



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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KANSAS CITY, MO 64106

REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

July 10, 2018

Sent via email to XXXXX@XXXXX.com

XXXXX XXXXX
XXXXX, XXXXX, XXXXX, XXXXX & XXXXX
XXX XXXXX XXXXX XXXXX
XXXXX XXXXX, XXXXX XXXXX

Re: Geary County Schools U.S.D. # 475
OCR Case Number: 07-16-1154

Dear XX. XXXXX:

On March 31, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of sex by your client, the Geary County Schools U.S.D. # 475 (District), Junction City, Kansas. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve the above-referenced complaint.

Specifically, the Complainant alleged the District discriminated against the Student as follows:

1. The District failed to take prompt and effective interim measures after the Student reported that a male student in XXXXX XXXXX (Male Student) told her XXXXX XXXXX that he was going to rape her, when the District:
 - a. failed to contact the Complainant on XXXXX X, XXXX, the day the alleged sexual harassment occurred, to notify her of the incident; and
 - b. failed to promptly provide the Student with counseling services.
2. The District retaliated against the Complainant and/or her daughter when the District:
 - a. failed to take prompt and effective action to stop retaliatory harassment, prevent its recurrence, and remedy its effects on the Student when, on XXXXX X, XXXX, after the rape comment was reported to the [remaining sentence redacted];
 - b. deprived the Student of educational activities by requiring the Student to [remaining sentence redacted]; and

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

- c. restricted the Complainant's communication with District staff after she filed an OCR complaint.
3. The District failed to provide a prompt and equitable resolution process for the Complainant's harassment and retaliation complaints when the District failed to follow its discrimination complaint procedure (Policy KN) by not providing the Complainant with a written determination of the validity of her complaints and a description of any resolution.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 1681, and its implementing regulation, 34 Code of Federal Regulations (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 (FFA). The Title IX regulation at 34 C.F.R. § 106.71 incorporates by reference the anti-retaliation provision of Title VI of the Civil Rights Act of 1964 at 34 C.F.R. § 100.7(e), which prohibits a recipient from intimidating, threatening, coercing, or retaliating against individuals who engage in an activity protected under Title VI, including complaining of discrimination or harassment or participating in an OCR investigation.

As a recipient of FFA and a public entity, the District is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Prior to the completion of OCR's investigation, the District expressed an interest in engaging in a voluntary resolution agreement pursuant to Section 302 of OCR's *Case Processing Manual* (CPM), which states: *[a]llegations and issues under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation.*

On July 9, 2018, the District signed an Agreement (copy enclosed) that, when fully implemented, will resolve the allegations and issues in this investigation. To resolve allegation one, the District agreed to offer to pay for the cost of professional outside counseling for the Student by a qualified mental health counselor or professional and to provide training to District officials and staff on the subject of Title IX compliance, including sexual harassment. To resolve allegation two, the District agreed to offer the counseling referenced in the previous sentence and to provide training to District officials and staff on the subject of retaliation. To resolve allegation three, the District agreed to revise the District's sexual harassment policies and grievance procedure for handling complaints of discrimination, harassment, and retaliation based on sex. Please consult the Agreement for further details.

OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume the investigation.

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 the 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 the complainant because 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.

If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

XXXXX. XXXXX XXXXX
Supervisory Attorney

Enclosure