative Action Officer's determination to the District Superintendent or designee within ten working days, who in turn will respond to the appeal within five working days. If unsatisfied with the superintendent or designee's determination, the complainant has the

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<sup>5</sup> The School's Affirmative Action Officer is not designated as the Title IX Coordinator.

right to appeal to the BOE within ten working days, and the BOE will hear the complaint at the next regular meeting or within thirty calendar days. During the BOE hearing, all parties are provided the right to present witnesses and evidence. If dissatisfied with the BOE's determination, the complainant has the right to refer the complaint to the County Superintendent of Schools.<sup>6</sup> Policy 1 also states that complainants can bypass the grievance procedures identified above and file a complaint directly with various state and federal agencies, including OCR.

OCR noted that in at least one version of policy 1 submitted to OCR, the District does not identify the Affirmative Action Officer by name. In addition, policy 1 does not indicate that all parties will have an opportunity to present witnesses and evidence when filing the initial complaint with the Affirmative Action Officer or when appealing the Affirmative Action Officer's determination to the superintendent or designee. Policy 1 does not specify that notice of the outcome of the investigation, at any stage, will be provided to the accused party or whether the accused party is permitted to appeal the determination, at any stage of the grievance process. Further, policy 1 does not prohibit retaliation or provide an assurance that the District will take steps to prevent any further sexual harassment and to remedy its discriminatory effects, as appropriate.

#### *Policy 2*

OCR determined that policy 2 applies to complaints filed by students alleging harassment, intimidation, or bullying (HIB) carried out by adults or other students, including on the basis of sex; however, policy 2 does not specifically indicate that it applies to student complaints against District employees or third parties. According to policy 2, the principal is responsible for receiving complaints alleging HIB violations. All BOE members, school employees, and volunteers are required to verbally report an alleged violation to the principal or designee on the same day of the alleged incident; thereafter, they must report the incident in writing to the principal within two school days after making the verbal report. Students, parents, and visitors are encouraged to report an alleged HIB violation to the principal on the same day of the alleged incident and can do so anonymously. Further, policy 2 states that each principal will appoint a school Anti-Bullying Specialist to lead HIB investigations and that a School Safety Team will be formed to address HIB issues that affect school climate and culture.

Policy 2 identifies various steps of the complaint process. Pursuant to policy 2, the principal or designee will initiate an investigation within one school day of the verbal report of the incident; the investigation will be conducted by the Anti-Bullying Specialist in coordination with the principal and must be completed and the written findings submitted to the principal as soon as possible, but not later than ten school days from the date of the written report of the incident. In turn, the principal will submit the investigative report to the superintendent within two school days of the completion of the investigation, and the superintendent can accept the principal's determination or recommend other appropriate action. The superintendent will then report the results of each investigation to the BOE no later than the date of the regularly scheduled BOE meeting following the completion of the investigation. Policy 2 states that within five school

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<sup>6</sup> Policy 1 does not specify the process or timeframes associated with appealing a complaint to the County Superintendent of Schools.

days after the investigation results are reported to the BOE, the parties will be provided with information about the investigation, including the nature of the investigation, whether the HIB complaint was substantiated, and whether consequences were imposed or services provided to address the HIB incident. Parents can request a hearing before the BOE after receiving the investigation determination which will be held within ten school days of the request; during the hearing, the BOE “may hear testimony from and consider information” provided by the Anti-Bullying Specialist and others, as appropriate. At the regularly scheduled BOE meeting following its receipt of the superintendent’s report or following a hearing in executive session, the BOE will issue a decision in writing to affirm, reject, or modify the superintendent’s decision. The BOE decision may be appealed to the state Commissioner of Education within ninety days.

Policy 2 prohibits retaliation against anyone participating in the HIB complaint process; includes an assurance that the District will take steps to maintain an environment free of harassment, intimidation, and bullying; and, provides interim measures and support services to victims/targets and remediation measures for all parties. Further, both parties are permitted to appeal the superintendent’s determination to the BOE, and the BOE’s determination to the Commissioner of Education. Policy 2 does not, however, provide for reasonably prompt timeframes for notice of the outcome of the investigation to the BOE and the parties, or specify when the BOE will issue its decision regarding any appeal. Further, policy 2 does not indicate that that all parties will have an opportunity to present witnesses and evidence when initially filing a complaint, although Policy 2 implies that the parties may have this opportunity during a hearing before the BOE.

*Policies 3 and 4*

OCR determined that policy 3 is not a grievance procedure; rather, it is a policy statement regarding complaints of discrimination on the basis of sex, including sexual harassment, filed by students against employees, other students, or third parties.<sup>7</sup> Similarly, OCR determined that policy 4 is not a grievance procedure; rather, it is a statement of policy regarding complaints filed by students that arise out of the acts or policies of the BOE or its employees.<sup>8</sup>

Based on the foregoing, OCR determined that the District failed to adopt grievance procedures that provide for the prompt and equitable resolution of complaints of discrimination and/or harassment on the basis of sex, as required by the regulation implementing Title IX, at 34 C.F.R. § 106.8(b). On August 17, 2018, the District signed the Agreement to address this compliance issue.

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<sup>7</sup> Policy 3 defines prohibited sexual harassment; provides an assurance that the District will take steps to prevent further sexual harassment; and, prohibits retaliation. Further, policy 3 states that the BOE will establish a grievance procedure for sexual harassment complaints.

<sup>8</sup> Policy 4 generally outlines the steps of the student grievance process, beginning with an informal and direct complaint to a staff member of guidance counselor and then progressing to a written complaint to the principal, superintendent, and BOE, respectively.

*The Complainant's Allegation*

OCR determined that during school year 2017-2018, the Student was enrolled in the XXXX grade in the District. The complainant alleged that the District discriminated against the Student, on the basis of his sex, by failing to respond appropriately to a complaint of sexual harassment that she and the Student made on February 22, 2018. The complainant stated that during dismissal on February 22, 2018, teacher 1 told her and the parent of another student (Student A) that both students had engaged in inappropriate behavior during class earlier that day, by lifting their shirts and rubbing their genitalia through their pants. The complainant asserted that after speaking with the Student at home regarding the incident, he informed her that teacher 1's version of the story was inaccurate. The Student advised the complainant that he informed teacher 1 that Student A touched him in his "private area" underneath his clothes "for a long time" (the incident), and teacher 1 responded by stating that she "didn't care." The complainant asserted that after hearing the Student's version of events, she sent electronic mail messages (emails) to the following School personnel: teacher 1 and an assistant principal at the School (assistant principal 1) later that afternoon; another assistant principal (assistant principal 2) on February 23, 2018, to whom assistant principal 1 referred her; and, the principal on February 26, 2018. The complainant asserted that after the principal did not immediately respond to the email she sent to him on February 26, 2018, she then contacted the superintendent. The complainant further asserted that the District failed to conduct an appropriate investigation of the incident, by initially not interviewing the Student following the incident; and that, to date, the District had not explained how her complaint was investigated or notified her of the outcome of her complaint.

OCR determined that during dismissal on February 28, 2018, teacher 1 notified the complainant and Student A's parent of the incident. The complainant sent an email to teacher 1 later that day in which she stated that the Student refuted teacher 1's account of the incident; that she did not want the guidance counselor involved in responding to this incident; and, requested that teacher 1 schedule a meeting to discuss the complainant's concerns. OCR determined, however, that the complainant's email did not include a description of the Student's accusations against Student A, or any indication that she was reporting possible sexual harassment.<sup>9</sup> The complainant separately sent an email to assistant principal 1 later that afternoon; however, OCR determined that in her email to assistant principal 1 she did not include a description of the Student's accusations against Student A or otherwise indicate that she was reporting possible sexual harassment.<sup>10</sup>

The District acknowledged that teacher 1 and assistant principal 1 received the emails that the complainant sent to them on February 22, 2018. Teacher 1 did not respond to the email, but instead forwarded it to assistant principal 1, the supervisor, the guidance counselor, teacher 2, and a school "behavioralist." Assistant principal 1 did not respond to the complainant's email. The District asserted that it had initiated its response to the incident even before the complainant

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<sup>9</sup> The complainant's email to teacher 1 stated in pertinent part "Regarding of [sic] what you told me about [the Student] and his classmate, I want to inform you that I have talked to him in private. [The Student] told me what really happened. The thing is that [the Student] was very afraid of speak [sic] out."

<sup>10</sup> The complainant's email to assistant principal 1 stated, in pertinent part, "I am writing to you because I need to arrange a quick conference with [assistant principal 1] tomorrow, and I would like that [teacher 1] be present. One of the reason [sic] is about something that had happened today in the class with a classmate and [the Student]. It is a delicate situation and I would like the behavioral specialist to be present."

contacted teacher 1, because teacher 2, who witnessed the incident, informed teacher 1, the guidance counselor, and the supervisor regarding the incident.

On February 23, 2018, the complainant sent an email to assistant principal 2 regarding the incident. In the complainant's email to assistant principal 2, the complainant further asserted that the Student had told her that the incident was not the first time that Student A had touched the Student inappropriately on "his private part" and that other students witnessed the conduct. The complainant did not provide any further details about these other alleged incidents, such as dates or the names of witnesses. Assistant principal 2 replied to the complainant on the same day by stating that the District would investigate her allegation.

On February 26, 2018, the following Monday, the complainant sent an email to the principal regarding the incident, in which she stated that no one from the School had responded to her complaint about the incident. The principal called and emailed the complainant on the same day, to inform her that the District would investigate her allegations.

On February 27, 2018, the supervisor, assistant principal 1, and the guidance counselor initiated an investigation into the complainant's allegation by interviewing teachers 1 and 2 and Student A. During the District's investigation of the incident, Student A denied ever touching the Student, and teachers 1 and 2 denied that the incident occurred as alleged. Specifically, teacher 2 stated that during a spelling game in which all of the students in teacher 1's classroom stood in a circle on a rug, she observed both the Student and Student A lift their own shirts and rub their own genitalia through their pants. In response, she immediately took the Student and Student A to the side of the classroom and explained that their behavior was inappropriate. Teacher 1 reported that she did not observe the incident itself, but she did observe teacher 2 speaking with the Student and Student A during the spelling game. Student A confirmed teacher 2's version of the incident. The District asserted that it did not interview the Student as part of its investigation because he was absent from school on February 27, 2018, and February 28, 2018.

On February 28, 2018, the principal contacted the complainant by phone and informed her that the District had investigated her allegation and it was not substantiated. During this conversation, the complainant expressed her disagreement with the District's determination, in part because the District had not interviewed the Student, and she informed the principal that the Student would not be attending School while assigned to the same class as Student A. On February 28, 2018, the principal agreed to reassign the Student to a new classroom in response to the complainant's request<sup>11</sup>; and, he informed District staff on March 1, 2018, that he would initiate an investigation pursuant to the District's HIB policy.

The complainant and the Student met with the superintendent and principal on March 1, 2018. During the meeting, the principal offered the complainant a copy of the supervisor's report summarizing the District's previous investigation, which the complainant refused on the grounds that the report was not complete because no one had interviewed the Student. In response to the complainant's concern, the principal interviewed the Student during this meeting; and, he later drafted a written summary, which included a paraphrased statement from the Student and the principal's conclusions based on the interview. According to the District's records, during the

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<sup>11</sup> The Student began in his new classroom on March 2, 2018.

interview, the Student stated that Student A touched his genitals for an hour while the students were standing on the rug in the classroom. When asked if teacher 2 saw him touching his own genital area, the Student stated that was true. The principal concluded that the Student's account was uncorroborated and that "no reasonable person" would believe that Student A was touching the Student inside his pants for an hour, while standing in the middle of the room with two teachers, an aide and other students present, without anyone witnessing or reporting such conduct. The principal considered that the Student may have not wanted to get in trouble for touching himself with Student A and made up the story to avoid being punished at home. The statement did not indicate whether the Student was questioned about any alleged sexual harassment by Student A on any other occasions aside from the incident.

On March 1, 2018, the guidance counselor initiated an HIB investigation, which consisted of a review of documents, including the report from the previous District investigation of the incident; the statements of teachers 1 and 2; and, emails from the complainant, the supervisor, and the principal. The guidance counselor drafted a report, in which she concluded that the allegation regarding the incident was unfounded.<sup>12</sup> The principal asserted that the HIB report was not completed, and the District did not take any further action regarding the HIB investigation because during the meeting on March 1, 2018, the complainant stated that she did not want the District to complete the HIB investigation and was focused on Student A being reassigned to another classroom.<sup>13</sup> The principal stated that he was concerned that completing the HIB investigation in light of the complainant's request not to would be considered retaliatory. The complainant denied the principal's assertion that she asked the District not to complete the HIB investigation. OCR determined that although the complainant's report of sexual harassment was unfounded insofar as the District's investigation of the incident, the District reassigned the Student to a new classroom on February 28, 2018, at the complainant's insistence that she would not return the Student to school unless the students were assigned to different classes. OCR determined that the complainant did not report and District did not have any record of any additional incidents between the Student and Student A after that date.

Based on the foregoing, OCR determined that the District responded promptly to the complainant's report of the incident. Specifically, the District initiated an investigation of the incident by interviewing witnesses, including teachers 1 and 2 and Student A. The District initially concluded its investigation and determined that the complainant's report was unsubstantiated without conducting an interview of the Student. Although the District asserted that it did not initially interview the Student because he was not in school for two days after the complainant made the report, OCR determined that the conclusion of the investigation at that point was premature, and documentation the District provided appeared to indicate that the District had predetermined its conclusion based on statements by teachers 1 and 2, and Student A. OCR determined that the District had not clarified the complainant's allegation prior to making this conclusion, and did not provide the complainant and the Student the opportunity to

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<sup>12</sup> The HIB report does not include the Student's statement or the statement of Student A.

<sup>13</sup> In an email to the principal on March 1, 2018, the complainant stated that she is "fine for now" with the Student being reassigned to another teacher's class. The complainant asserted that the teachers who were present during the incident are accusing the Student of lying and noted that OCR would contact the School to investigate the complaint she had filed with OCR, and wanted to know whether someone other than the principal would interview the Student and whether she could be present.

provide witnesses and evidence.<sup>14</sup> The District subsequently interviewed the Student at the complainant's insistence, and the principal concluded that the Student's account was not credible under the circumstances; however, the District initiated a second investigation of the incident pursuant to its HIB policy, which the District asserts was not completed at the complainant's request. In addition, OCR concluded that the District did not fully investigate the complainant's report alleging that Student A sexually harassed the Student; specifically, the District did not provide any evidence to indicate that it had addressed whether Student A had inappropriately touched the Student on any previous occasion as alleged in the complainant's email to assistant principal 2 on February 23, 2018.

Based on the foregoing, OCR determined that there was sufficient evidence to substantiate the complainant's allegation that the District failed to respond appropriately to her complaint of sexual harassment made on behalf of the Student on February 23, 2018. Specifically, OCR determined that the complaint made by the complainant on February 23, 2018, in which she alleged sexual harassment, triggered the District's obligation to promptly and equitably respond to her allegation; however, OCR determined that the District investigated only one incident and the District did not investigate whether similar incidents involving the Student and Student A had occurred on more than one occasion, as the complainant also alleged. Moreover, even if the complainant had requested that the District terminate its HIB investigation prior to its conclusion, as the District asserted, the District was still obligated to address the complainant's report of sexual harassment pursuant to Title IX, complete its investigation, and provide the complainant with notice of the outcome of her complaint and appeal rights.

On August 17, 2018, the District agreed to implement the enclosed Agreement to remedy the compliance issues and other concerns identified in this investigation. OCR will monitor the implementation of the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

This letter 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. 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 complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, 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. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if

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<sup>14</sup> OCR conducted an interview of the Student regarding the incident, and during this interview the Student provided information indicating there may have been multiple incidents between the Student and Student A.

released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have questions regarding OCR's determinations, please contact Joy M. Purcell, Senior Compliance Team Attorney, at (646) 428-3766 or [joy.purcell@ed.gov](mailto:joy.purcell@ed.gov); Amy Randhawa, Compliance Team Attorney, at (646) 428-3781 or [sandeep.randhawa@ed.gov](mailto:sandeep.randhawa@ed.gov); or Félice A. Bowen, Compliance Team Leader, at (646) 428-3806 or [felice.bowen@ed.gov](mailto:felice.bowen@ed.gov).

Sincerely,

/s/

Timothy C.J. Blanchard

Encl.