



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

XXXX XXXX, XXXX

James T. Williams, Superintendent  
Vernon Parish School District  
201 Belview Road  
Leesville, LA 71446

Re: OCR Case No. 06-14-1620  
Vernon Parish School District

Dear Superintendent Williams:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint filed against the Vernon Parish School District (District), Leesville, Louisiana. The complainant alleged that XXXX XXXX (the Student) was “sexually assaulted”, the Student was then subjected to bullying and name-calling of a sexual nature, and the District failed to address the complainant’s complaints about the “sexual assault” and sexual harassment in a timely and effective manner. OCR investigated whether the District discriminated against the Student on the basis of sex by failing to respond promptly and equitably to sexual harassment (i.e., the Student was “sexually assaulted” XXXX XXXX XXXX XXXX on XXXX XXXX XXXX, and the Student was subjected to verbal sexual harassment during XXXX XXXX through XXXX XXXX by XXXX XXXX XXXX), which was sufficient to constitute a hostile environment, and of which it had notice (knew or should have known), during the XXXX school year, in violation of Title IX, at 34 C.F.R. §§ 106.8 and 106.31.

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 education programs and activities receiving financial assistance from 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.

### Legal Standard

The regulation implementing Title IX 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, be denied the benefits of, or be subjected to discrimination under any . . . education program or activity” operated by recipients of Federal financial assistance. The Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.9 also requires a recipient to designate a

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

Title IX Coordinator, adopt grievance procedures, and implement specific and continuing steps to provide notice that it does not discriminate on the basis of sex in its education programs or activities.

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, which may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment creates a hostile environment if the conduct by an employee, another student, or a third party 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. To determine whether a sexually hostile environment exists, OCR considers the totality of the circumstances from both an objective and subjective perspective and examines the degree to which the conduct 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 and sex of the alleged harasser and the subject or subjects of the harassment; the size of the school, location of the incidents, and context in which they occurred; other incidents at the school; and incidents of gender-based, but nonsexual harassment.

Title IX requires a recipient to respond promptly and equitably to sexual harassment that it knew or should have known about, and that is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. Accordingly, to investigate or otherwise resolve incidents of sexual harassment of students, OCR considers whether: (1) the recipient has a disseminated policy prohibiting sex discrimination under Title IX and effective grievance procedures; (2) the recipient appropriately investigated or otherwise responded to allegations of sexual harassment; and (3) the recipient has taken immediate and effective corrective action responsive to any harassment that the investigation determined took place, including effective actions to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects.

### Background

The District is located in Leesville, Louisiana and consists of eight high schools, two middle schools, and seven elementary schools. During academic year XXXX, there were approximately XXXX students enrolled in the District and approximately XXXX students enrolled at XXXX XXXX School (XXXX), which serves grades XXXX - XXXX. During the investigation, OCR reviewed documentation from the Complainant and the District, including the District's policies and procedures and documentation regarding the alleged sexual harassment. OCR also interviewed the Complainant, District personnel and students.

### Investigative Findings

**Whether the recipient complied with the Title IX requirements relating to notice of nondiscrimination, designation of a Title IX Coordinator, and adoption of grievance procedures. 34 C.F.R. §§ 106.8, 106.9.**

a. Designation of Title IX Coordinator

In accordance with the Title IX regulation at 34 C.F.R. §106.8(a), recipients must designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the regulation, including complaint investigations alleging its noncompliance with Title IX, and notify all of its students and employees of the name, office address, and telephone number of the employee or employees designated.

OCR confirmed that the District has designated an employee to coordinate its responsibilities to comply with and carry out its responsibilities under Title IX. OCR found that the District's XXXX XXXX XXXX was the designated Title IX Coordinator (District Title IX Coordinator) when the alleged sexual harassment occurred (during the XXXX school year). The XXXX student handbook identifies two administrators (the XXXX XXXX of XXXX and XXXX XXXX XXXX) as individuals who occupy the position of Title IX Coordinator.

OCR found that District provides notice of the Title IX coordinator in the online Vernon Parish Student Handbook and Code of Conduct (Student Handbook), which includes identification of the Title IX Coordinator by name, address, and telephone number.

b. Nondiscrimination Notice

Title IX at 34 C.F.R. § 106.9(a) requires that a recipient implement specific and continuing steps to notify applicants for employment, students, employees, 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 the education programs or activities it operates; that the prohibition against discrimination extends to employment and admission; and that inquiries to recipients concerning the application of Title IX and its implementing regulation may be referred to the Title IX Coordinator or to OCR. Title IX at 34 C.F.R. § 106.9(b) further requires recipients to include the notice of nondiscrimination in each announcement, bulletin, catalog, or application form that it makes available to the persons described above, or which is otherwise used in the recruitment of students or employees.

The District has two notices of nondiscrimination, but neither is in compliance with the requirements under Title IX. One notice is located in the Board Policy JA, Equal Education Opportunities, which reads as follows: "It shall be the policy of the Vernon Parish School Board that the school district shall place an equal emphasis upon the nondiscriminatory provision of educational opportunities and no person shall be denied the benefits of any education program or activity on the basis of race, color, handicap, religion, creed, national origin, age, or sex. All programs offered by schools within the school district shall be open to all students in compliance with statutory and judicial requirements." The notice does not state that the District does not discriminate on the basis of sex in the educational program or activity and does not provide contact information of an employee designated to coordinate Title IX Coordinator.

The other notice of nondiscrimination is located in the Student Handbook, which reads as follows: "It is the policy of the Vernon Parish School Board to provide equal opportunities without regard to race, color, national origin, sex, age, qualified handicap, or veteran status, in its

educational services, financial aid, and employment.” The notice refers to the Title IX coordinator with name, address and telephone number. However, the notice does not state that the District does not discriminate on the basis of sex in the educational program or activity. OCR determined that the District’s notice of nondiscrimination is not in compliance with the regulation implementing Title IX, at 34 C.F.R. § 106.8(a).

c. Grievance Procedures

The applicable Title IX regulation states that a recipient’s grievance procedures must provide for “prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part” (34 C.F.R. §106.8(b)). While a recipient need not adopt a separate set of grievance procedures specifically to handle complaints of sexual harassment, the grievance procedures to handle discrimination complaints must provide effective means to prevent and respond to sexual harassment. Below is a discussion of OCR’s review of key elements of the District’s XXXX grievance procedures, including a discussion of concerns that, as demonstrated in its handling of the Student’s complaint of sexual harassment, hindered its ability to provide a prompt and equitable response.

The District has adopted a policy applicable to allegations of harassment based on sex: Board Policy GAEAA: Sexual Harassment (Sexual Harassment Procedure). The Sexual Harassment Procedure, as written during the current XXXX school year, is the same policy that was in effect at the time of the Student’s alleged sexual harassment (during the XXXX school year). OCR reviewed the Sexual Harassment Procedure and noted that it did not include all the factors that OCR considers in determining whether it provides a prompt and equitable resolution. Particularly, in the context of the District’s handling of the Student’s complaint, OCR found (1) there is no information indicating the investigation will be adequate, reliable and impartial; (2) it does not indicate that notice of the outcome of the investigation will be provided to the parties; and (3) there is no assurance that the District will take steps to prevent recurrence of any sexual harassment and remedy discriminatory effects on the complainant and others, if appropriate. OCR determined that the District’s grievance procedures did not provide a prompt and equitable resolution of complaints alleging sex-based discrimination and harassment

Based on the foregoing, OCR determined that the District’s Sexual Harassment Procedure was not compliant with the regulation implementing Title IX. Consequently, OCR concluded that the District’s Title IX grievance procedures do not provide a prompt and equitable resolution of complaints alleging any action prohibited by the regulations implementing Title IX, Section 504 or Title II, in violation of 34 C.F.R. § 106.8(b); 34 C.F.R. § 104.7(b), and 28 C.F.R. § 35.107(b), respectively.

OCR next determined whether the District’s grievance procedures were effective in the handling of the Student’s allegation.

The Title IX regulation provides that, once a school has notice of possible sexual harassment, it should take immediate and appropriate steps to investigate or otherwise determine what occurred. The specific steps in an investigation will vary depending on factors such as: the nature of the allegations, the source of the complaint, and the age of the student involved. In all

cases, the inquiry must be prompt, thorough and impartial. A recipient has notice of harassment if a responsible school employee actually knew or, in the exercise of reasonable care (*i.e.*, would have learned of the harassment if they had exercised reasonable care or made a reasonably diligent inquiry), should have known about the harassment. OCR has stated that a responsible employee includes any employee who has the authority to take action to redress the harassment, who has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employee, or an individual who a student could reasonably believe has this authority.

During the XXXX school year, the Student was XX—redacted to end of sentence— XX. OCR found that, during XXXX XXXX, XXXX male students (XXXX XXXX XXXX) were involved in sending to the Student a XXXX message asking if she was “DTF.” The Student replied by asking what the message meant and the male students answered “down to fuck.” The Student replied that she was not interested and the male students then stated something to the effect of “you know you want us to pop that cherry.” On the first day of the XXXX school year (XXXX XXXX XXXX), the Complainant shared her concern about the XXXX messages with the school counselor (Counselor) and requested to change the Student’s class schedule XX—redacted to end of sentence— XX. The Counselor approved the request and changed the Student’s class schedule.

On XXXX XXXX XXXX, the alleged sexual harassment occurred. The Student described the incident as follows:

XX—redacted to end of sentence— XX. XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX grabbed me. XXXX XXXX touching me XXXX XXXX XXXX XXXX XXXX XXXX XXXX. XXXX caused me to fall. XX—redacted to end of sentence— XX. XXXX XXXX XXXX XXXX XXXX XXXX, XXXX XXXX touching all over me, including my (clothed) breast and my (clothed) vagina, then I got hit on my face XXXX XXXX XXXX XXXX XXXX XXXX XXXX. XX—redacted to end of sentence— XX. XX—redacted to end of sentence— XX.

The evidence indicates that in the evening of XXXX XXXX XXXX, the Complainant called the XXXX School Resource Officer (SRO) and informed him that the Student “had been sexually assaulted” XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX. The SRO then called an assistant principal (AP) at XXXX and informed XXXX of the allegation.

During XXXX XXXX XXXX XXXX XXXX XXXX, the Complainant and the Student met with the AP and informed the AP of the allegation. During this meeting, the AP indicated to the Complainant and the Student that the alleged offenders had already been spoken to and that this was a “he-said, she-said” situation. The Complainant and the Student informed OCR that when they arrived at the AP’s office, XXXX XXXX XXXX were walking out of the office but they did not see the Student’s witnesses among them. The Complainant and the Student informed OCR that they provided the names of two witnesses who saw the alleged assault, and the AP

stated that the situation would be taken care of. The Complainant and the Student also spoke to the AP about the XXXX messages that the male students sent to the Student during XXXX XXXX XXXX, but the AP stated that XXXX “couldn’t do anything about it because it wasn’t school related.”

After meeting with the AP, at approximately XXXX XXXX., the Complainant and the Student went to the local Sheriff’s Department and filed a report alleging “assault” and “cyberbullying.” The Complainant informed OCR that she went to Sheriff’s Department because the Complainant did not believe the AP was going to do anything about the allegation. The Student described to the Sheriff’s Detective (Detective) the alleged assault and the Detective copied the relevant XXXX XXXX from the Student’s cell phone. The Complainant told the Detective that she was not trying to ruin the boys’ futures by sending them to jail, but she wanted something done about what they did to the Student. The Complainant informed OCR that the Detective later told her that he XX—redacted to end of sentence— XX.

The Complainant alleged to OCR that after the complaint was made regarding the XXXX XXXX incident, other students on campus began harassing the Student. The Student informed OCR that, on the same day that she met with school officials about the allegation, while she was XXXX XXXX XXXX XXXX XXXX at school, XXXX XXXX XXXX said, “Why do you keep lying about this? You know it never happened.” The Student stated that two female students came up to her XXXX XXXX XXXX and said, “You need to keep your mouth shut.” Additionally, the Student alleged that students kept calling her “snitch.” The Complainant informed OCR that, later on the same day that she met with school officials about the alleged assault, she complained to the Principal about XXXX XXXX XXXX’s statement, but the Principal did nothing about it and he even disputed the allegation indicating he did not see anyone near the Student so it must not have happened. The Complainant stated that, because the Principal did nothing, she contacted the Title IX Coordinator later on that same day. The Title IX Coordinator indicated that he would check on the situation with the Principal. The Complainant informed OCR that she later complained to the Principal about the Student being called “snitch” and told to “keep your mouth shut” but neither the Complainant nor the Student received notice of resolution regarding any of these concerns.

The Student informed OCR that the Counselor changed her class schedule a second time when the Student requested XX—redacted to end of sentence— XX. At the time of the class change request, the Student told the Counselor that she was not comfortable being in class with XXXX XXXX. During OCR’s interview of the Counselor, she confirmed that she changed the Student’s class schedule because “[the Student] said she had been harassed and the boys continued to mess with her in her classes.” However, the Complainant and the Student stated that students continued to call her “snitch” and, at one point, the students who previously sent her the XXXX XXXX, played a joke on her by XX—redacted to end of sentence— XX. In XXXX XXXX, the Student requested, and the District granted, the Student’s transfer to a different school within the District. The Student informed OCR that, at the time when she was preparing to transfer to a different school, her two witnesses had been telling her that no one at the school had interviewed them about the alleged assault.

The District informed OCR that the length of its investigation of the Student’s allegation was three days. In response to OCR’s request for documentation of its investigation, the District provided a *Bullying Investigation form*, which was signed by the Principal and dated XXXX XXXX. The *Bullying Investigation form* contained information indicating that, on XXXX XXXX the Principal conducted interviews of the Student, two alleged offenders, and two witnesses regarding the alleged incident that occurred on XXXX XXXX XXXX. The *Bullying Investigation form* contains one sentence describing the Student’s interview: “Student says XX—redacted to end of sentence— XX. The form also contains a description of the interviews of two alleged offenders (XXXX and XXXX): “Student said she was touched inappropriately[.] [B]oth boys said XX—redacted to end of sentence— XX. The Bullying Investigation form includes no reference to, and no mention of, the other alleged offender, XXXX. The form contains a description of the interviews of two witnesses: “Both boys had the same story. [XXXX XXXX Sheriff’s Department] has copy of witness statements.” On the *Bullying Investigation form*, in the checklist of offenses, Inappropriate Touching is checked with “alleged” written next to it, Other is checked with “horseplay” written next to it, and in the Electronic Aggression section, the Principal wrote “none were shown to me.” The *Bullying Investigation form* states that the school administration determined there was no determination of bullying and states that “the students were disciplined for horseplay.” There is no information stating the type of discipline that was administered for the horseplay.

During OCR’s interview of the District’s Title IX Coordinator, he stated that he did not participate in the investigation of the Student’s allegation. The Title IX Coordinator stated, “If the allegations are made at a school, the school handles the investigation. If that’s not enough for the parent, I tell them they need to file a written complaint with me.” The Title IX Coordinator informed OCR that, in XXXX XXXX, the Complainant came to his office and complained about the alleged assault and stated that she previously complained to the Principal but nothing was done. However, the District provided OCR no evidence that the Title IX Coordinator told the Complainant that she could file a written complaint with him. Instead, the Title IX Coordinator stated that he told the Complainant that he would “check on it.” The Title IX Coordinator called the Principal and was informed that a complaint had already been filed with the XXXX sheriff’s department. The Title IX Coordinator informed OCR that he (the Title IX Coordinator) “let it go to see what was going to happen with respect to the criminal investigation.” The Title IX Coordinator stated that the Principal said he could not find anything credible about the complaint, none of the students that he interviewed told him anything consistent with what the Student alleged, and the Student’s witnesses could not corroborate her allegation. The Coordinator stated that the Principal suspended a couple of kids for horseplay and “could have suspended the Student, too, because she was a part of it.” The Title IX Coordinator informed OCR that the Detective told him (the Coordinator) that he thinks “something did happen with the Student but it was just a matter of proving it.” The Title IX Coordinator also stated, “The mother put the Student in this situation by XXXX XXXX XXXX XXXX XXXX XXXX.”

During OCR’s interview of the Principal, he stated that he spoke to XXXX XXXX XXXX, but XXXX XXXX did not see anything. The Principal stated that he interviewed approximately eight students (Student A, Student B, Student D, Witness 1, Witness 2, and others he could not recall during the OCR interview). The Principal informed OCR that he could not prove the

allegation because “all the kids ... said the same thing.” However, the Principal told OCR that one student-witness corroborated the Student’s allegation of being touched inappropriately (XXXX XXXX XXXX XXXX XXXX XXXX XXXX). The Principal stated that no one corroborated the Student’s allegation that she was XXXX XXXX XXXX XXXX. The Principal informed OCR that he obtained written statements from some interviewees, but that the District “turned it all over to the XXXX sheriff’s department” and the District did not keep copies of these written statements. The Principal stated that they told “the boys” to not have any interaction with the Student.

During OCR’s interview of the AP, XXXX informed OCR that XXXX became aware of the XXXX XXXX allegation on the same day that it happened (XXXX XXXX XXXX) because after the Complainant told the SRO, the SRO called the AP. The AP stated that XXXX participated in the investigation of the Student’s allegation. The AP informed OCR that they interviewed XXXX XXXX XXXX and the students who were accused of touching the Student. The AP stated that there were written statements from the Student’s two witnesses – one corroborated the Student’s story and the other could not see everything. The AP stated that they turned over their written statements to the Sheriff’s office. According to the AP, it was a “he said, she said” situation; “we couldn’t come to a for-sure conclusion that she was harassed.” The AP stated that if they had been able to “prove it for sure” that something happened, they “probably would have suspended the boys.” The AP stated, “As far as we were concerned, that was their punishment (XXXX XXXX XXXX XXXX XXXX XXXX XXXX).” The AP acknowledged being notified about the sexually explicit electronic messages allegedly sent by XXXX XXXX XXXX XXXX XXXX to the Student. The AP estimated learning of this allegation on the day that the Student and the Complainant were at school to report the XXXX XXXX incident. The AP stated that “the [electronic] message issue didn’t really have anything to do with school;” the AP told the Complainant that she could not do anything about it because it wasn’t school related. The AP informed OCR that no one investigated this concern.

During OCR’s interview of one of the Student’s witnesses, the witness stated that he saw the alleged inappropriate touching of the Student XXXX XXXX XXXX XXXX and that he shared this information when the Detective interviewed him. However, he stated, he was not interviewed by any District officials and he did not write or sign any statements regarding the alleged XXXX XXXX incident. The witness informed OCR that XXXX had often said XXXX XXXX XXXX XXXX that the Student must be [sexually] “easy” because she was XXXX XXXX XXXX XXXX XXXX.

The District provided OCR documentation from the Sheriff’s Department indicating that the Detective spoke to XXXX and XXXX regarding the XXXX XXXX incident. The Detective’s documentation does not indicate that he spoke to XXXX, or the Student’s witnesses, or any other students regarding the XXXX XXXX incident. The documentation also indicates that the Detective spoke to XXXX regarding the XXXX messages but did not speak to XXXX or XXXX regarding the XXXX messages. The District informed OCR that the Detective was not an employee of the District during the time of this investigation; that investigations by the Sheriff’s Department are not in conjunction with or on behalf of the District. With regard to documentation from the District’s investigation, the District provided OCR no interview notes and no written statements obtained by the District, no evidence that the Principal interviewed

“approximately eight students,” no evidence that any students were disciplined, and no other documentation of its investigation aside from the *Bullying Investigation form*.

With regard to whether the District provided the parties notice of the outcome of its investigation, the Principal stated that the Complainant called him when he was “right at the end of the investigation” and he told her that he questioned the students about the allegation, but they told him the “exact opposite” of what the Student alleged. The Principal stated he told the Complainant that he could not determine that the alleged incident happened and that he “turned it over to the Sheriff’s Department and they’re looking into it.” In contrast, the Complainant alleged that the District never told her the final determination of the investigation and the District did not tell her that it was turning the District’s Title IX investigation over to the Sheriff’s Department. The Principal told OCR “it was a “he said, she said” situation, so he relied on the Sheriff’s Department investigation. The Principal stated that there was no discipline administered because they could not prove anything actually happened; he just told the alleged offenders to stay away from the Student. According to the Principal, “the fact that the boys were XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX was punishment enough.”

With regard to the alleged verbal harassment, the Title IX Coordinator informed OCR that the Complainant told him that students were making comments to the Student and were being “ugly” to her. The Title IX Coordinator stated that he told the Complainant there was “not a whole lot [they] could do” about the social media harassment, but to let the Principal know what was happening at the school. The Principal informed OCR that the Complainant alleged “the same boys were still harassing the Student at school, saying ugly things to her.” The Principal stated that he “called the boys in,” but they said they had not done anything and the Student did not have any texts or anything to prove it. The Principal stated that he spoke to some teachers (but could not recall which ones) and could not get any of them to verify the allegations. The Principal informed OCR that there are no records of these interviews because it was not a formal investigation; he just checked into it to find out what he needed to know.

The Counselor informed OCR that she helped change the Student’s class schedule, including moving her out of XXXX into XXXX XXXX XXXX class. The Counselor stated that “the Student said she was experiencing harassment, the boys continued to mess with her in her classes” and “[students] were saying ugly things to her.” The Counselor informed OCR that the Principal addressed it with those students telling them to not say anything else to the Student. The AP informed OCR that the Student claimed she was still having issues with some students at XXXX, so the Complainant decided to move her to another school. The AP stated that the District XX—redacted to end of sentence— XX. The Principal stated that the Student transferred to a different high school on or around XXXX XXXX XXXX.

### *Analysis*

OCR found inconsistencies in the information provided by the District. First, although the District officials stated that all of the alleged offenders denied the allegation regarding the XXXX XXXX incident, the evidence indicates that only two of the three alleged offenders were interviewed. Although the Bullying Investigation form states that the Student’s two witnesses were interviewed, the evidence indicates they were not interviewed by any District official.

Although the District officials stated that they obtained written statements from the witnesses, the evidence indicates that no written statements by the witnesses were obtained. Although the Principal stated that only one witness corroborated the Student’s allegation, the *Bullying Investigation form* (signed by Principal) states “both witnesses” had the same story. Although the Principal stated that the alleged offenders were not disciplined, the *Bullying Investigation form* states that the alleged offenders were disciplined. The Title IX Coordinator informed OCR that the District could not determine that the alleged harassment occurred because no one corroborated the Student’s story. However, the Student’s witness(es) did corroborate the Student’s story. Further, the alleged offenders’ story (i.e., XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX) was consistent with the Student’s story, except that their version lacked details (e.g., why XXXX XXXX, whether and where XXXX XXXX XXXX). Additionally, the Title IX Coordinator informed OCR that when a parent is unsatisfied with the school’s investigation, he tells them they can file a written complaint with him, but in this case, the Title IX Coordinator did not inform the Complainant of this option when she complained to him about the school’s inadequate response to her complaint.

OCR also found that the District did not follow its Sexual Harassment policy in responding to the Student’s allegations of sexual harassment. Although the Sexual Harassment policy required the District to initiate an investigation and make a detailed report in response to a student’s claim of sexual harassment, the evidence indicates that the District failed to conduct an investigation (and to make a detailed report of the investigation) of any of the Student’s claims that she was subjected to harassment by other students. The evidence indicates that the verbal harassment began shortly after the Student complained about the XXXX XXXX incident in XXXX XXXX, and it lasted until the Student transferred to another school in XXXX XXXX. Although school officials allowed the Student to change her class schedule, the Student continued to experience harassment from XXXX XXXX XXXX XXXX students on campus.

If a recipient ignores or otherwise fails to end harassment and ameliorate a hostile environment, and in so doing allows the harassment and hostile environment to continue, it is in violation of its obligations under Title IX. In this case, the District’s inadequate investigation resulted in the District failing to determine whether the alleged sexual assault occurred (which would have required the District to take steps to alleviate the resulting hostile environment). Further, the District’s failure to properly respond to the verbal harassment allowed the Student to continue to be subjected to such harassment, and therefore allowed her to be subjected to a hostile environment.

### *Conclusion*

OCR determined that the District’s notice of nondiscrimination is insufficient because it does not state that the District does not discriminate on the basis of sex in the educational program or activity. OCR also determined that the District Title IX grievance procedures did not provide a prompt and equitable resolution to allegations of sexual harassment because the *Sexual Harassment Procedure* failed to provide: (1) an adequate, reliable, and impartial investigation, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence; (2) notice to the complainant and alleged perpetrator of the outcome of the complaint for “student to student” allegations; and (3) assurance that the District will take steps

to prevent recurrence of any sexual harassment and remedy discriminatory effects on the complainant and others, if appropriate. Further, OCR concluded that the District did not provide a prompt and equitable response under Title IX to the Student's allegations as it did not conduct an adequate investigation of the allegations. OCR also concluded that the District's failure to conduct a prompt and equitable investigation prevented the District from taking effective action to end the harassment, prevent its recurrence and ameliorate a hostile environment.

Therefore, OCR has determined that there is sufficient evidence to support a conclusion of non-compliance with Title IX.

To address the compliance concerns regarding its grievance procedures, District submitted the attached Resolution Agreement (Agreement) to OCR on August 16, 2018. In the Agreement, the District will: revise its nondiscrimination statement and place it in prominent locations within the District; revise its grievance procedures and publish them in prominent locations within the District; provide training to the Title IX Coordinator and other administrators responsible for addressing or responding to allegations of harassment; provide training to employees regarding identifying and reporting alleged or suspected sexual harassment; and document all investigations and maintain records of all incidents of alleged harassment.

OCR has determined that the Agreement, when fully implemented, will resolve the compliance issues listed above. OCR will monitor the implementation of the Agreement by District to determine whether the commitments made by District have been implemented consistent with the terms of the Agreement. Although verification of the remedial actions taken by District can be accomplished by a review of reports and other documentation provided by District, in some instances, a future monitoring site visit may be required to verify actions taken by District.

This concludes OCR's investigation of the complaint and should not be interpreted to address 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 file a private suit in federal court whether or not OCR finds a violation.

Please be advised that 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, it 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.

If you have any questions, please feel free to contact Tiffany Gray, the attorney-investigator, by telephone at (214) 661-9611 or Adriane Martin at (214) 661-9678.

Sincerely,

Taylor D. August, Regional Director  
Office for Civil Rights  
Dallas Office

Attachment