



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

50 BEALE ST., SUITE 7200
SAN FRANCISCO, CA 94105

REGION IX
CALIFORNIA

May 23, 2014

Michelle Mitchell
Director
Paul Mitchell The School
3309 Hyland Avenue, Suite J
Costa Mesa, California 92626

(In reply, please refer to OCR case no. 09-14-2042.)

Dear Director Mitchell:

In a letter dated December 18, 2013, the U.S. Department of Education, Office for Civil Rights (OCR), notified you it had accepted a complaint against the Paul Mitchell School (School) alleging discrimination based on sex. The complainant¹ alleged that she was subjected to harassment by other students based on sex and the School failed to respond appropriately and effectively to notice of the harassment.

As explained below, prior to reaching findings of fact or conclusions of law in this matter, OCR accepted a resolution agreement from the School that resolves the complaint allegation. As such, OCR is closing the investigation of this complaint as of the date of this letter.

OCR enforces Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance. The School receives Department funds and is subject to the requirements of Title IX.

Pursuant to section 302 of OCR's *Case Processing Manual* (CPM), a complaint may be resolved at any time before the conclusion of an investigation if the recipient expresses an interest in resolving the complaint. After OCR began its investigation, the School offered to proactively address the complaint allegation through a voluntary Resolution Agreement Reached During an Investigation (Agreement). The School, without admitting any violation of the law, signed the enclosed Agreement. The Agreement will fully address the issue raised in this complaint.

The Agreement requires the School to take the following actions: Adopt/revise and publish a nondiscrimination statement; adopt/revise and publish a Title IX policy prohibiting sex discrimination; identify a Title IX coordinator; create a complaint discrimination procedure that provides for the prompt and equitable resolution of discrimination complaints; develop a system for tracking complaints of discrimination;

¹ OCR informed the School of the complainant's identity when the investigation began. We are withholding the complainant's name from this letter to protect her privacy.

provide Title IX training to all school employees and notice of Title IX rights to all students, with additional, specialized training to the Title IX coordinator and other employees with responsibility for investigating and responding to complaints of sex discrimination; provide notice of the School's nondiscrimination statement, Title IX policy, Title IX coordinator, and discrimination complaint procedures; develop and administer an annual climate survey regarding sexual harassment; convene a task force to improve campus climate with respect to sexual harassment; and credit the complainant for school work missed due to the classroom environment or give her the opportunity to make up the missed work.

OCR has determined that the actions taken by the School and its commitments expressed in the enclosed Agreement, when implemented, will resolve the issue in this complaint. OCR will monitor the implementation of the enclosed Agreement and may reopen the investigation if the School does not implement the provisions of the Agreement. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

This concludes the investigation of the complaint and should not be interpreted to address the School'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 School 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 with OCR alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR wishes to thank you for your assistance in resolving this complaint. If you have any questions, please contact Jenny Moon, Civil Rights Attorney, at (415) 486-5338.

Sincerely,

/s/

Mary Beth McLeod
Team Leader

Enclosure

Cc: XXXX XXXXX, Director of Compliance