



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VIII
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September 12, 2018

Dr. Jason E. Glass
Superintendent
Jefferson County School District R-1
1829 Denver West Drive #27
Golden, Colorado 80401

Via email only to xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Re: Jefferson County School District R-1
OCR Case Number: 08-18-1277

Dear Superintendent Glass:

This is to notify you of the disposition of the March 16, 2018, complaint alleging the Jefferson County School District R-1 (District) discriminated against the Student, a high school student at xxxxxxxxxxxxxxx School (School) on the basis of her sex.

Specifically, the complaint alleges that Student A (a District student) sexually harassed the Student throughout the xxxxxxxxand xxxxxxxx school years, and that the District was aware of the harassment and did not provide a prompt and equitable response to it.

In addition, the complaint alleges that the District retaliated against the Student after she reported the sexual harassment when a District social worker provided information shared by the Student to the Colorado Department of Human Services or local law enforcement.

We are responsible for enforcing Title IX of the Education Amendments of 1972 and its implementing regulation at 34 Code of Federal Regulations 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. As a recipient of Federal financial assistance from the Department, the School is subject to Title IX and its implementing regulation.

Factual Background

In xxxxxxxxxxxxxxx, several students at the School reported that Student A had made threats to xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx. The School collected statements from multiple students, including the Student. In her statement, the Student expressed concern about Student A. Student A was xxxxxxxxxxxxxxxxxxxxxxxfrom the School.

On xxxxxxxxxxxxxxx, the day before Student A was xxxxxxxx to the School, the Student met with the School Social Worker. Both the Complainant and the District told OCR that after

the investigation, including interim measures such as counseling, extensions of time or other course-related adjustments, modification of class schedules, campus escort services, restrictions on contact between the parties.

Under Title IX, a recipient must process all complaints of sexual violence, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity. Further, once a school is on notice of off-campus sexual violence against a student, it must assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment; and if so, address that hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct.

During the investigation, OCR reviewed documents provided by the Complainant. On June 19, 2018, the District expressed interest in resolving the complaint pursuant to Section 302 of the CPM.

The information gathered establishes that the Student and Complainant communicated concerns about Student A to School staff in a written statement, to the School Social Worker during a xxxxxxxxxxxx meeting, and to an Achievement Director for the District. In addition, the information gathered suggests that the District planned to separate the Student and Student A when Student A returned to the School in xxxxxxxxxxxx. Finally, the information gathered suggests that the District did not commence a Title IX investigation until approximately xxxxxx, xxxxx.

Based on the above described information and the District's interest in resolving the allegation, OCR drafted a resolution agreement to fully address the allegation. The provisions of the enclosed resolution agreement, signed by the District on September 5, 2018, are aligned with allegation one of the complaint, information obtained by OCR to date in its investigation, and are consistent with the applicable regulations. Therefore, OCR is closing this complaint investigation into this allegation effective the date of this letter. OCR, however, will actively monitor the School's implementation of the Agreement until the School fulfills the terms of the agreement and is in compliance with the statutes and regulations at issue in this case. If the School fails to implement the Agreement as specified, OCR may initiate administrative or judicial proceedings as described in the Agreement or resume its investigation of the initial allegations.

Allegation 2

Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.7(e), prohibits a recipient or other person from intimidating, threatening, coercing, or discriminating against any individual because he or she made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under the regulation. Title IX incorporates by reference at 34 C.F.R. § 106.71, the Title VI prohibition on retaliation.

Based on careful consideration of all the evidence, OCR finds that there is insufficient evidence to conclude that the Student was subjected to an adverse action and therefore there is insufficient evidence to conclude that the District retaliated against the Student as alleged.

This concludes OCR's investigation of this 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 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.

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, the individual may file a complaint alleging such treatment. The Complainant may also file a private suit in federal court whether or not OCR finds a violation.

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 do not hesitate to contact Patrick Alexander, Attorney, at 303-844-3473 or by email at Patrick.Alexander@ed.gov.

Sincerely,

Erica Austin,
Chief Attorney, OCR Denver Regional Office

Enclosure

cc: xxxxxxxxxxxxxxxxxxxxxx, Counsel, xxxxxxxxxxxxxxxxxxxxxx