



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

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CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

October 31, 2013

Michael Meissen, Ph.D.
Superintendent
Plymouth-Canton Community Schools
454 South Harvey Street
Plymouth, Michigan 48170

Re: OCR Docket #15-13-1020

Dear Dr. Meissen:

This is to notify you of the disposition of the above-referenced complaint, which was filed on October 19, 2012, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the Plymouth-Canton Community Schools (the District). The complaint alleged that the District is denying equal athletic opportunity to female students at Plymouth High School (the School) because it does not provide the girls' high school softball team with locker rooms and practice and competitive facilities that are equivalent to those provided to the boys' baseball team.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in education programs and activities operated by recipients of Federal financial assistance from the Department. As a recipient of such financial assistance, the District is subject to this law. OCR therefore had jurisdiction to investigate this complaint.

Based on the complaint allegation, OCR investigated the following legal issue: whether the District is providing equal athletic opportunity for members of both sexes; in particular, whether the District's provision of locker rooms, practice and competitive facilities is inequitable in violation of Title IX and its implementing regulation at 34 C.F.R. § 106.41(c)(7).

Investigative Approach

The regulation implementing Title IX, at 34 C.F.R. § 106.41(c), provides that a recipient which operates or sponsors interscholastic athletics shall provide equal athletic opportunity for members of both sexes.

To assess compliance with Title IX, OCR follows the Department's Policy Interpretation issued December 11, 1979 (Policy Interpretation), 44 *Fed. Reg.* 71413 *et seq.* OCR examines whether the availability and quality of benefits, opportunities, and treatment provided are equivalent for members of both sexes. There are 13 major factors listed in the Title IX regulation and the 1979 Policy Interpretation that may be investigated by OCR to determine whether equal opportunities are available. OCR has termed these 13 major factors "program components." They include the provision of locker rooms and practice and competitive facilities. 34 C.F.R. § 106.41(c)(7).

Interscholastic athletics investigations may not be limited to anything less than a program component. For each of the 13 program components, the Policy Interpretation lists specific factors to be investigated.

In accordance with the Policy Interpretation, OCR compares the boys' program and the girls' program on an overall basis, not on a sport-by-sport basis (such as, for example, baseball vs. softball). In evaluating program components, a disparity is a difference in benefits or services, on the basis of sex, which has a negative impact on athletes of one sex when compared with benefits or services available to athletes of the other sex. As some differences in benefits provided to boys and girls may be the result of nondiscriminatory reasons, such as the unique aspects of a particular sport, making a determination that a disparity exists requires more than simply identifying differences in benefits and services. Where any disparities are noted, OCR then considers whether the differences are negligible. Where the disparities are not negligible, OCR determines whether they are the result of nondiscriminatory factors.

Finally, OCR makes a determination as to whether those disparities identified resulted in the denial of equal athletic opportunity to male or female athletes, either because the disparities collectively were of a substantial and unjustified nature or because the disparities in individual program areas were substantial enough by themselves to deny equality of athletic opportunity.

Although OCR usually has no authority to investigate independent booster clubs, recipient school districts must ensure that equivalent benefits and services are provided to members of both sexes. Therefore, when booster clubs or other fundraising organizations, which may or may not be sponsored by the district, provide benefits or services that assist only teams of one sex, the district must ensure that teams of the other sex receive equivalent benefits and services. If booster clubs provide benefits and services to athletes of one sex that are greater than what the district is capable of providing to athletes of the other sex, then the district must take action to ensure that benefits and services are equivalent for both sexes.

In investigating this complaint, OCR interviewed the Complainant, reviewed documentation submitted by the District, interviewed the District’s two athletic directors and many of the School’s varsity head coaches, and toured the District’s athletic facilities. Prior to the completion of OCR’s investigation, the District expressed an interest in resolving this complaint pursuant to Section 302 of OCR’s *Case Processing Manual (Manual)*. The District submitted the enclosed resolution agreement, described below, to resolve the complaint.

Summary of OCR’s Investigation to Date

• **Background**

The District has three high schools, which serve students in grades nine through twelve. Those high schools are Plymouth, Canton, and Salem. All three high schools are physically located on the same large campus within the District. Most of the practice and competitive facilities for teams from the School are located on this campus. For the 2012-2013 school year, the District sponsored interscholastic athletic opportunities in the following sports at the School:

Fall Sports Teams

Boys’ Cross Country
Girls’ Cross Country
Girls’ Golf
Boys’ Football
Boys’ Soccer
Boys’ Tennis
Girls’ Volleyball

Winter Sports Teams

Boys’ Basketball
Girls’ Basketball
Boys’ Bowling
Girls’ Bowling
Girls’ Gymnastics
Boys’ Ice Hockey
Girls’ Ice Hockey¹
Boys’ Swimming
Girls’ Swimming
Boys’ Wrestling

Spring Teams

Boys’ Baseball
Boys’ Golf
Boys’ Lacrosse
Girls’ Lacrosse
Girls’ Soccer
Girls’ Softball
Girls’ Tennis
Boys’ Track
Girls’ Track

To assess compliance in this program component, OCR examines: the quality and availability of facilities provided for practice and competitive events; exclusivity of use of facilities provided for practice and competitive events; maintenance and preparation of facilities for practice and competitive events; and the availability and quality of locker rooms.

The District has two stadiums, both on campus, that serve its three high schools, including the School. One has a grass playing field and is known as the “Grass Stadium.” The other has an artificial turf field and is known as the “Turf Stadium.” The football teams split their practices between the football practice field and the Turf Stadium and split their home games between the Grass Stadium and the Turf Stadium. Both the boys’ and girls’ track teams practice and compete on the Grass Stadium track. The boys’ lacrosse team practices on the football practice field and the girls’ lacrosse team practices at the District’s West Middle School. Both teams split their home games between the

¹ Combined, all-District team.

Grass Stadium and the Turf Stadium. Both the boys' and girls' cross country teams practice on the District's high school campus and they have home meets at Cass Benton Recreation Area, an off-campus park in Northville, Michigan, operated by the county.

Both the girls' and boys' soccer teams practice on the soccer practice field and split their home games between the varsity soccer field and the Turf Stadium. The girls' and boys' basketball teams and the volleyball team all use the gymnasium in the School for practice and competitive events. The gymnastics team practices in the School's gymnastics room and competes in that room as well as in the gymnasium. The wrestling team practices in the School's wrestling room and has its home meets in the gymnasium. The varsity and junior varsity (JV) baseball teams play at the varsity baseball field while the freshman team plays on the freshman baseball field on campus. The varsity and JV softball teams play and practice on the varsity softball field on campus. Both the boys' and girls' golf teams practice and compete at the Fox Hills Golf & Banquet Center, a privately operated off-campus facility in Plymouth, Michigan.

The School's boys' and girls' tennis teams both practice and compete on eight of the 24 tennis courts located on the District's high school campus. The boys' swimming team practices and competes in the Canton North Pool and the girls' swimming team practices and competes in the Salem Pool. Canton North is a separate building on the campus, near the District's Canton High School, that houses a pool and a gym. The Salem Pool is located in the District's Salem High School. The School's boys' and girls' bowling teams practice and compete at the Super Bowl, a privately operated, off-campus facility in Canton, Michigan. The School's boys' varsity ice hockey and the combined District girls' ice hockey teams practice and play their home games at the Arctic Edge Ice Rink, a privately operated off-campus facility in Canton, Michigan. Finally, the JV boys' ice hockey team plays its home games at the Plymouth Cultural Center Ice Rink, a city-run off-campus arena in Plymouth, Michigan.

○ **Availability and Quality of Locker Rooms**

With respect to locker rooms, all School athletes are permitted to use the locker rooms at the School, although some athletes prefer to change elsewhere. The School has varsity locker rooms for both the boys and the girls. The locker rooms are of nearly identical square footage and layout. The boys' locker room has 236 lockers while the girls' locker room has 218 lockers. The additional lockers in the boys' locker room are larger lockers used for football equipment.

Each of the locker rooms has eight showers of regular size, and one accessible shower; the only difference noted between the two shower facilities is that the girls' locker room showers have curtains. The boys' locker room has two toilet stalls, two urinals, and eight sinks. The girls' locker room has four stalls and eight sinks. Both locker rooms have a whiteboard in the offices for coaches to use.

OCR toured the School locker rooms and noted that they were very similar in terms of quality, cleanliness, and size. All of the coaches who expressed an opinion on the locker

rooms rated them on a range from “adequate” to “nice.” The football coach stated that the lockers are a “little cheap” in his opinion and noted there is no room for ventilation. He likes the whiteboard that was added to the coaches’ office. The girls’ basketball coach said that the lockers are in pretty good shape and he also likes the whiteboard. The volleyball coach described the girls’ locker room as “very clean.”

The swimming teams are provided lockers in the locker rooms next to their respective pools. The locker rooms are of identical square footage and layout. Both swimming locker rooms have 150 lockers. Each of the locker rooms has four shower stands with five shower heads each. The boys’ locker room has two urinals and one toilet stall, one sink, and two hand dryers. The girls’ locker room has two toilet stalls and two sinks, four hand dryers, and eight mounted hair dryers. OCR toured the swimming locker rooms and noted that they were very similar in terms of quality, cleanliness, and size. The boys’ swimming coach described his team’s locker room as “adequate; plenty big enough.”

The ice hockey teams are provided lockers in the locker rooms at the Arctic Edge facility. The locker rooms are of nearly identical square footage and layout. The boys’ hockey locker room has 21 large lockers while the girls’ hockey locker room has 23 large lockers. The boys’ locker room has seven shower heads in a large room. The girls’ locker room has four showers separated by curtains. Each locker room has one toilet stall and one sink. OCR toured the hockey locker rooms and noted that they were very similar in terms of quality, cleanliness, and size. There is a television in the coaches’ office of the boys’ locker room and a sound system in the coaches’ office of the girls’ locker room. The boys’ hockey coach stated that he found the whiteboard and the television for watching video of practices and opponents helpful.

- **Quality and Availability of Practice and Competitive Facilities**

The School’s volleyball team, wrestling team, gymnastics team, and boys’ and girls’ basketball teams all utilize the gymnasium, located in the School. OCR found the overall quality of the facility to be very good. The gymnasium, which was 12 years old at the time of OCR’s investigation, includes two practice courts that can be divided by a screen. There are bleachers on both sides of the court that have a total seating capacity of approximately 1,000. The gymnasium includes a scoreboard, a public address system, a concessions stand, and a 1/9-mile running track around the second level. The gymnasium hosted the Michigan High School Gymnastics Meet in 2013. There are also visiting locker rooms for competitions. Both of the basketball coaches stated that they thought the gymnasium was of good quality. The volleyball coach described the facility as “wonderful.” Her only complaint is that it is not marked for a “center court,” which precludes the school from hosting large volleyball tournaments. The wrestling coach said the gymnasium “works for his team.” OCR observed the gymnasium and found it to be of good quality and well-maintained.

The wrestling team also uses the School’s wrestling room for practices. The room has two mats and two climbing ropes. The wrestling coach rated the facility as average. He said it is too small for the team. He explained that the School has the fewest number of

competition mats in the District. The coach also told OCR that storing mats is a problem, with one in the gym and one in the wrestling room. For comparison, he said that the District's Salem High School has five mats and Canton High School has four. He stated that it is typical for schools to have three to four mats. OCR observed the wrestling room to be of good quality but very small.

The gymnastics team also uses the School's gymnastics room for practices and some meets. The gymnastics coach described the room as one of the premier high school gymnastics facilities in the state. Her only complaint with the room is that it is somewhat small and therefore has limited storage areas. OCR toured the gymnastics room and found that it was of very good quality, with a full complement of gymnastics equipment, a sound system for floor exercises, and a television. It has a seating capacity of up to 200 for meets.

The tennis teams practice and compete on the tennis courts on campus. The entire District tennis complex has 24 courts, and the School has use of eight of them. The boys' tennis coach described the complex as the best high school tennis facility in the state, especially because of its size. OCR observed the tennis facility to be of excellent quality. The courts have a hard court surface, which was in good condition with no apparent cracks. There was seating for approximately 25 at the School's set of eight courts. The tennis coach noted that the courts are now about ten years old and will need to be resurfaced soon.

As noted above, the District has two football stadiums on campus, and both are used by the School's football team, lacrosse teams, soccer teams, and track teams. The Turf Stadium has artificial turf and the Grass Stadium has a grass field. The Turf Stadium, constructed in 1972, has two large sets of bleachers on both sides of the field that seat approximately 2,000. All three of the District's high school football teams share the Turf Stadium for practices and games. OCR inspected the turf field and found it to be of good quality. For games, the Turf Stadium has a good-quality press box, concessions, a public address system, an electronic scoreboard, bathrooms with running water, and lights. For football games, there is a locker room for the visiting team. The Grass Stadium, constructed in 2001, has two large sets of bleachers on both sides of the field that seat approximately 1,000. All three of the District high school football teams share the Turf Stadium for games but none of the teams practice on it, in order to protect the grass. OCR also inspected the grass field and found it to be of good quality. The Grass Stadium has a press box, concessions, a public address system, an electronic scoreboard (which is of lesser quality than the Turf Stadium's), bathrooms with running water, and lights. The Grass Stadium also has a locker room for the visiting team.

The football coach told OCR that loves the grass field surface, but said the turf field surface will need to be replaced soon. He stated the public address system at the Grass Stadium is very good but described the sound system at the Turf Stadium as "terrible." Similarly, he said the lights are fine at the Grass Stadium but could be upgraded at the Turf Stadium. The girls' lacrosse coach said he is satisfied with the two stadiums for his team's games.

As for the stadiums' tracks, used by the School's boys' and girls' track teams, OCR observed that portions of the Turf Stadium track are worn. The girls' track coach complained that when the track was resurfaced in 2004 or 2005 they did a poor job. This has led to it being beat up, with many patches. He told OCR the District had to recently fix a two-inch crack in the track. One of the athletic directors confirmed to OCR that the track is in bad physical shape and needs replacement. He said the District does repair it, but it really needs to be replaced. The track around the Grass Stadium appeared to be in better shape, with no complaints from District personnel.

As noted above, the School's boys' lacrosse team practices at the football practice field at the campus, while the girls' lacrosse team practices at West Middle School. OCR was unable to interview the boys' lacrosse coach, who was not present during OCR's onsite and did not respond to follow-up requests for an interview, but the girls' lacrosse coach stated that the middle school practice field his team uses is two and a half miles away. Players get to the field for practice through car pools and rides from parents. The girls' coach also stated that the practice field was adequate in good weather, but gets "torn up" in bad weather. OCR observed the on-campus boys' practice field, which appeared to have ruts and areas without grass due to use and weather.

The School's boys' and girls' soccer teams both practice on the soccer practice field at the District's high school campus and split their games between the District's varsity soccer field and the Turf Stadium. OCR observed that the varsity soccer field is regulation size with seating for approximately two hundred. It has lights, two portable restrooms, a small concession stand, a scoreboard, and a windscreen for the benches. The boys' and girls' soccer coach stated he does not like his teams' facilities. He especially complained that the practice fields have bare spots and are not flat. He also described the varsity field as poor with uneven grass. He indicated that the Turf Stadium is adequate.

The boys' swimming team swims in the Canton North Pool. The pool was constructed in 1977. It has 25-meter lanes, a scoreboard, a record board, a diving area, and starting blocks. The girls' swimming team swims in the Salem Pool. It was constructed in 1971 and has 25-meter lanes, two timing boards, a record board, two diving boards, and starting blocks. The boys' swimming coach complained that the Canton North Pool is outdated. It is an L-shaped pool, which means the swimmers have to use the diving area during meets. He also said the starting blocks are outdated and get slick. He described the timing system as "functional, but old." He said the public address system is of such poor quality that he brought his own sound system from home so he could be heard during Senior Night.

The golf teams practice and have home competitions at the Fox Hills Golf facility, which is about seven miles from the campus and offers several golf courses. The boys' golf coach described the facility as "excellent for high school golf." The girls' golf coach described the facility as "phenomenal." Both teams use the facility's Classic Course, constructed in 1927, for home competitions and the Strategic Course, a par three course

constructed in 2001, for practices. OCR observed the courses and found them to be of high quality.

The boys' and girls' ice hockey teams practice and compete at the Arctic Edge facility. It is approximately six miles from campus. The main rink was constructed in 2001 and can hold 800 spectators. It is a regulation 200' by 85' rink. It has concessions and a pro shop. The boys' hockey coach described the facility as "top notch." OCR observed the rink and found that it was of very good quality.

The boys' and girls' bowling teams both practice and compete at the Super Bowl, off-campus. It is approximately three miles from campus. The facility has sixty lanes and can accommodate up to eight high school teams at a time. The boys' and girls' bowling coach described the facility as "excellent." OCR's tour of the bowling alley confirmed the coach's assessment. It has a seating capacity of a few hundred. It also boasts a public address system and scoreboards for each lane. When OCR was touring, the Super Bowl was setting up to host the NCAA Women's Collegiate Championships.

The School's varsity baseball field, used by the varsity and JV baseball teams, was built in 2001 and has two dugouts, a batting cage, two bullpens, a press box/concession stand that it shares with the softball field, no restrooms, and seating for approximately one hundred. The field is regulation size; 300' down the lines and 400' to center field. OCR found the baseball field to be of excellent quality. The baseball field has a high-quality, inning-by-inning scoreboard; no lights; and a public address system. The baseball field also has a raised patio with fifty additional seats that was paid for and built by the Plymouth High School Baseball Boosters. The baseball coach told OCR that it is a nice facility and that it benefits from an active parents group, which paid for the seating patio and the new scoreboard. One of the District's athletic directors told OCR that the seating patio was constructed about six years ago, before he started in his position, and it was constructed through the efforts of a parent and was paid for through the team's booster organization. He said that he is not particularly happy with the seating patio, and he would not mind if it were removed. He noted that it is above the fence line, in the line where foul balls could be hit. He said this raises safety concerns.

The School's varsity softball field also was constructed in 2001. It is used by the varsity and JV softball teams and has two dugouts, a batting cage, two bullpens, a press box/concession stand that it shares with the baseball field, no restrooms, and seating for approximately fifty. The field is regulation size. OCR found the softball field to be of very high quality. The infield is dirt and is in excellent condition. The softball field has a below average scoreboard, no lights, and a public address system. The softball coach told OCR that it was an "amazing" facility until an incident in summer 2012 when the irrigation system got turned off by mistake and the grass burned out in the summer sun. She said the District had to spend thousands of dollars to reseed the outfield. The softball coach also told OCR that the perception might be that the District values baseball more highly than softball because of the seating patio at the baseball field.

The School also has freshman baseball and softball fields, although currently the School does not have a freshman softball team. OCR observed these fields to be in adequate condition and of regulation size. The freshman baseball field had a warm-up mound but no seating. The freshman softball field had a portable stand of bleachers allowing for seating capacity of 25.

○ **Exclusivity of Use of Practice and Competitive Facilities**

Most of the coaches reported that their teams have exclusive use of their practice and competitive facilities. None of the coaches of the teams that practice and compete off campus reported any problems in this area. The School's boys' and girls' ice hockey teams share the Arctic Edge facility with the Canton boys' ice hockey team, as well as youth hockey and figure skating groups, but reported no conflicts. Both the boys' and girls' golf coaches reported that they share Fox Hills with their Salem counterparts. However, both told OCR that they are friends with the corresponding Salem coach and they communicate well. The boys' and girls' bowling coach said that the District's Canton and Salem teams also use the Super Bowl. She said the facility is large and this does not create any problems. All of these "off-campus" facilities are also used by the general public but none of the coaches reported any difficulties.

The wrestling coach told OCR that his team has exclusive use of the School's wrestling room. The gymnastics coach said that while the Canton and Salem gymnastics teams also use the gymnastics room, the three coaches are very cooperative and there are no scheduling problems. She also opined that they are lucky to have a dedicated gymnastics room. The boys' and girls' soccer coach explained that, while his teams share the soccer fields with the respective teams from Canton and Salem, the schedules work well.

The coaches whose teams use the gymnasium also reported no problems. The volleyball team competes in the fall so has no conflicts until near the end of their season when the basketball teams begin practicing. The volleyball coach said she cooperates well with the basketball coaches. Both the boys' and girls' basketball coaches told OCR that they share the gymnasium with each other for practices and games and that both wrestling and gymnastics use the gym for some of their respective meets. Neither coach expressed concern with this. The boys' swimming coach told OCR that the swimming teams share the Canton North Pool with the Canton swimming teams and the Salem Pool with the Salem swimming teams. He provided the Saturday practice schedule, which showed that Canton had use of the Canton North Pool from 8:00 a.m. until 10:30 a.m. and the School from 11:00 a.m. until 2:00 p.m.

The coaches whose teams use the Turf and Grass Stadiums reported no problems. The football coach reported his team has exclusive use of practice facilities and the athletic directors schedule the games for the three District high schools. The boys' and girls' track coaches noted that they share the track but they would practice together anyway. The boys' tennis coach explained that the three District high schools share the 24-court tennis facility, but, since each needs no more than eight courts, it works out well. Both the baseball and the softball coaches reported exclusive use of their respective facilities.

- **Maintenance of Practice and Competitive Facilities**

OCR next looked at the maintenance of the School's practice and competitive facilities. Generally, the athletic directors and the coaches stated that they are satisfied with the maintenance of the School's athletic facilities. This is especially true of those facilities that are off-campus. For example, the boys' ice hockey coach expressed his satisfaction with the maintenance of the ice at the rink. The boys' and girls' bowling coach was very happy with the maintenance of the bowling alley. Both the boys' and the girls' golf coaches expressed satisfaction with how the golf courses at Fox Hills are maintained.

Regarding the School's on-campus facilities, the coaches and the athletic directors were also generally satisfied with facility maintenance. The coaches whose teams use the gymnasium consistently told OCR that the District janitors do their best concerning maintenance but that sometimes they simply do not have enough time. The coaches of teams that use the two stadiums had no maintenance complaints. The boys' and girls' soccer coach was satisfied with the maintenance of his teams' fields. The gymnastics coach was generally satisfied, although she noted that the gymnastics room sometimes gets dusty from the chalk used by the gymnasts and stated that the team brings in their own vacuum cleaners to help with the chalk dust. The track coaches were satisfied with the maintenance of the track.

The main issue that arose with facility maintenance concerned the baseball and softball fields. One of the athletic directors cited the boys' varsity baseball field as an example of parents being required to assist with field maintenance. In addition, both the softball coach and one of the athletic directors talked about the situation with the varsity softball field mentioned above that occurred in summer 2012. They said the field got burned up by the heat and lack of water. They explained that something happened with the irrigation system and the softball field did not get watered during the heat and drought they experienced. The athletic director called in a friend who specializes in landscape maintenance, and did work to the field to help restore it. He said that it was fairly successful, as the grass that was coming in during spring 2013 looked pretty good. He stated that the varsity baseball field and varsity softball field are next to each other, and they have irrigation systems for each of the fields.

- **Preparation of Facilities for Practice and Competitive Events**

One of the athletic directors told OCR that the District's janitors prepare the School's gymnasium for volleyball and basketball games and practices. The private golf course staff prepares the golf course for practices and meets. The baseball coach and softball coach each said they line their fields before games. The coaches interviewed did not note any disparities in the preparation of the School's athletic facilities for practices and competitions.

Voluntary Resolution Prior to Conclusion of Investigation

As noted above, before OCR completed its investigation, the District expressed interest in resolving the complaint pursuant to Section 302 of the *Manual*. The *Manual* provides that a complaint may be resolved before the conclusion of an OCR investigation if a recipient expresses an interest in resolving the complaint. This does not constitute an admission of liability on the part of a recipient such as the District, nor does it constitute a determination by OCR that the District has violated any of the laws that OCR enforces. The provisions of the resolution agreement are to be aligned with the complaint allegations or the information obtained during the investigation and are to be consistent with applicable regulations.

The District has signed the enclosed resolution agreement, which, once implemented, will fully address the information obtained during the investigation in accordance with Title IX. The agreement requires the District to: renovate the School's varsity softball field to include a scoreboard and seating equivalent to what is provided at the School's varsity baseball field; and provide the School's girls' lacrosse team with access to an on-campus practice facility equivalent to that provided to the boys' lacrosse team.

In light of this agreement, OCR considers the allegations in the complaint to be resolved, and we are closing our investigation as of the date of this letter. OCR will, however, monitor the District's implementation of the agreement. Should the District fail to fully implement the agreement, OCR will reopen the case and take appropriate action to ensure the District's full compliance with Title IX.

Conclusion

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, the harmed individual may file a 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.

We appreciate the cooperation of you and District staff during the investigation of this complaint. We look forward to the District's monitoring report, which should be

submitted by January 31, 2014. Questions about the monitoring should be directed to Mr. XXXXXXXX XXXXXXXXXXXX, who can be reached at (216) 522-XXXX or Vincent.Cheverine@ed.gov.

If you have questions about this letter, you may contact Mr. XXXXXXXX X. XXXXXX, Team Leader, by telephone at (216) 522-XXXX.

Sincerely,

/s/

Catherine D. Criswell
Director

Enclosure

cc: Jeremy D. Chisholm, Esq.
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