



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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August 7, 2017

Beckie Simenson, Ed. S.
Superintendent
Litchfield Public Schools
Wagner Education Building
307 East 6th Street
Litchfield, MN 55355

Re: OCR #05-16-1233
Litchfield Public School District #465

Dear Dr. Simenson:

On March 7, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed with OCR against the Litchfield Public School District #465 (District) alleging that the discriminated against a student on the basis of sex.

Specifically, the Complainant alleged that the discriminated against her XXXXX (Student A) based on sex when, from XXXXX XX through XXXXX XX, 201X, a XXXXX classmate (Student B) sexually harassed Student A thereby creating a hostile environment, and the District had notice of the sexually hostile environment and failed to respond effectively.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex and retaliation in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX. Accordingly, OCR has jurisdiction over this complaint. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

During the course of OCR's investigation, OCR reviewed data provided by the Complainant and the District, and interviewed the Complainant, Student A, and three District employees. Prior to the conclusion of OCR's investigation, the District expressed interest in resolving the complaint allegation. Discussions between OCR and the District resulted in the District's signing the enclosed Resolution Agreement (Agreement), which, when fully implemented, will resolve the issues raised in the complaint.

District Overview

According to the National Center of Education Statistics District Directory Information, the District operated five schools and had a total enrollment of 1,698 students during the 2014-2015

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school year.¹ The District website indicates it operates four schools including: one elementary school, one middle school, one high school and one alternative learning program.² The District's website omits Wagner Elementary, which serves students in grades 4 and 5. The high school has an enrollment of 555 students. Student A was a freshman at the high school during the 2015-2016 school year.

The District provided OCR with its 2015-2016 Faculty Handbook and an electronic link to its 2015-2016 Student Handbook. Currently, the 2015-2016 Litchfield High School Student Handbook is not available online, but the 2017-2018 Litchfield High School Student Handbook is on the District's website.³

District Policies and Procedures

The District's policies and procedures are located on its website.⁴ Policy 102 – Equal Educational Opportunity and Policy 413 – Harassment and Violence Policy 413 state that the District does not discriminate on the basis of sex and that the District prohibits the harassment based on sex. Policy 413 includes a sex harassment complaint procedure. The District encourages any person with knowledge or belief of conduct which may constitute harassment or violence to report the alleged acts immediately to an appropriate school district official designated by the policy. Policy 413 designates the Building Principal or Principal's designee as the person responsible for receiving oral or written reports of harassment or violence. Policy 413 describes the District's procedures upon receipt of a report: the building report taker notifies the District's Human Resources Officer (HRO) of the report and sends a written statement of the facts as soon as practicable to the HRO. Within three (3) days of the receipt of a report or complaint alleging harassment or violence the HRO or designee will begin an investigation. The investigation will be completed "as soon as practicable" and the HRO will send a written report to the superintendent upon completion of the investigation, including a determination of whether the allegations have been substantiated and whether they appear to be violations of Policy 413. The determination letter will be sent to the parties within 10 days.

Policy 522 – Student Sex Non-Discrimination designates the District's Title IX Coordinator as the person responsible to coordinate the District's efforts to comply with and carry out its responsibilities under Title IX. Policy 522 designates the High School's Assistant Principal as the District's Title IX Coordinator and provides appropriate contact information.⁵

Factual Summary

¹ https://nces.ed.gov/ccd/schoolsearch/school_list.asp?Search=1&DistrictID=2718210

² http://www.litchfield.k12.mn.us/pages/Litchfield_Public_Schools/Schools

³ <http://www.litchfield.k12.mn.us/page/1030/search-results/student%20handbook/0/20170804113927/2>

⁴ http://www.litchfield.k12.mn.us/pages/Litchfield_Public_Schools/1006279702950303842/Policy_200-299

⁵ Policy 522(II)(c) identifies the High School's Assistant Principal as the Activities Director. However, in addition to the job title, the individual is identified by name. The policy further provides his address and telephone number.

Student A has been enrolled in the District since XXXXX. During the 201X-201X school year Student A was a XXXXX enrolled in the District's XXXXX School (School) and had an XXXXX XXXXX XXXXX (XXX) in place prior to XXXXX enrollment. The District conducted an XXXXX meeting on XXXXX XX, 201X and put a new XXX in place for Student A for the 201X-1X school year.

On XXXXX XX, 201X, Student A showed Teacher A sexually explicit emails XXXXX had received on XXXXX school Gmail account. Teacher A reported to OCR that she walked Student A to the Assistant Principal's office to report the emails. The Complainant came to the School and she and Student A provided the Assistant Principal with several emails that Student A received on a Gmail account from another unidentified Gmail account. The emails contained sexual comments of a derogatory nature toward Student A, including sexual terms and profanity. The emails were transmitted via District technology⁶ and therefore District staff determined that they were sent by another District Gmail user.

The Assistant Principal could not immediately identify who sent the emails and Student A reported that it may have been XXXX former XXXXXfriend (Student C) or XXX friend (Student D). The Assistant Principal suggested that because Student B is XXXXX to and friendly with Student C, Student B might be responsible for the emails.

The Assistant Principal began an investigation immediately on February 29, 2016; first by directing the District's Technology Coordinator to determine the source of the emails. Next, he solicited the assistance of a School counselor to interview Students B, C and D. When questioned, Student C and D denied any knowledge of the emails; however Student B admitted to sending the emails. The Technology Coordinator discovered that Student B had created a false Gmail account from XXXXX School-issued Gmail account and sent the emails to Student A.

The Assistant Principal notified Student B's parents the same day that Student B would be disciplined for sexually harassing Student A by sending the emails. The Assistant Principal consulted with the Principal regarding sanctions for Student B and they considered the following factors: Student B admitted to XXX conduct and exhibited remorse, Student B had no prior incidents of misconduct during XXX academic career with the District, and Student B is a student XXXXX X XXXXX and had an XXXXX XX XXXXX. Based on these factors, the Principal determined Student B's sanctions to be a one day out-of-school suspension (XXXXX XX) and a one day in-school-suspension (XXXXX XX). The Notice of Suspension states, "On-line sexual harassment to another student and creation of a false email account." The Principal suspended Student B's use of District computer services for nine days and met with XXX parents on XXXXX XX, 201X, to review XXX services and XXX XXXXX was revised to add

⁶ The District issues MacBooks to its high school students to use for academic purposes. Students are issued a Google email account also restricted to educational uses. The District prohibits students from engaging in harassment through the use of District technology as set forth in Policy 424 – Internet Acceptable Use Policy located at: http://www.litchfield.k12.mn.us/pages/Litchfield_Public_Schools/1006279702950303842/Policy_200-299/500-599_Students

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XXXXX support services for problem solving. Student B and XXX parents wrote letters of apology addressed to Student A and the Complainant dated XXXXX XX, 201X.

The District reported that it took immediate precautions to prevent interactions between Student A and Student B at School. Specifically, the District changed two classes in which both students were enrolled by moving Student B to a different class, and ensuring they did not have lunch or other breaks at the same time. The District also made arrangements so that the two students would not be enrolled in the same driver's education training class. Student A attended school on XXXXX XX, 201X, and the District reported that staff provided additional supervision of Student A to ensure XXX well-being. Student A did not attend School on XXXXX XX, XX, or XX, 201X.

On XXXXX XX, 201X the Complainant filed a complaint against Student B using the District's Religious, Racial or Sexual Harassment and Violence Form (Form) alleging that Student B sexually harassed Student A by sending XXX emails. The Complainant submitted the Form to the Principal, who signed and dated it XXXXX XX, 201X. The Principal told OCR that he forwarded the Form to the Superintendent's office. The District reported to OCR that no further action was taken in response to the Form because the District had already taken action and responded to the Complainant's allegations about Student B.

On XXXXX XX, 201X, the Complainant also filed a Petition for Harassment Restraining Order that was granted the same day through an ex parte Order filed in the local county district court. The Order states, "[Student B] shall stay 50 feet away from [Student A] and if they are in school at the same time, they should never be in direct contact or alone in any capacity." The Order was to be in effect until XXXXX XX, 201X. The District reported that in response to the Order the School made arrangements so that Student B would not be in the hallways during passing time and the Principal instructed Student B that if XXXXX saw Student A at other times at school XXXXX was to immediately leave the area. The Assistant Principal reported to OCR that Student B followed the instructions and was fearful of running into Student A because XXXXX did not want to get into trouble again.

The District offered to meet with the Complainant to discuss Student A's well-being and whether additional services were needed. The Complainant agreed to amend Student A's XXX rather than to convene an XXX team meeting. Student A was provided with additional support by staff in that they would check-in with Student A to ensure that Student B was not bothering XXX. Specifically Teacher A reported to OCR that she was a designated contact person for Student A and she would see Student A several times per day as Student A's locker was next to her classroom.

On XXXXX XX, 201X, the Complainant reported to the Principal via email that Student B was making contact with Student A. Specifically, the Complainant stated:

[Student A] has been back in school for a week now due to XXX being out of school

from the sexual harassment emails XXXXX received from [Student B]. XXXXXX is feeling very unsafe due to the fact that [Student B] is walking by here (*sic*) in the hallway everyday 4-6 times per day. XXXXX is not only walking by XXX, XXXX is taunting XXX physically by staring at XXX as XXXXX walks by XXX. This morning [Student A] told me that yesterday when [Student B] walked by XXX XXXXX touched XXX butt...I also want to know what you are going to do to keep my XXXXX safe from [Student B]. It is sad XXXXX does not trust the adults at school due to the fact that the adults are not keeps (*sic*) [Student B] away from XXX and making XXX feel safe at school. [Student B] is not respecting and or following the [Order] signed by the judge on XXXXX XX, 201X.

Student A told OCR that on XXXXX XX, 201X, Student B's hand touched XXX butt when XXXXX walked by XX and XXXXX reported it to Teacher A, the Assistant Principal and the Principal. XXXXX said they told XXX that they were going to have Student B walk a different way, but they did not do so. The Complainant also reported to School administration and Teacher A that Student B was behind Student A in the hallway on March 17, 2016. Teacher A responded to the Complainant by email on March 17 stating, in part:

This was the first time I heard about any of this. I have talked to [Student A] every morning this week and XXXXX has not told me anything. I am sorry. I had a long talk with [Student A] about letting someone know asap if there is any hallway situations (*sic*). XXXXX has not been willing to do that. We went to talk to [the Assistant Principal] during XXX study hall. I made XXX promise me today that XXXXX will tell me in the future. XXXXX did agree to do that now...I want you to know I will do whatever it takes to keep XXX safe at school. I am sorry!

The Principal reported to OCR that he responded to the Complainant's reports by talking to staff to ensure that the measures initiated to keep Student B away from Student A were being followed. On XXXXX XX, 201X, the Principal and Teacher A met with Student A to discuss what occurred. The Principal and Teacher A reported to OCR that Student A stated that Student B was not bothering XXX. The District did not provide the Complainant a written determination regarding XXX XXXXX XX complaint and the Complainant advised OCR that she did not receive any notice of the outcome of the complaint.

During the last week of XXXXX 201X the Complainant notified the District that she was XXXXX Student A XXXXX XXXXX XXXXX. The Complaint told OCR that her decision to change Student A's XXXXX was for reasons unrelated to Student B harassing conduct. Student A received XXXXX XXXXX XXXXX education services in her new XXXXX. Student A reenrolled in the District on XXXXX XX, 201X, and initially attended school XXXXX XXXXX XXXXX XXXXX XXXXX and received XXXXX instruction for the remainder of her educational services, per the Complainant's request. The School convened an XXX meeting on XXXXX XX, 201X, and the team's discussion included the plans that had been in place with respect to Student B. The District suggested implementing a detailed map and schedule that

would route Student A and Student B through the building in way to prevent contact. Student A objected to the implementation of such a plan and asserted that the XXXXX did not have any concerns about Student B. District staff reminded Student A that if any issues arose that XXXXX should contact a staff member immediately.

The Complainant reported to OCR that when Student A returned to School in XXXXX 201X, Student B continued to walk by XXX and taunt XXX and that students were making comments to Student A that XXXXX had “told on” Student B and they were going to beat XXX up. The Complainant reported one incident to the Principal via email on XXXXX XX, 201X, stating, in part, “Also there was a big problem Monday with a [female student] that she threatened to beat the “hell” out of [Student A] for sitting at the lunch table if [Student A] did not move...I want this kid punished for her actions. There is no need to be a bully and the school should take action right away.”

The Assistant Principal told OCR that the Complainant notified him of an incident in XXXXX that a female student (Student E) was harassing Student A at the lunch table. The Assistant Principal reported that he interviewed every student who was sitting at the lunch table, including a friend of Student A’s, and he could not corroborate that Student E threatened Student A. The Assistant Principal also stated that there was no mention of Student B during the incident.

Student A reported to OCR that when XXXXX returned to School in XXXXX, 201X, Student B would try to talk XXX, but that XXXXX did not feel unsafe being around Student B. Student A said XXXXX knew that XXXXX could go to a teacher if XXXXX had problems with Student B, specifically that Teacher A was helpful to XXX. Teacher A reported to OCR that she continued to check-in with Student A on a regular basis throughout the end of the school year. Teacher A and the Assistant Principal reported to OCR that Student A did not report any additional concerns with Student B through the remainder of the 201X-201X school year, and when asked, Student A repeatedly told staff that Student B had not been bothering XXX.

Legal Standards

The Title IX regulation, at 34 C.F.R. § 106.31, provides generally that, except as provided elsewhere in the regulation, no person shall on the basis of sex be excluded from participation in, denied the benefits of, or subjected to discrimination in education programs or activities operated by recipients of financial assistance from the U.S. Department of Education.

Hostile Environment Created by Sexual Harassment

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, regardless of the sex of the student. 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 so severe, persistent, or pervasive that it denies or limits a student's ability to participate in or benefit from the recipient's program or activities.

OCR considers a variety of related factors to determine if a sexually hostile environment has been created and considers the conduct in question from both an objective and a subjective perspective. Factors examined include the degree to which the misconduct affected one or more students' education; the type, frequency, and duration of the conduct; the identity of and relationship between the alleged harasser and the subject or subjects of the harassment; the number of individuals involved; the age of the alleged harasser and the subject of the harassment, the size of the school, the location of the incidents and the context in which they occurred; and other incidents at the school. The more severe the conduct, the less the need to show a repetitive series of incidents.

Nature of the Recipient's Responsibility to Prevent and Address Sexual Harassment

The Title IX regulations establish the following procedural requirements that are important for the prevention or correction of sex discrimination, including sexual harassment.

- *Publish Notice of Non-discrimination*

The regulation implementing Title IX, at 34 C.F.R. § 106.9, requires a recipient to implement specific and continuing steps to notify all applicants for admission and employment, students and parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of sex in its educational programs or activities, and that it is required by Title IX not to discriminate in such a manner. The notice must also state that questions regarding Title IX may be referred to the recipient's Title IX coordinator or to OCR.

- *Designate Title IX Coordinator*

The Title IX regulation, at 34 C.F.R. § 106.8(a), requires that a recipient designate at least one employee to coordinate its responsibilities to comply with and carry out its responsibilities under that law. The Title IX Coordinator must have knowledge of the requirements of Title IX and of the recipient's own policies and procedures on sex discrimination. If a recipient designates more than one Title IX Coordinator, then one coordinator should be designated as having ultimate oversight responsibility. Further, the recipient is required by the Title IX implementing regulation, at 34 C.F.R. § 106.8(a), to notify all students and employees of the name (or title), office address, email address, and telephone number of the designated employee(s).

- *Respond When Know or Should Have Known*

A recipient has notice of harassment if a responsible employee actually knew or, in the exercise of reasonable care, should have known about the harassment.

Once a recipient knows or reasonably should know of possible sexual harassment, it must take immediate and appropriate action to investigate or otherwise determine what occurred. If an investigation or other inquiry reveals that sexual harassment created a hostile environment, a recipient must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment if one has been created, prevent the harassment from recurring and, as appropriate, remedy its effects. These duties are a recipient's responsibility regardless of whether or not the student who was harassed makes a complaint or otherwise asked the recipient to take action. If, upon notice, a recipient fails to take prompt and effective corrective action, the recipient's own failure has permitted the student to be subjected to a hostile environment. If so, the recipient will be required to take corrective actions to stop the harassment, prevent its recurrence, and remedy the effects on the student that could reasonably have been prevented had the recipient responded promptly and effectively.

Even if the sexual harassment did not occur in the context of a recipient's programs or activities, a recipient must consider the effects of the off-campus sexual harassment when evaluating whether there is a hostile environment on campus or in an off-campus program or activity because students often experience the continuing effects of off-campus sexual harassment while on campus or while participating in an off-campus program or activity.

In situations where reported sexual harassment may constitute a criminal act, a recipient should notify a complainant of the right to file a criminal complaint with local law enforcement, and should not dissuade a complainant from doing so either during or after the recipient's internal Title IX investigation. Additionally, recipients should not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own Title IX investigation and, if needed, must take immediate steps to protect the complainant and allow continued access to the recipient's programs and activities. A law enforcement investigation does not relieve the recipient of its independent Title IX obligation to investigate the conduct and/or otherwise respond to the conduct.

- *Offer Interim Services*

Title IX requires a recipient to take steps to ensure equal access to its programs and activities and to protect the complainant as necessary, including interim services before the final outcome of an investigation. The recipient should provide these interim services promptly once it has notice of the harassment allegation. The individualized interim services implemented and the process for implementing those measures will vary depending on the facts of each case. In general, when providing interim services, recipients should seek to minimize the burden on the complainant.

- *Immediate and Appropriate Action to Address Retaliation*

When a recipient knows or reasonably should know of possible retaliation, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. Title IX requires recipients to protect against retaliation; at a minimum, this includes making sure that individuals know how to report retaliation, making follow-up inquiries to see if any retaliation or new incidents of harassment have occurred, and responding promptly and appropriately to address any new or continuing concerns.

- *Respond to Requests for Confidentiality*

If a complainant requests that his or her name not be revealed to the accused or asks that the recipient not investigate or seek action against the accused, the recipient should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the accused. The recipient should also explain that the recipient will take strong responsive action if retaliation occurs. If the complainant still requests that his or her name not be disclosed or that the recipient not investigate or seek action against the accused, the recipient will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the complainant.

- *Adopt, Publish and Implement Grievance Procedures*

The Title IX regulation, at 34 C.F.R. § 106.8(b), requires recipients to adopt and publish grievance procedures providing for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX, including sexual violence and other types of sexual harassment. The procedures for addressing and resolving complaints of sexual harassment should be written in language that is easily understood, should be easily located, and should be widely distributed.

Title IX does not require a recipient to provide separate grievance procedures for sexual violence and other types of sexual harassment complaints. A recipient may use student disciplinary or other separate procedures for these complaints; however, any procedures used to resolve complaints of sexual violence and other types of sexual harassment, including disciplinary proceedings, must afford both parties a prompt and equitable resolution.

In evaluating whether a recipient's grievance procedures are prompt and equitable, OCR reviews all aspects of the procedures, including the following elements that are critical to achieve compliance with Title IX:

- 1) notice to students and employees of the procedures, including where complaints may be filed;
- 2) application of the procedures to complaints alleging discrimination and harassment carried out by other students, employees or third parties;

- 3) provision of adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and respondent to present witnesses and other evidence;
- 4) designated and reasonably prompt timeframes for the major stages of the complaint process;
- 5) notice to both parties of the outcome of the complaint and any appeal; and
- 6) assurance that the recipient will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred and to correct its discriminatory effects on the complainant and others, if appropriate.

In addition, recipients should provide training to employees about the applicable grievance procedures and their implementation. All persons involved in implementing a recipient's grievance procedures (*e.g.*, Title IX coordinators, investigators and adjudicators) must have training in handling complaints of sexual harassment, and in the recipient's grievance procedures as well as applicable confidentiality requirements.

Grievance procedures generally may include voluntary, informal mechanisms (*e.g.*, mediation) for resolving some types of sexual harassment complaints; however, it is improper for a complainant to be required to work out the problem directly with the accused. The process must be voluntary for both parties and the complainant must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process. Moreover, in cases involving allegations of sexual violence, mediation is not appropriate even on a voluntary basis.

Analysis and Conclusion

Prior to the completion of OCR's investigation, District counsel expressed an interest in voluntarily resolving the allegations and issues under investigation. Consistent with Section 302 of OCR's *Case Processing Manual*, OCR determined that it is appropriate to resolve the complaint at this juncture with an agreement because OCR's investigation has not proceeded to a point where a finding is clear.

The evidence established that both Student A and the Complainant notified District staff of student-on-student sexually harassing conduct of Student A as early as XXXXX XX, 201X, and on several occasions through XXXXX XX, 201X. The District's investigation of Student A's initial report concluded that Student B sexually harassed Student A. Student B was disciplined in accord with the School discipline code, taking into account XXX unique circumstances. OCR found no evidence indicating that, in responding to sexual harassment concerns raised by Student A and Complainant in XXXXX and XXXXX 201X, the District considered whether Student A was subjected to sexually hostile environment.

The Complainant filed a written complaint alleging sexual harassment of Student A with the District XXXXX XX, 201X. According to District staff, the District took no formal action in

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response to the XXXXX XX complaint because it had already looked into Student A's report, identified Student B as the harasser, and imposed punishment on him. OCR's investigation established that the District did not implement the investigative procedures set forth in District Policy 413 or District Policy 522 and to date has not provided the Complainant with a determination regarding her XXXXX 201X complaint. The investigation further revealed that while the District did investigate the Complainant's subsequent verbal complaints about Student B's conduct toward Student A, it did not provide her with a determination concerning those complaints either.

During its investigation, OCR identified several deficiencies in the Title IX complaint procedures described in Policy 413 and Policy 522 and the dissemination of such procedures. The evidence also suggests that the Title IX Coordinator, who was appointed to the position in May 2016, and staff directly involved in the processing of reports or complaints of sexual harassment are not sufficiently trained on Title IX and the District's Title IX policies and procedures.

On August 1, 2017, the District Superintendent signed the enclosed Agreement, which, when fully implemented, will resolve the issues identified during OCR's investigation. The provisions of the Agreement are aligned with the issues raised by the allegation and the information obtained during OCR's investigation and are consistent with the applicable regulations.

The Agreement requires the District to take the following actions: (1) revise a statement applicable to District students and employees that it does not tolerate harassment on the basis of sex and will make clear that the Title IX Coordinator is responsible for investigating Title IX complaints; (2) provide adequate training to the Title IX Coordinator on all aspects of Title IX; (3) adopt and publish revised policies and procedures and current rules of behavior relating to sexual violence and other forms of sexual harassment; (4) provide effective training programs regarding its revised policies and procedures to all District teachers, administrators, and any other relevant staff; (5) provide effective training to all District employees who are directly involved in receiving, processing, investigating, and/or responding to reports or complaints of sexual harassment including instruction on how to conduct adequate, reliable and impartial investigations; (6) provide effective training programs regarding sexual harassment to all District students; (7) complete its investigation of the Complainant's sexual harassment allegations contained in her XXXX XX, 201X complaint; and (8) will take steps necessary to ensure Student A is not subjected to a sexually hostile environment should XXXXX XXXXX in a District school at any time during the 2017 -2018 or 2018-2019 school year. OCR will monitor the District's implementation of the Agreement. We look forward to receiving the District's first report regarding the implementation of the Agreement on or before September 1, 2017.

This concludes OCR's investigation of the 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.

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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 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 Complainant may file another 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, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

This complaint is closed effective the date of this letter. If you have any questions or concerns, you may contact Emily Martin, OCR Investigator, by phone at 312-730-1505 or by email at emily.martin@ed.gov or Daniel Kim, OCR Attorney, by phone at (312) 730-1482 or by email at daniel.kim@ed.gov

Sincerely,

Ann Cook-Graver
Supervisory Attorney

cc: Jennifer K. Earley, Esq.
Ratwik, Roszak & Maloney, P.A.
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Enclosure