



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

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

January 15, 2019

Melissa M. Carleton, Esq.
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215

Re: OCR Docket #15-18-1109

Dear Ms. Carleton:

This letter is to notify you of the disposition of the above-referenced complaint filed on November 30, 2017, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Yellow Springs Schools (the District) alleging discrimination based on sex (female) and race (white) against a student at the District (the Student). Specifically, the complaint alleged that:

1. From approximately XXXXXXXXXXXXXXXXXX, the Student was subjected to harassment on the basis of sex by another student (Student B), XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX, about which the District had notice but failed to appropriately respond.
2. In XXXXXXXXXXXX, on the basis of her race, the Student was precluded from participating in the District's XXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXX, but non-white students who engaged in the same conduct were not similarly prohibited from participation.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities operated by recipients of Federal financial assistance from the Department. OCR is also responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100. Title VI prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance from the Department. As a recipient of Federal financial assistance, the District is subject to these laws. Accordingly, OCR had jurisdiction to investigate this complaint.

OCR reviewed information obtained from the Complainant and the District, and interviewed the Student's parent. Prior to the completion of OCR's investigation, the

District expressed an interest resolving the allegations and OCR determined that it was appropriate do so pursuant to Section 302 of OCR's Case Processing Manual (CPM).

Applicable Legal Standards

The Title IX implementing regulation, at 34 C.F.R. § 106.31(a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance.

The regulation implementing Title IX, at 34 C.F.R. § 106.8(b), also requires that a recipient adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints alleging any action prohibited by the regulation implementing Title IX.

The Title VI regulation at 34 C.F.R. § 100.3(b)(1)(i), (ii), and (iv) prohibits recipients from, on the basis of race, color or national origin, denying students any service or benefit provided under the program; providing services or benefits that are different from or provided in a different manner from services or benefits provided to other students; and restricting students in the enjoyment of any privilege or advantage enjoyed by others.

Summary of OCR's Investigation to Date

- Alleged Sexual Harassment**

[X--- paragraph redacted---X]

- Alleged Race Discrimination**

[X--- paragraph redacted---X]

[X--- paragraph redacted---X]

Voluntary Resolution and Conclusion

As noted above, prior to the completion of OCR's investigation, the District expressed an interest resolving the allegations and OCR determined that it was appropriate do so pursuant to Section 302 of OCR's Case Processing Manual (CPM). Although OCR has not completed its investigation, it identified a compliance concern with respect to the District's handling of the complaint made on behalf of the Student. XXXXXX XXXXXXXX XXXXXXXXXXXXXXXXXXXXXXX X, and the District conducted an investigation; however, the District did not provide the Student or the Student's parent with notice of the outcome of the investigation. XXXXXX XXXXXXXXXXXXXXXXX in compliance with the nondiscrimination provisions of the Title VI regulation.

On December 3, 2018, the District submitted the enclosed signed resolution agreement (the Agreement) to OCR. When fully implemented, the Agreement will resolve the allegations in the complaint. OCR will monitor the District's implementation of the Agreement.

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 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 harmed individual may file a complaint alleging such treatment.

The Complainant may have a right to 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 letter and related correspondence and records upon request. In the event that OCR receives such a request, it 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.

OCR received monitoring reports from the District on December 21, 2018, and January 11, 2019, which it is reviewing and will address under separate cover. For questions about implementation of the Agreement, please contact XXXXXXXXXXXX who will be monitoring the District's implementation, by e-mail at XXXXXXXXX@ed.gov or by telephone at (216) XXX-XXXX. For questions about this letter, please contact me at (216) XXX-XXXX.

Sincerely,

/s/

Lisa M. Lane
Supervisor Attorney/Team Leader

Enclosure