



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VII  
KANSAS  
MISSOURI  
NEBRASKA  
OKLAHOMA  
SOUTH DAKOTA

February 28, 2018

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Re: Strafford R-VI School District  
OCR Case Number: 07161926

Dear Mr. XXXXX:

On September 13, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Strafford R-VI School District (District), Strafford, Missouri, alleging discrimination on the basis of sex. This letter is to confirm that the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the Complainant alleged that the District discriminated against her son on the basis of sex when the District failed to promptly and equitably respond to an incident of alleged off-campus sexual assault of which it had notice, and thus perpetuated a sexually hostile environment on campus for the Student.

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. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance (FFA). As a recipient of FFA from the Department, the District is subject to Title IX. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

On December 6, 2016, OCR issued notification letters to the parties and a request for information to the District. The District submitted a response to OCR's data request on January 12, 2017. On May 18, 2017, OCR conducted onsite interviews of the middle school Principal, the District's Title IX Coordinator, the middle school Counselor, and the District's School Resource Officer. OCR interviewed the middle school Assistant Principal by phone on June 1, 2017. OCR also interviewed you on October 24, 2016, November 22, 2016, and again on May 16, 2017, and reviewed documentary information submitted by you as part of its investigation. On July 13, 2017, the District expressed to OCR an interest in engaging in resolution negotiations pursuant to Section 302 of OCR's *Case Processing Manual*.<sup>1</sup>

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<sup>1</sup> The *Case Processing Manual* is available online at <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

## Preliminary Investigative Findings

In the remainder of this letter, the Complainant is referred to as “the Complainant” and her son is referred to as “the Student.” To protect individuals’ privacy, the names of employees, witnesses, and other parties also were not used in the letter.

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After the Student told her about this incident, the Complainant went to the middle school and expressed her frustration at the District’s handling of the matter before taking the Student home. The Complainant told OCR that she removed the Student from the District after keeping him home for a week because she was not satisfied with the District’s efforts and assurances that the Student would be separated from the alleged perpetrator. The Student is not currently enrolled in the District.

### *The District’s Investigation of the Student’s Sexual Harassment Allegations*

OCR interviewed the District employees who allegedly confronted the Student and ultimately made the Student repeat the details of the encounter to other administrators and to the Complainant by phone.<sup>2</sup> The Assistant Principal told OCR that he asked the Student about the rumor that Student 2 had XXX XXXXXX XX XXXX XXX XXXX XXX XXXXXX XXXXXXXX. Student 2’s parent contacted the Principal to complain about an off-campus encounter between the students. During her call to the Principal, Student 2’s parent stated that there were rumors about Student 2 that she wanted stopped. The Assistant Principal said he asked the Student about the rumor twice, first in his office, the second time in the school cafeteria. The Assistant Principal said that the Student told him it was not a rumor because it was true.

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The Principal told OCR that she spoke with Student 2 before the Student was questioned about the rumor. Student 2 told the Principal that the rumor was started by the Student. After the Complainant arrived and took the Student home, the Principal told the Assistant Principal that it would be a good idea to contact Student 2’s parent. The Principal said that because there were two varying accounts of what happened, the District halted the investigation and made a report to the appropriate child welfare agency.

The Assistant Principal’s account of steps taken after the Student’s disclosure varied slightly from the Principal’s description. The Assistant Principal told OCR that he spoke to another student XXX XXX XX XXX XXXXXXXXX after receiving the Student’s statement. The Assistant Principal said that he was not sure, but he that he may have spoken to Student 2 as well.

### *The District’s Policy Regarding Interim Measures*

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<sup>2</sup> OCR also interviewed the District’s School Resource Officer. The School Resource Officer told OCR that he was not involved in investigating the rumors of sexual contact or the Student’s allegation of a sexual assault.

The District's policy prohibiting harassment on the basis of sex, Board Policy AC, describes the steps that the District will implement upon learning of potential discrimination, harassment, or retaliation. The policy states that the District will take immediate action to protect the alleged victim, including implementing interim measures. Examples of interim measures include altering class seating arrangements and providing additional supervision for a student, notifying students and others that they are protected from retaliation, ensuring they know how to prevent future complaints, and initiating follow-up with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred.

The Principal told OCR that after speaking with the Student, he took steps to change Student 2's schedule, because she did not think the two students should be together. She said that she also informed Student 2's parent that for his own safety, Student 2 should not attend the District football game. The Principal said that Complainant did not request that remedial measures be put in place.

OCR asked what measures the District would put in place in the event the Student returned to the District. The District suggested that the Student and Student 2 would be assigned completely separate classes, and given schedules so that they would not be around each other. The District stated that it would make sure that the students' lockers were in separate parts of the building, and check in with the Student on a regular basis to make sure that he felt safe.

#### *The District's Response to Off-Campus Behavior*

The District's Board Policy AC also discusses the District's response to off-campus behavior. The policy states that "in accordance with the policy and as allowed by law, the district will investigate and address discrimination, harassment and retaliation that negatively impact the school environment, including instances that occur off district property or are unrelated to the district's activities." However, the District's Student Harassment Policy, Board Policy JBB, states that "in order to constitute a violation of [the] policy, the complained-of conduct must have occurred on or in school district property, including school vehicles; or during or in conjunction with a school sponsored activity; or directly in conjunction with the educational process of the school district."

OCR asked District employees about student discipline for conduct that occurs away from school, including discriminatory conduct. The Assistant Principal told OCR that the District does not have a policy regarding assigning consequences for students' conduct outside of school or on social media. The Assistant Principal said what happens outside of school is not for the District to handle. He went on to say that once the District learns that behavior occurred off campus, the District does not follow up except to make a referral to child services if necessary.

The Principal also told OCR that with the exception of a student conduct agreement for athletes, the District does not have a policy to address conduct that takes place off-campus. The Principal said that with respect to students' conduct on social media, the District refers parents to local law enforcement unless it's a disruption in the school setting. The Title IX Coordinator agreed that the District does not have a policy of addressing off-campus behavior, including the social media activity of students. The Title IX Coordinator told OCR that the District will investigate if

students begin to spread rumors within the school, or share pictures at school or inappropriate social media posts.

*The Role of the Title IX Coordinator in Addressing Sexual Harassment*

The District's Board Policy AC states that administrators will report all incidents of student-on-student discrimination, harassment, and retaliation to the compliance officer, and will direct the parent/guardian to the compliance officer for further assistance. The compliance officer may determine that the incident has been appropriately addressed or recommend additional action.

OCR spoke with middle school administrators about the role of the District Title IX Coordinator in sexual harassment investigations. The Assistant Principal told OCR that he did not involve the District's Title IX Coordinator when he learned about the potential rumors about sexual contact between students. The Assistant Principal said that he would involve the Title IX Coordinator if an issue arose regarding athletics or unfairness in sports. The Principal told OCR that she would only involve the Title IX Coordinator if there was a formal grievance. She stated that her office would not involve the Title IX Coordinator if they received notice of sexually harassing conduct through a disciplinary referral.

OCR asked the Title IX Coordinator about the investigation of sexual harassment complaints. The Title IX Coordinator told OCR that he has not investigated a sexual harassment complaint in the eleven years he has served as the District's Title IX Coordinator. With respect to the allegations regarding the Student and Student 2, the Title IX Coordinator said that he first learned about the allegation XXXX XXXXXXXX X XXXXXXXXX XXXX XXX XX XXX XXXXXX when he was told that he would be interviewed as part of OCR's investigation. The Title IX Coordinator said that when the middle school administrators questioned the Student about the rumor, he was at the middle school to see the Assistant Principal. The Title IX coordinator told OCR that he was in the administration office for a very short time, and that he was not involved in the questioning.

OCR asked each of the District employees interviewed about the training they received on the requirements of Title IX. The Title IX Coordinator, middle school Principal, Assistant Principal and Counselor each told OCR that the District requires them to attend a yearly training during which they watch a PowerPoint presentation created by the Missouri United School Insurance Council.

Prior to the completion of OCR's investigation, on February 27, 2018 the District submitted a signed Agreement (copy enclosed) that, when fully implemented, will address the complaint allegation. OCR considers this complaint resolved effective the date of this letter. OCR 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 or take other action.

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 referred to 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 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 any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, that individual may file another complaint with OCR 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 XXXXXX XXXXXXXXXX, Attorney, at (816) 268-0545 (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXXX.XXXXXXXXXX@ed.gov.

Sincerely,



J. Earlene Gordon  
Supervisory Attorney

Enclosure