



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310
DENVER, CO 80204-3582

REGION VIII
ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

December 13, 2017

Superintendent Christopher E. Gdowski
Adams County School District 12
1500 East 128th Avenue
Thornton, Colorado 80241-2602

Re: Adams County School District 12
Case Number: 08-17-1374

Dear Superintendent Gdowski:

We write to advise you of the resolution of a complaint that was filed with our office against Adams County School District 12 (District) and Stargate School (School), collectively “the Recipients.” The Complainant alleged that the School failed to promptly and equitably respond to alleged sexual harassment of female high school XXX team players by their coach, despite being on notice of the alleged harassment.

We investigated the complaint pursuant to Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulations at 34 Code of Federal Regulations (C.F.R.) Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the U.S. Department of Education (Department). As a recipient of Federal financial assistance from the Department, the Recipients are subject to Title IX and its implementing regulations.

We found sufficient evidence to conclude that the School discriminated as alleged. Additionally, in the course of our investigation, we identified violations of the procedural requirements of Title IX. The reasons for our findings are set forth below. Upon being advised of these findings, the Recipients voluntarily agreed to enter into a resolution agreement to resolve the violations. A signed copy of the agreement is enclosed with this letter.

I. Legal Standards¹

A. Sexual Harassment of Students by Employees

The Title IX regulations, at 34 C.F.R. § 106.31, provide generally that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to

¹ The School’s legal position is that the School “had no ‘actual notice’ of information indicating a ‘substantial danger to students’ and “did not act with ‘deliberate indifference’ towards concerns expressed regarding [the Coach]’s conduct. These are the liability standards for private actions for monetary damages and do not apply in OCR’s administrative enforcement. OCR’s standards for administrative enforcement are outlined here. *See generally* U.S. Dep’t of Educ., Office for Civil Rights, *Revised Sexual Harassment Guidance* (66 Fed. Reg. 5512, Jan. 19, 2001), available at <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf> (hereinafter “2001 Guidance”).

discrimination in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students can result in the denial or limitation, on the basis of sex, of students' ability to participate in or receive benefits from a school's program.

Schools generally provide programs to students through the responsibilities they give to employees.² If an employee who is acting (or who reasonably appears to be acting) in the context of carrying out these responsibilities over students engages in sexual harassment, and the harassment denies or limits a student's ability to participate in or benefit from a school program on the basis of sex, the school is responsible for the employee's discriminatory conduct. The school is also responsible for remedying any effects of the harassment on the victim(s), as well as for ending the harassment and preventing its recurrence. This is true whether or not the school has notice of the harassment.³

However, once a school has notice of possible sexual harassment of students by an employee (or others), it should take immediate and appropriate steps to investigate or otherwise determine what occurred and take prompt and effective steps reasonably calculated to end any harassment, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. These steps are the school's responsibility whether or not the student who was harassed makes a complaint or otherwise asks the school to take action. The specific steps in an investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. Similarly, what constitutes a reasonable response to information about possible sexual harassment will differ depending upon the circumstances. However, in all cases the inquiry must be prompt, thorough, and impartial.

If a school determines that sexual harassment has occurred, it should take reasonable, timely, age-appropriate, and effective corrective action, including steps tailored to the specific situation. Appropriate steps should be taken to end the harassment, eliminate any hostile environment that has been created, prevent any further harassment, remedy the effects of harassment on any student who was harassed, and prevent any retaliation against those who made the complaint of harassment or provided information. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

Other actions may be necessary to repair the educational environment. These may include special training or other interventions, the dissemination of information, new policies, and/or other steps that are designed to clearly communicate the message that the school does not tolerate harassment and will be responsive to any student reports of harassment.

² If a school contracts with persons to provide benefits, services, or opportunities to students as part of the school's program, and those persons sexually harass students, OCR will consider the harassing individual in the same manner that it considers the school's employees.

³ A school has notice of harassment if a responsible school employee actually knew or, in the exercise of reasonable care, should have known about the harassment. Responsible employees include 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 employees, or an individual who a student could reasonably believe has this authority or responsibility.

B. Title IX Procedural Requirements

The Title IX regulations establish procedural requirements that are important for the prevention and correction of sex discrimination, including sexual harassment. These requirements include issuance of a policy against sex discrimination (34 C.F.R. § 106.9) and adoption and publication of grievance procedures providing for the prompt and equitable resolution of complaints of sex discrimination (34 C.F.R. § 106.8[b]). The regulations also require that recipients designate at least one employee to coordinate compliance with the regulations, including coordination of investigations of complaints alleging noncompliance (34 C.F.R. § 106.8[a]).

C. OCR's Evidentiary Standard

OCR applies a preponderance of the evidence standard to determine whether the evidence is sufficient to support a particular conclusion. Specifically, OCR examines the evidence in support of and against a particular conclusion to determine whether the greater weight of the evidence supports the conclusion as alleged.

II. OCR's Investigation

Our investigation focused on obtaining the evidence necessary to determine whether the Recipients complied with the legal standards articulated in Section I above. Specifically, our investigation involved requesting and reviewing extensive documents and information from the Complainant, the District, and the School and interviewing current and former District and School staff.

III. Factual Findings

OCR's investigation established the following facts by a preponderance of the evidence.

A. Background

The School is a charter school serving students in kindergarten through twelfth grade. It is physically located in and authorized by the District.⁴ The School hired an adult male coach (Coach) to coach its girls' high school XXX team for the XXX season, which ran from XXX to XXX, and to return for the XXX season, which ran from XXX to XXX. During this time period and through XXX, the Coach also rented space from the School for his XXX team, XXX unaffiliated with the School or District. OCR's investigation did not establish evidence of any potentially sexually inappropriate behavior through the Coach's first season coaching for the School. However, such evidence surfaced twice beginning in XXX, before the Coach's second season.

⁴ If a charter school authorizer is a recipient (e.g., a traditional local education agency), it is subject to the requirements of Title IX in all of its operations, including carrying out activities to authorize charter schools. During the 2016-2017 school year, the School served students in grades six through 11; twelfth grade was added for the 2017-2018 school year.

First, in XXX, the School's Executive Director (ED) received an email from the Complainant, a parent of a female School student who was not on the School's team, but had tried out for the Coach's club team. The Complainant reported a number of "red flags" that she had observed at the try-out, including, in relevant part:

- The Coach "...hugging the girl next to him at one point and saying, 'this kid was with me at college camp all week if she looks tired...' then sa[ying] 'I love you' to her; it struck me as very inappropriate."
- "Then he proceeded to point to [the parent's daughter] from feet to head, saying, 'And what you are wearing now...don't ever wear that again. Wear a sports bra, t-shirt, spandex is good.' My jaw nearly dropped I'm left to wonder how he treats the girls when parents aren't standing two feet away."
- "And the last thing I noticed, as we were walking to the car, was [the Coach] hugging and kissing (I only heard the kissing sound as I was walking by) a Stargate mother whose daughter is on the XXX and HS team. Again, not very appropriate."

Second, in August 2016, the School's XXX Teacher reported to the ED that the Coach had made sexually inappropriate comments to her. The XXX Teacher told OCR that those comments occurred XXX in the XXX school gym. The comments, she reported, included "you look good in yoga pants" and "you look sexy," as well as stories of sexual experiences in his past and of sexually inappropriate interactions with his Uber customers.

Because the allegations from the Complainant in XXX arose in the context of the Coach's XXX team outside of his responsibilities at the School, OCR did not consider them to be a complaint of sexual harassment to which the School had a duty to respond. Similarly, because the allegations from the XXX Teacher involved alleged employee-on-employee harassment, and not harassment of students, OCR did not consider them to be a complaint of sexual harassment of School students to which the School had a duty to respond.⁵ However, OCR does consider both sets of allegations to be relevant as further allegations of potential sexual harassment of students by the Coach arose in the coming months.

B. Notice of Potential Sexual Harassment of Students by the Coach

Additional evidence of potentially sexually inappropriate behavior by the Coach arose in September 2016, this time in the context of the Coach carrying out his responsibilities over students. Specifically, parents of two daughters on the Coach's team, Player 1, XXX-grader, and Player 2, XXX-grader, emailed the School's ED and Secondary Principal a letter on September 20, 2016, documenting that their students had quit the XXX team and had done so because of the Coach. Among concerns⁶ listed in the letter were the following:

- After the sports banquet in 2015, both parents "witnessed Coach [] kiss 2 separate players on the cheek. One student freaked out completely. She did not return to XXX. This is

⁵ Of course, the School is obligated to respond to employee complaints of sexual harassment. However, that issue is not before OCR in this case.

⁶ The School contends that the complaints from this family "were primarily concerned with [the Coach]'s language and behavior resulting not from sexual harassment, but from" XXX also participating on the XXX team. OCR finds that this contention is contradicted by the September documents on their face. The documents raise a number of concerns, and it is not clear that any was "primary."

about the time [the Coach]’s ‘creepy’ reputation started. (Majority of the players and peers came up with this, not us) He is totally inappropriate. We’ve seen him stand behind the players, covering them with his body to ‘adjust’ their stance. Each of my girls have come home with stories from other students about coach’s inappropriateness. He grabs them by the hips, and waists, full hands on. Not like a simple, ‘Stand this way.’ I personally have heard him talk about aiming the ball not at their boobs. He talks about their periods, and the three P’s, using the bathroom or something. Another girl told us he slapped their butts all the time last year. She did not return to the team. We’ve told you his reference he used several times about the ball being a horny teenage boy, and you have to hit him away. We have screen shots of the team chat where he is bashing his ex-wife.”

- “. . . In the summer one player that is really into [the Coach], ran and jumped into his arms and straddled him around the waist. We know he texts her privately often, because she has information for the team from [the Coach] that no one else does. You may have gotten some positive feedback about this guy from one player. You should know he is letting this player go to his club for free as a ‘personal favor’ to her. This info came from a different XXX family.”
- The director of the X – phrase redacted - X told the parents, “[The Coach] is your head coach? God help you! He has been black listed X – phrase redacted - X for inappropriate conduct.’ You could call and talk to her. Our point is, his reputation is preceding him everywhere!”
- “We’ve never thought the girls should be alone in the building with him at practices.”
- The letter also shared that one of the daughters had truly loved XXX, had dreamed of going to college playing XXX, and therefore it was a difficult decision for her to leave the team.

The ED replied, copying the Secondary Principal, on September 21: “Thank you for this email and the documentation it provides us. I am very sorry that this has been the girls experience [sic] at Stargate.” This was the only response the family received.

The XXX Teacher also told OCR that the mother of Players 1 and 2 approached her in late September or early October 2016 to express concerns about the Coach making sexual innuendos during practice and an instance in which he inappropriately touched girls’ hips. The XXX Teacher told OCR that she encouraged the parent to report to the ED Director and believed that the parent did so.

After the School’s XXX season ended in November, the School sent evaluations to players and the Coach. Four student evaluations were returned: two from Players 1 and 2 and their parents, which were substantially similar to the letter dated September 20, 2016; and two from other players, one of which was positive and the other of which said, of relevance here, “[The Coach] would often cuss and make sexual references around them [players] . . . he would also put his hands on the girls hips.” The School’s Human Resources Director (HR Director) told OCR that she was aware evaluations had been sent out and some returned with “alarming” information, and that it was her understanding that the ED was to handle the situation.

The ED asserted that he held a meeting with the Coach on November 4, 2016 in which he shared the evaluations and stated that the School might not renew the Coach for the next season, but would honor its contract for the Coach to use the School's facilities for the XXX 2017 season. The ED produced for OCR a Word document of typed notes that contains notes to this effect. The only evidence of this meeting is the ED's assertion that it occurred and his own typed notes.

Around November 7 or 8, 2016, Player 2 submitted documentation to the ED seeking to have the School find a different coach for the next school year. The documents consisted of a cover letter from Player 2, two written "testimonies" (one named and one anonymous), eight oral "testimonies" (one named and seven anonymous) in electronic audio files, and a cover letter identifying the audio testimonies by each student's grade level and year(s) on the team, and summarizing the testimony. All students were identified as XXX- or XXX-graders, and all but one were on the team for the XXX and/or XXX season, and the one who was not had encountered the Coach in open gyms at the School. Relevant excerpts of the documentation are as follows:

- The cover letter stated, "[The Coach's] behavior on and off the court is violent, vulgar, and rude which scares most girls and the inappropriate touching is even worse Please give us a chance and read/listen to these before you make a decision about hiring [the Coach] back for next year."
- One anonymous, written testimony from a player states, "I don't like him because he creeps me out. He creeps me out because of the way he touches us and says some derogatory terms. Those can include swearing and other sexual references. He also touched girls inappropriately on the lower waist and hips making me and most of the other girls very uncomfortable."
- An audio file identified with a student's name states, "He also has made a fair many innuendos and related XXX to inappropriate examples and also has done inappropriate actions such as touching players on the hip, shoulders, and butt without consent. And I know many players have expressed this to him and he has said that they need to loosen up and just it's part of the sport, which I don't agree with."
- The audio file "Anonymous #1" states, "Caresses some of the XXX girls, like he touches their arms and legs really weirdly and it gets creepy during practice."
- The audio file "Anonymous #2" states, "He made me very uncomfortable when we would go to practice and he'd always be touching all the girls . . . and he always creeped me out."
- The audio file "Anonymous #3" states, "[The Coach] has like, just like, kind of like, been sexually weird. He like puts his hands on you when he's like showing you something, but then when he's done showing you, he keeps his hands on you I guess. And like he stands behind you when you're like doing like exercises, but he stands like like [sic] too close and he keeps his hands on you too. And then like he tried to slap a few girls' butts and I caught him but the girls like ran away. And he told us to wear skin-tight clothes to practice and if we weren't [sic] then we weren't allowed to go."
- The audio file "Anonymous #4" states, "He just makes it so that I'm uncomfortable . . . and he doesn't really understand personal space physically. [Someone else asks, "Do you have any examples?"] He hugs us a lot, and like the other day I like went to visit the gym . . . and he went, 'Hey beautiful' and like bro-hugged me and like caressed my back like in like a rub and I'm like, 'ah.' He grazes my cheek with his cheek . . . like you know

what I mean? In hugs. It's just uncomfortable . . . I don't feel like it's really appropriate or good and yeah, I don't [inaudible].”

- The audio file “Anonymous #5” states, “I don't like [the Coach] because he's too touchy. One time he grabbed my waist and stood behind us, or the XXX girls.”
- The audio file “Anonymous #6” states, “And also he's touched a lot of people in ways that they don't want to be. He's like demonstrated on students even though they've told him that they don't want to be displayed in front of everyone or they don't want to be taught like that. And I just think that he needs to change his ways or at least be talked to on how to improve as a coach.”

The ED told OCR that he had listened to the recordings to ascertain if anything needed to be reported to Child Protective Services (CPS). He stated he was not sure if a CPS report was necessary because: (a) many recordings were anonymous; (b) some recordings contained giggling; and (c) he also had heard from parents who loved the Coach. The ED further stated that he followed up with the one student identified by name in the audio files and determined that her contact with the Coach was not “inappropriate in nature.” OCR observes that one written statement also identifies a student by name and the ED did not follow up with that student. Ultimately, the ED determined that nothing rose to the level of needing to make a CPS report. He offered no documentation in support of any of these assertions or conclusions.

OCR interviewed the Secondary Principal about this issue and he reported that he was included on a few emails and heard “some concerns” about the Coach, albeit “nothing egregious,” such as, in his words, invitations to be alone with the Coach in the equipment room, and that he had conversations with the ED about redirecting the Coach's behavior. The ED reported in a call with OCR early in this investigation that he had felt torn between the parents and students who loved the Coach and those who did not. He added, “It's not like he had sex with them” (*i.e.*, the students).

OCR's investigation established no other evidence of any other type of response – including any follow-up with Player 2 or her parents – until January 2017, when the School elected not to renew the Coach for the next School season XXX. However, the School continued to allow the Coach to rent its facilities for his XXX season, from approximately January through March 2017, and his club team included some School students.

C. Title IX Procedural Requirements

As to Title IX's procedural requirements of a policy against sex discrimination, grievance procedures for complaints of sex discrimination, and designation of a Title IX coordinator, the School contends that (1) it follows and publishes in its *Community Handbook*, website, and annual communications the District's Superintendent Policy 5110 concerning Student Bullying, Harassment, Hazing, Intimidation, and Threatening Behavior, and Superintendent Policy 8400 concerning Nondiscrimination; and (2) its Title IX Coordinator is the District's General Counsel and his contact information is included in the School's *Community Handbook*.

The School's *Community Handbook*, at page 2, reads, “Stargate School is committed to a policy of nondiscrimination/ harassment in relation to race, color, sex, religion, creed, national origin,

marital status, sexual orientation and disability. Adams 12 Five Star Schools Superintendent's Policy 8400 establishes guidelines related to allegations of discrimination and/or harassment of or by students or staff." The District's Policy 8400 includes a non-discrimination statement and grievance procedures.

However, during interviews with OCR, School staff testified that the School did not have a Title IX Coordinator and School staff members and administrators were not trained on Title IX.⁷ School staff also pointed to the School's "Communications Pathways" document, a flow chart listing individuals to contact with certain types of concerns, when asked to identify grievance procedures. The District denied any interaction with the School related to the Coach or any allegations related to sexual harassment by the Coach (or other matters implicating Title IX).

IV. Analysis

A. Notice of Potential Sexual Harassment of Students by the Coach

Because the School contracted with the Coach to provide the benefits, services, or opportunities of coaching its girls' high school XXX team for the XXX and XXX seasons, OCR considered the Coach in the same manner as we would have considered a School employee for purposes of a Title IX analysis. Specifically, the School was responsible for its employee's, the Coach's, potential sexual harassment of students regardless of whether the School had notice of it. Nevertheless, our investigation established that the School did indeed have notice of potential sexual harassment of students by the Coach.

First, the School received notice via the email from the parents of Players 1 and 2 on September 20, 2016, approximately XXX through the XXX season that ran from XXX to XXX 2016. That email contained notice of potential sexual harassment of students by the Coach: for example, allegations of the Coach kissing players on the cheek, of inappropriately touching players, of "grab[bing] them by the hips, and waists, full hands on," and of a player who "ran and jumped into his arms and straddled him around the waist." Both the ED and Secondary Principal were included on this email. The only evidence of a response to this report was the ED's two-sentence reply apologizing "that this has been the girls experience [sic]."

Second, the School received notice in the players' evaluations, two from Players 1 and 2 and their parents, which were substantially similar to the letter dated September 20, 2016, and one other that stated, "[The Coach] would often cuss and make sexual references around them [players] . . . he would also put his hands on the girls hips." Though the ED asserts that he met with the Coach after these evaluations were received, the only evidence is his assertion and his own typed notes. Even if this meeting did occur, it is undisputed that neither the ED nor anyone else at the School followed up with or otherwise responded to any students.

Third, the School received notice from Player 2 and the ten additional students who provided "testimonies" seeking to remove the coach around November 2016. Those testimonies included such allegations as: the Coach touching "girls inappropriately on the lower waist and hips," "touching players on the hip, shoulders, and butt without consent," "caress[ing] some of the club

⁷ Such staff included the Director of Professional Development, HR Director, and Secondary Principal.

XXX girls,” being “sexually weird,” “slap[ping] a few girls’ butts,” mandating that players “wear skin-tight clothes,” and addressing a player with, “Hey beautiful,” and “graz[ing]” her cheek with his.

OCR finds no credible evidence of a response to Player 2 or the ten additional students. Though the ED asserts that he met with one student, this assertion arose for the first time in OCR’s interviews (*i.e.*, late in the investigation) and there is no documentation of that meeting. The ED himself testified that he simply reviewed the testimonies to ascertain if he needed to make a CPS report and that he found some of the testimonies difficult to believe because he heard giggling in the background. He offered no other evidence of, for example, making credibility determinations considering that ninth- and tenth-grade female students might be giggling because students that age may be uncomfortable talking about sex (let alone vocalizing allegations of being inappropriately touched by a much older male in a position of authority); of any other follow up with any members of the team, for example, either individually or as a group; or either about the Coach in particular or sexual harassment more generally. Though the majority of “testimonies” were anonymous, all but one was identified as having come from a XXX and/or XXX high school XXX team member. The School therefore had a finite number of potential students to consider following up with, yet did not.

Notably, these three reports of potential sexual harassment of students came *after* the School received a complaint from the Complainant in XXX of the Coach’s sexually inappropriate behavior towards students at the off-campus XXX try-out and a complaint from a teacher that the Coach was making sexually inappropriate comments to her.

Though the specific steps necessary in any investigation in response to notice of alleged sexual harassment will vary, here the School concedes that the only step it took to investigate the three reports was to speak with one student and to meet with the Coach after the season was over and, also after the season was over and after that meeting, not renew his contract. The School does not assert that any broader or student-centered investigation or response was made. For example, players were not interviewed to determine what had happened (with the potential exception of the one student, for whom no records of any follow-up exist), or the possible effects on them of any harassment, or simply to reinforce that the School was committed to an environment free of sexual harassment; and the School did not consider any of the allegations to be a report triggering its policy prohibiting sex discrimination or grievance procedures.

Lastly, OCR notes that both the ED and Secondary Principal displayed startlingly narrow views of the type of conduct that they would have considered actionable sexual harassment, with the ED stating, unsolicited, to OCR investigators, “It’s not like he had sex with them” (*i.e.*, the players) and the Secondary Principal suggesting that invitations to be alone in the equipment room would have constituted egregious behavior. Similarly, the ED appeared to envision only the criminal implications of sexual harassment, having reviewed the student “testimonies” only for whether a CPS report was warranted. OCR’s concern is that the ED did not appear to

understand the School's own obligation to respond appropriately to such reports, even if that response included as one element referrals to law enforcement.⁸

B. Title IX Procedural Requirements

As to Title IX's procedural requirements that schools issue⁹ a policy against sex discrimination and grievance procedures for complaints of sex discrimination, the School asserts that it uses District policies to fulfill these procedural requirements. The School's *Community Handbook* does cite the District's policies. However, we conclude that, at a minimum, even if the School adopted District policies to fulfill these procedural requirements, its publication of these policies is deficient. This is because no one at the School realized that the reports from students and parents in this case would have triggered either policy, and School staff were not able to identify these policies when asked about grievance procedures. Additionally, as numerous School witnesses testified, school staff are also not trained on Title IX in general.

As to Title IX's procedural requirement that schools designate a Title IX coordinator, based on School staff testimony that the School did not have a Title IX Coordinator, and the District's denial that the School interacted with it on this matter or any others involving Title IX, we conclude that the School does not have a designated Title IX Coordinator. We note that this procedural violation, as well as staff training on Title IX in general, is addressed in the Resolution Agreement for OCR Case No. 08-17-1353, a complaint that was investigated contemporaneously with this complaint.

C. Conclusion as to Title IX Compliance

In reviewing the documentation, information, and facts that we established in our investigation, OCR determined that the weight of the evidence supports conclusions that the School violated Title IX by: (1) failing to promptly and equitably respond to alleged sexual harassment of female high school XXX team players by their coach, despite being on notice of the alleged harassment; (2) failing to designate a Title IX coordinator; (3) failing to adequately disseminate notification of its policy against sex discrimination; and (4) failing to adequately publish its Title IX grievance procedures.

V. Conclusion

We thank the Recipients for entering into an agreement with OCR to resolve these issues. OCR is closing the investigative phase of this case effective the date of this letter.

⁸ OCR's concern also stems from a complaint that OCR investigated contemporaneously with this one, OCR Case No. 08-17-1353, in which OCR found that the School had failed to comply with Title IX with respect to its response to a report of sexual assault among School students.

⁹ Title IX requires that schools "implement specific and continuing steps" to disseminate notification of its policy against sex discrimination, 34 C.F.R. § 106.9, and "adopt and publish" grievance procedures, 34 C.F.R. § 106.8(b). Additionally, "schools need to ensure that employees are trained so that those with authority to address harassment know how to respond appropriately, and other responsible employees know that they are obligated to report harassment to appropriate school officials." 2001 Guidance, at 13.

The case is now in the monitoring phase. OCR will monitor implementation of this Agreement through periodic reports from the Recipients demonstrating that the terms of the Agreement have been fulfilled. We will provide the Recipients with written notice of any deficiencies regarding implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. The monitoring phase will be completed when OCR determines that the Recipients have fulfilled all of the terms of the Agreement. When the Agreement is fully implemented, the allegations and Title IX procedural violations will be resolved consistent with the requirements of Title IX and its implementing regulations. When the monitoring phase of this case is complete, OCR will close this case and send a letter to the Recipients, copied to the Complainant, stating that this case is closed. If the Recipients fail to implement the Agreement, we will take appropriate action, as described in the Agreement.

This letter addresses only the issues listed previously and should not be interpreted as a determination of the Recipients' compliance or noncompliance with Title IX or any other federal law in any other respect.

This letter is a letter of finding(s) issued by OCR to address an individual OCR case. Letters of findings contain fact-specific investigative findings and dispositions of individual cases. Letters of findings are not formal statements of OCR policy and they 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.

Individuals filing a complaint or participating in our resolution process are protected from retaliation by Federal law. Please be advised that the Recipients may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint investigation. If this happens, the individual 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, personal information, which if released, could constitute an unwarranted invasion of privacy.

Thank you for the courtesy and cooperation you and your staff extended to us during the investigation of this case. If you have any questions, please contact the attorneys assigned to the case, X – phrase redacted - X.

Sincerely,

/s/

XXX
Supervisory General Attorney

Enclosure: Resolution Agreement

cc: X – phrase redacted - X