



**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS**

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**REGION V**  
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WISCONSIN

July 10, 2018

Dr. Kathy J. Hinz  
Superintendent  
Crystal Lake Elementary District 47  
300 Commerce Drive  
Crystal Lake, IL 60014

*Via electronic mail only:* [khinz@d47.org](mailto:khinz@d47.org)

Re: OCR Docket # 05-15-1166

Dear Dr. Hinz:

This is to advise you of the resolution of the above-referenced complaint filed against Crystal Lake Elementary District 47 (District) alleging discrimination on the basis of sex. Specifically, the Complainant alleged that throughout February 2015, the District subjected Student A, a XXXX student at the District's South Elementary School (School), to discrimination based on sex when a XXXX student, Student B, engaged in sexual harassment of Student A on the school bus resulting in a sexually hostile environment, and the District failed to respond appropriately to the Complainant's reports of the harassment.<sup>1</sup>

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to the requirements of Title IX.

The Title IX implementing regulation at 34 C.F.R. § 106.31(a), states 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 educational program or activity operated by a recipient of Federal financial assistance. Sexual harassment that creates a hostile environment is a form of sex discrimination prohibited by Title IX.

The Title IX implementing regulations at 34 C.F.R. §§ 106.8(a) and (b) and 106.9, respectively, require recipients to: designate at least one employee to coordinate compliance with Title IX; take steps to notify all relevant individuals, including but not limited to applicants for admission and employment, students, parents, and employees, that the recipient does not discriminate on the basis of sex and that it is required by Title IX not to discriminate in that manner, in addition to referring questions regarding Title IX to the

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<sup>1</sup> During the course of its investigation, OCR obtained information that the parents of two additional students (hereafter referred to as Student C and Student D), reported sexual harassment by Student B on the school bus.

recipient's Title IX coordinator and OCR; and adopt and implement grievance procedures providing for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX, including sexual harassment.

During its investigation, OCR reviewed the District's past and current notice of nondiscrimination, nondiscrimination policy, and grievance procedures. OCR also reviewed all documentation and information provided by the Complainant and the District, including the contemporaneous records of the District's internal investigation into the Complainant's report of sexual harassment. Additionally, OCR interviewed ten witnesses, including the District's former Title IX Coordinator, District and School staff involved in the investigation of the Complainant's internal complaint, and each of the witnesses identified by the Complainant who consented to an interview. Specifically, OCR interviewed the parent of Student C. The parents of Student B and the parents of Student D, declined to speak with OCR.

Prior to the conclusion of OCR's investigation, the District expressed an interest in voluntarily resolving the complaint. OCR determined that it is appropriate to resolve the complaint with an agreement.

On June 27, 2018, the District signed the enclosed resolution agreement, the provisions of which are aligned with the complaint allegation and consistent with the applicable regulations. Pursuant to the agreement, the District will:

- Separately inform the parents of Students A, B, C, and D of the outcome of the District's investigation into reports that Student B sexually harassed Students A, C and D. Specifically, the District will notify these individuals that allegations of sexual harassment by Student B were not substantiated.
- Separately invite the parents of Students A, B, C and D to attend a meeting with the District's Title IX Coordinator to discuss (1) changes to the District's policies and procedures since the Complainant's initial complaint of sexual harassment was investigated; and (2) the District's obligation to offer interim measures to all affected students during the pendency of a sexual harassment investigation.
- Train staff directly involved in processing, investigating and/or resolving complaints or other reports of sex discrimination on the District's Equal Educational Opportunities Policy and Harassment and Harassment of Students policies, as well as the District's Uniform Grievance Procedure. The training will remind staff of the requirement under Title IX and the District's policies that the District provide prompt notice of the outcome of its investigation to all parties.

Please be advised that the District may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

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, OCR will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

OCR wishes to thank the District, and in particular its counsel, XXXX and XXXX, for the courtesy, responsiveness, and thoroughness shown to OCR during the investigation and resolution of this complaint.

OCR will monitor the implementation of the agreement. OCR looks forward to receiving the District's first report documenting its implementation of the agreement, which is due on October 31, 2018. If you have any questions about this letter, please contact Lauren Lowe, Attorney, at 312-730-1584, or at [lauren.lowe@ed.gov](mailto:lauren.lowe@ed.gov).

Sincerely,

Aleeza Strubel  
Supervisory Attorney

Enclosure

cc: XXXX (via electronic mail)  
XXXX (via electronic mail)