



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

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**REGION V
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March 5, 2019

Superintendent of Schools
Cedar Falls Community School District
1002 West First Street
Cedar Falls, Iowa 50613

Re: OCR # 05-18-1469
Cedar Falls Community School District

Dear Dr. Pattee:

This is to advise you of the resolution of the above-referenced complaint against Cedar Falls Community Unit School District (District). Specifically, the complaint alleges that, during the 2017-2018 school year, the District subjected a female student (Student A) to a sexually hostile environment at school when a male District coach (Coach A) communicated with her in a sexually inappropriate manner, and the District had notice of the hostile environment, but failed to respond appropriately.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to Title IX. Accordingly, OCR has jurisdiction over this complaint.

During its investigation and prior to OCR making a final determination, the District expressed an interest in resolving the allegation under Section 302 of OCR's *Case Processing Manual* (CPM) and OCR determined that it was appropriate to resolve the allegation with an agreement. On March 4, 2019, the District signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegation in the complaint. OCR will monitor the implementation of the Resolution Agreement.

Applicable Legal Standards

Title IX prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. 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.

Facts

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

Student A was an eighth grade junior high school student who volunteered as the high school boys' wrestling team manager during the 2017-2018 school year. Wrestling season began in November 2017 and ended February 28, 2018.

According to the Complainant, shortly after the wrestling season ended, she discovered text messages between Student A and the head wrestling coach (Coach A), which she believed indicated the two may have engaged in a sexually inappropriate relationship during the wrestling season. The Complainant also stated she discovered that, when Student A reached out to the assistant wrestling coach about the matter (Coach B) on or around March 15-16, 2018, he discouraged her from going forward with the information and indicated that he could "manipulate the information."

At a meeting on March 19, 2018, the Complainant reported to the Cedar Falls High School Principal (Principal A) that she discovered inappropriate text messages on Student A's cell phone from Coach A, some of which were sexual in nature, and was concerned that Coach A had an inappropriate relationship with Student A during the wrestling season. The Complainant also reported that Coach B tried to cover up the situation when Student A reached out to him. The Complainant informed Principal A that she was unable to see the Snapchat messages referenced in the text message exchange between Coach A and Student A because the Snapchat messages were not saved. The Complainant did, however, provide Principal A copies of the text messages between Student A and Coaches A and B that she was able to secure from Student A's cell phone.

The Complainant told OCR that at no time in spring 2018 did District staff tell her or Student A about its Equal Educational Opportunities for Students complaint procedure, or refer them to its Equity Coordinator.

On or around March 19, 2018, the Director of Human Resources (DHR) and Athletic Director (AD) initiated an investigation of Complainant's report, which included separate interviews of Student A, Coaches A and B, and Principal A. The District issued a "no-contact" order on March 21, 2019 between the coaches and Student A.

On April 9, 2018, the DHR and AD met with the two coaches separately to provide each of them with the District's findings of the investigation. Regarding Coach A, the DHR informed him that the investigation revealed Coach A had failed to exercise good judgement but did not confirm that physical contact had occurred between Coach A and Student A. The DHR further explained that inappropriate text messages and Snapchats were exchanged between Student A and Coach A following the end of the wrestling season and outside the regular school day. Based on this information, the District determined Coach A inappropriately exchanged electronic communications with the student without a professional purpose and on

an inappropriate subject matter, a violation of its Social Media Policy;¹ failed to maintain appropriate employee-student boundaries; and failed to execute his supervisory role appropriately.

Regarding Coach B, the District determined that he failed to exercise good judgement and violated the Social Media Policy. The DHR told Coach B that the evidence established that he exchanged text messages with Student A without a professional purpose, and his text messages to Student A indicated a willingness to “manipulate” and “lie” to protect Coach A. The District determined that Coach B’s messages and actions indicated that he was not concerned about the well-being of Student A and was instead trying to keep the exchanges between Student A and Coach A from being discovered.

The coaches were given 24 hours to voluntarily resign or the Superintendent would move to terminate them in line with District policies. Coaches A and B resigned from their coaching positions on April 9 and 10, 2018, respectively.

On April 10, 2018, the DHR informed the Superintendent of the investigation findings, the coaches’ resignations, and that the District would inform the Complainant of the outcome of the investigation. According to the District, on April 10, Principal A spoke with the Complainant, informing her that the District completed the investigation and the coaches would no longer be serving as coaches for the wrestling program. The Complainant reported to OCR that, in late April 2018, she contacted the Superintendent, who informed her that both coaches resigned from the District. She told OCR that she was not informed of the findings of the District’s investigation. According to the Complainant, the Superintendent told her that, due to confidentiality laws, he could not share details of the investigation findings with her and described the investigation as a personnel matter.²

Student A is a freshman at the high school but no longer serves as a manager for the wrestling program because she chose not to reapply for the position.

Analysis

Although the District investigated and informed the Complainant that the coaches were no longer employed by the District, OCR had concerns that the District failed to address whether there was sexual harassment that created a hostile environment that denied or limited Student A’s ability to participate in or benefit from the school’s programs or activities, and, if so, whether it took appropriate actions to respond, including providing Student A with interim

¹ <http://www.cfschools.org/school-board/policies/400/403.7.2>

² The Complainant reported Coach A to the Cedar Falls Police Department (CFPD), alleging that he may have engaged in a sexually inappropriate relationship with Student A. Coach A informed OCR that CFPD closed its investigation and did not file any charges against him because it did not find evidence of any criminal wrongdoing. OCR’s review of the State of Iowa’s criminal court docket confirmed that there are no criminal cases pending against either Coach A or Coach B.

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measures. Prior to OCR making a final determination, the District expressed an interest in resolving the allegation and OCR determined that it was appropriate to resolve the allegation with an agreement.

OCR will monitor the District's implementation of the Agreement. Please note that the first monitoring deadline is **April 15, 2019**.

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 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. The Complainant may file a private suite in Federal court, whether or not OCR finds a violation.

Thank you for your assistance and cooperation during OCR's investigation; in particular, we would like to thank XXXX, counsel for the District. If you have questions about this letter, you may contact Sandra Garcia, Senior Equal Opportunity Specialist, at (312) 730-1580 or by email at Sandra.L.Garcia@ed.gov.

Sincerely,

Marcela Sanchez-Aguilar
Supervisory Attorney

Enclosure
cc: Dustin Zeschke