



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION III
DELAWARE
KENTUCKY
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April 8, 2016

IN RESPONSE, PLEASE REFER TO: 03131196

Dr. Kevin Maxwell
Chief Executive Officer
Office of the Chief Executive Officer
Sasscer Administration Building
Prince George's County Public Schools
14201 School Lane
Upper Marlboro, MD 20772

Dear Dr. Maxwell:

This is to notify you of the determination made by the U.S. Department of Education (the Department), Office for Civil Rights (OCR), in the above-referenced complaint filed against the Prince George's County Public Schools (the District) on July 30, 2013. OCR investigated whether the District discriminated against the Student on the basis of sex by:

1. Permitting a hostile environment to exist by failing to provide a prompt, equitable response to XXXXXXXX; and
2. Retaliating against the Student by:
 - a. XXXXXXXX;
 - b. XXXXXXXX; and
 - c. XXXXXXXX.

OCR enforces Title IX, as amended, 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 receiving financial assistance from the Department. Title IX also prohibits retaliation. The District is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

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 or whether the evidence is insufficient to support the conclusion.

In its investigation, OCR reviewed documentation from the Complainant and the District, as well as the District's policies and procedures relating to sexual harassment. OCR also interviewed the Complainant, the Student, student witnesses and several District staff members. Further, OCR conducted an onsite visit to the District in April 2014.

OCR has determined that the District failed to comply with the requirements of Title IX by failing to take steps reasonably calculated to prevent the reoccurrence of sexual harassment, and remedy the effects of sexual harassment on the Student. The District also failed to comply with the requirements of Title IX by failing to maintain adequate grievance procedures, failing to designate a Title IX coordinator (or other person designated to coordinate the District's efforts to comply with Title IX), and by failing to maintain and have an adequate notice of nondiscrimination. The District signed an Agreement on October 19, 2015, to address these compliance concerns. OCR found insufficient evidence with respect to the Complainant's allegations of retaliation.

LEGAL AUTHORITY

Sexual Harassment

The regulation implementing Title IX, 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 education program or activity operated by a recipient. Sexual harassment that creates a hostile environment is a form of sex discrimination prohibited by Title IX. Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Sexual harassment of a student creates a hostile environment if the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the recipient's program.¹

In determining whether this denial or limitation has occurred, OCR examines all of the relevant circumstances from an objective and subjective perspective, including: the type of harassment (e.g., whether it was verbal or physical); the frequency and severity of the conduct; the age, sex, and relationship of the individuals involved (e.g., teacher-student or student-student); the setting and context in which the harassment occurred; whether other incidents have occurred at the District; and other relevant factors. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. For example, a single instance of rape is sufficiently severe to create a hostile

¹ The applicable legal standards described herein are more fully discussed in OCR's 2011 Dear Colleague Letter on Sexual Violence, which is available at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html> (April 4, 2011); for further clarification on this topic, see "Questions and Answers on Title IX and Sexual Violence," at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf> (April 29, 2014). See also OCR's 2010 Dear Colleague Letter on Harassment and Bullying, which is available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html> (October 26, 2010), and OCR's Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, at <http://www.ed.gov/about/offices/list/ocr/docs/shguide.html> (January 19, 2001). See also OCR's April 24, 2015 Dear Colleague Letter on Title IX Coordinators, which is available at, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>.

environment. Title IX also protects all students at recipient institutions from sex harassment, including male and female students.

If a recipient knows or reasonably should have known about sexual harassment that creates a hostile environment, a recipient must take immediate and appropriate action to investigate or otherwise determine what occurred. If an investigation reveals that discriminatory harassment has occurred, a recipient must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. These duties are a recipient's responsibility regardless of whether a student has complained, asked the recipient to take action, or identified the harassment as a form of discrimination. A law enforcement investigation does not relieve the recipient of its independent Title IX obligation to investigate the conduct. A recipient should not wait for the conclusion of a criminal investigation or criminal proceeding to conduct its own Title IX investigation; and if needed, must take immediate steps to protect the complainant from further harassment prior to the completion of the Title IX investigation/resolution. Additionally, under Title IX, a recipient must process all complaints of sexual assault/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.

The Title IX regulation, at 34 C.F.R. § 106.8(b), requires recipients to adopt and publish grievance procedures providing for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX, including sex discrimination, sexual harassment, and sexual assault/violence. Title IX does not require a recipient to provide separate grievance procedures for sexual harassment complaints, including sexual assault/violence complaints.

A recipient may use student disciplinary or other separate procedures for these complaints; however, a recipient's grievance procedures for handling discrimination complaints must comply with the prompt and equitable requirements of Title IX. In evaluating whether a recipient's grievance procedures are prompt and equitable, OCR reviews all aspects of a recipient's policies and practices, including the following elements that are critical to achieve compliance with Title IX:

1. notice to students and employees of the procedures, including where complaints may be filed;
2. application of the procedures to complaints alleging discrimination or harassment carried out by employees, students, and third parties;
3. provision for adequate, reliable, and impartial investigation of complaints, including an opportunity for both the complainant and respondent to present witnesses and other evidence;
4. designated and reasonably prompt timeframes for major stages of the complaint process;
5. written notice to parties of the outcome of the complaint and any appeal; and
6. an assurance that the institution will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred, and to correct its discriminatory effects on the complainant and others if appropriate.

To ensure that students and employees have a clear understanding of what constitutes sexual violence, the potential consequences for such conduct, and how the recipient processes complaints, the recipient's Title IX grievance procedures should also include the following in writing:

1. a statement of the recipient's jurisdiction over Title IX complaints;
2. adequate definitions of sexual harassment (which includes sexual assault) and an explanation as to when such conduct creates a hostile environment;
3. reporting policies and protocols, including provisions for confidential reporting;
4. identification of the employee or employees responsible for evaluating requests for confidentiality;
5. notice that Title IX prohibits retaliation;
6. notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously;
7. notice of available interim measures that may be taken to protect the student in the educational setting;
8. the evidentiary standard that must be used (preponderance of the evidence) in resolving a complaint;
9. notice of potential remedies for students;
10. notice of potential sanctions against perpetrators; and
11. sources of counseling, advocacy and support.

Also, the procedures for addressing and resolving complaints of sexual harassment should be written in language that is easily understood, can be easily located, and should be widely distributed.

The Title IX implementing regulation, at 34 C.F.R. § 106.8(a), requires that a recipient designate at least one employee to coordinate its responsibilities to comply with and carry out its responsibilities under that law. The recipient is further required, by the Title IX implementing regulation at 34 C.F.R. § 106.9(a), to notify all students and employees of the name (or title), office address, and telephone number of the designated employee(s). In addition, OCR's 2011 Dear Colleague Letter on Sexual Violence states that recipients should notify all students and employees of the electronic mail (email) address of the Title IX Coordinator. The Coordinator's responsibilities include overseeing the recipient's response to Title IX reports and complaints of sexual harassment, including sexual assault/violence, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. Recipients must ensure that employees designated to serve as Title IX Coordinators have training or experience in handling sexual harassment, including sexual assault/violence complaints, and in the operation of the recipient's grievance procedures.

The regulation implementing Title IX, at 34 C.F.R. § 106.9, requires that recipients notify applicants for employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of sex in its education programs or activities, and that it is required by Title IX not to discriminate in such a manner. The notice must also state that questions regarding Title IX may be referred to the recipient's Title IX coordinator or to OCR.

Retaliation

When investigating a retaliation claim, OCR must determine whether: (1) the individual engaged in a protected activity; (2) the recipient had notice of the individual's protected activity; (3) the individual was subjected to an adverse action contemporaneous with or subsequent to the protected activity; and (4) there was a causal connection between the protected activity and the adverse action. If any one of these elements cannot be established, then OCR finds insufficient evidence of

a violation. If all of these elements are established, then OCR considers whether the recipient has identified a legitimate, non-discriminatory reason for taking the adverse action. If so, OCR then considers whether the reason asserted is a pretext for discrimination.

In order for an activity to be considered to be “protected,” the individual must have either opposed conduct prohibited by one of the laws that OCR enforces or participated in an investigation conducted under the laws that OCR enforces. Notice of the protected activity to the recipient, and not necessarily to the alleged individual retaliator(s), is sufficient to establish the notice requirement. In determining whether an action taken by the recipient is adverse, OCR considers whether the alleged adverse action caused lasting and tangible harm, or had a deterrent effect. Merely unpleasant or transient incidents usually are not considered adverse. Generally, the more time in between the protected activity and the adverse action, the weaker the presumption of a causal connection. Additional evidence that would demonstrate a causal connection includes: a change in treatment of the individual before and after engaging in the protected activity; treatment of the individual that is different from treatment of other similarly situated individuals; and deviation from established practice or procedure.

I. BACKGROUND

xx – paragraph redacted – xx

II. FACTUAL INFORMATION AND ANALYSIS

xx – paragraph redacted – xx

1. Reporting Process

Notice of Nondiscrimination

The District employs the following notice of nondiscrimination: “*The Board of Education of Prince George’s County does not discriminate in admissions, treatment or employment on the basis of race, color, sex, age, national origin, religion, sexual orientation or disability.*” The notice is located on the Student Attendance Handbook, Student Rights and Responsibilities Handbook, Code of Student Conduct, and various employment documents. The notice does not, however, refer to the Title IX Coordinator.

Title IX Coordinator

No District staff member interviewed by OCR knew the name or title of the District’s Title IX Coordinator. Although Board Policy 0104 provides that the Superintendent will designate a Title IX Coordinator, OCR was informed by District Counsel that the District does not employ a Title IX Coordinator. Counsel stated that the Director of Student Engagement and School Support collects the Bullying, Harassment or Intimidation forms, but does not have any other responsibilities with regard to Title IX. He also stated that the Compliance Officer handles employee harassment, but she does not have any oversight over sexual harassment of students.

In addition, although Procedure 4170 refers to the Director of Equity Assurance Office as a source of guidance, support and advocacy in addressing matters related to discrimination or

harassment reported by students, District Counsel informed OCR that the District does not employ any individual with this title.

Grievance Procedures

At the time of the incident, the District had two policies that address sexual harassment:

a. Administrative Procedure for Discrimination and Harassment (Procedure 4170)

Although the District asserted that Procedure 4170 applies to employee complaints of harassment, the Procedure also details the process for investigating and resolving allegations of harassment by students against employees or volunteers, allegations by employees and volunteers, and allegations by students against students. The process for investigating and resolving such allegations varies depending on the reporting party.

Employees are directed to file their complaint with the Regional Executive Director, Principal, Vice Principal, or Supervisor, and/or the Director of the Equity Assurance Office. Reports are accepted in writing, and verbally, and the individual receiving the complaint will secure a completed Employee Respondent Form from the alleged offender within 5 working days of receipt of the complaint. The parties may agree to mediation and, if mediation fails, the Director of the Equity Assurance Office will commence an investigation. The complainant has the opportunity to present witnesses and evidence. The investigation is to be completed no later than 45 days after receipt of the complaint, and a written investigative report is forwarded to the Superintendent, which details the facts and may include a recommended course of action. The Superintendent has 30 days to take appropriate action, which may include remedial measures on behalf of the complainant, and disciplinary action such as a warning, reprimand, suspension, transfer, demotion or termination. The complainant is to receive written notice of the final disposition, and is advised of the right to appeal to the Board of Education pursuant to State law and Board policy.

With regard to allegations filed by students, Procedure 4170 applies to conduct committed by a school system employee, volunteer or by another student. Students are directed to file their complaint against other students with a teacher, pupil personnel worker, counselor or other appropriate school administrator. With regard to complaints against employees or volunteers, students are directed to file their complaint with the Associate Superintendent for Human Resources, who will conduct the investigation, and refer the matter to the appropriate authorities if the investigation reveals that the student has been subjected to child abuse or child neglect. With regard to complaints against other students, students are directed to seek guidance, support and/or advocacy from the Equity Assurance Office and Student Affairs Advisor. Reports against other students may be filed verbally or in writing, and may be made to any staff member, who will assist the student in reporting the harassment to the Principal or the Director of the Equity Assurance Office. Any students found in violation of the policy will be subject to disciplinary action, including, but not limited to, counseling, suspension or expulsion. The Regional Executive Director, Principal or Vice Principal/Supervisor must complete and/or review the Student-Student Incident Report with the Complainant.

Procedure 4170 states that the District does not discriminate on the basis of sex, provides a definition of harassment, and specific examples of sexual harassment, including sexual assault.

In addition, Procedure 4170 states that retaliation is prohibited and that confidentiality will be maintained throughout the investigation.

b. Administrative Procedure for Bullying, Harassment or Intimidation (Procedure 5143)

The District informed OCR that Procedure 5143 applies to student complaints of harassment. Procedure 5143 prohibits retaliation and provides the name and contact information for the District employee who is “familiar with the reporting and investigating procedures in your local school system.” The Procedure also provides a general definition for bullying and harassment, which includes harassment on the basis of sex.

Procedure 5143 states that all reports must be filed using the Bullying, Harassment or Intimidation Form, and all reports must be promptly and appropriately investigated by school administrators using the Bullying, Harassment or Intimidation Incident School Investigation Form, within 2 school days after receiving the report. School administrators will meet individually with the victim, the accused and any witnesses to gather information, and document their findings on the Incident School Investigation Form. School administrators will also notify the Investigative Counselor or School Security Officer immediately if the harassment creates imminent danger or qualifies as a delinquent act. The incident will be logged into School Max, the electronic record-keeping system, which will include the actions taken to investigate, and the outcome of the investigation. The School administrator will then submit a copy of the completed reporting and investigation forms to the Office of the Court Liaison within 5 school days.

The School administrator will also immediately notify the parent/guardian of the victim and the offender of the incident, and will advise each of the specific steps that the school will take to intervene, interrupt and monitor the behaviors, as well as the proposed consequences. Parents/guardians may also be invited to participate in the development of an intervention plan, and will be provided a copy of such a plan. Separate conferences for the victim and offender will occur within 10 school days after the investigation to ensure that the harassment has ceased, and to determine whether there is additional need for intervention. A second conference will be held with the victim 4 weeks after the initial conference, to ensure that the harassment has ceased.

Procedure 5143 details the interventions that schools must provide to support the victims and offenders, including, but not limited to parent/student conferences, counseling, behavior contracts, positive behavior supports, increased adult supervision, social skills training and development of a plan of support. Procedure 5143 also states that the consequences for engaging in harassment are detailed in the Code of Student Conduct.

Procedure 5143 was revised in July 2013, to include the following clarifications and additional language:

- Procedure 5143 focuses on student to student harassment, and clarifies that allegations of harassment filed by a student against an employee should be addressed under Procedure 4170;
- Reports may be submitted electronically, and the revised policy provides the exact location of the Reporting Form on the District’s webpage;
- Investigation must be documented using the Investigation Form and the Investigation Notes Form, and the investigator must document all notes taken during student

interviews, parent contacts, and information gathered from other witnesses on the Investigation Notes Form;

- Incident School Investigation Forms must state the findings, including whether the harassment was substantiated, and if not, the reason why not;
- Notice of the outcome of the investigation must be provided to the parents of the parties; and
- Student interventions include schedule adjustments.

School personnel interviewed by OCR confirmed that they received training in the summer 2013 regarding the revised Procedure 5143.

c. Student Code of Conduct

In addition to the information about Procedure 5143, the Code lists sexual harassment as a Level II offense, and the possible sanctions are an in-school suspension or other penalty determined by the administrator. The Code also provides that Serious Level II offenses can be sanctioned as Level III offenses, where the penalties include out-of-school suspension. Disrespect is a Level II offense; reckless endangerment is a Level III offense.

Training/Outreach

District staff interviewed by OCR were uniformly aware of the District's Bullying, Harassment or Intimidation Form and that it may be filed with the administration and is available online. The Principal informed OCR that, outside of the Form, he was not exactly sure of the Procedure for responding to incidents of sexual harassment. The Principal and Assistant Principal 1 said that they had not received training about sexual harassment generally, nor had they received specific training regarding how to conduct an investigation. However, they recalled receiving training when they started with the District regarding how to complete the Bullying, Harassment or Intimidation Form, and they also recalled additional training in the summer 2013 which was provided as a result of the revisions made to Policy 5143 in 2013. The training covered various forms of bullying, harassment and intimidation, not just sexual harassment. Assistant Principal 2 could not recall receiving any training regarding sexual harassment; however, she was aware of the necessity to complete the Bullying, Harassment or Intimidation form for any student who reports harassment. XXXXXX told OCR that they received training on how to handle incidents of sexual harassment, and have been instructed that they are to forward such reports to an administrator or guidance counselors.

Legal Analysis

OCR concludes that the District does not have policies and procedures that provide for the prompt and equitable resolution of Title IX complaints. Specifically, while the District's grievance procedures contain many of the components required by Title IX, they do not contain the following required elements:

- Procedure 4170 does not state that it applies to student complaints of harassment committed by third parties;
- With regard to employee complaints, Procedure 4170 does not provide the respondent with the opportunity to present witnesses and evidence;

- With regard to student complaints, Procedure 4170 does not provide the opportunity to present witnesses and evidence;
- With regard to employee complaints, Procedure 4170 does not provide written notice of the outcome of the complaint to the respondent;
- Procedure 4170 does not provide any designated timeframes for the appeal process for complaints filed by employees or students, and does not provide that written notice of the outcome of the appeal will be provided to the parties;
- With regard to student complaints against employees and volunteers, Procedure 4170 does not provide any designated timeframes for the investigation or resolution of such complaints, does not provide for an adequate, reliable or impartial investigation of such complaints, including an opportunity for both parties to present witnesses and other evidence, does not provide that written notice will be provided to the parties of the outcome of the complaint and any appeal, and does not assure that the District will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred, and to correct its discriminatory effects on the student and others, if appropriate;
- With regard to student complaints against other students, Procedure 4170 does not include any designated timeframes for the investigation and resolution of such complaints;
- Neither Procedure 4170, nor Procedure 5143 expressly assure that the District will take steps to prevent recurrence of any sex discrimination or harassment found to have occurred, or to correct its discriminatory effects on the complainant and others, if appropriate;
- Procedure 5143 does not state that it applies to harassment carried out by third parties;
- While Procedure 5143 states that the School administrator will meet individually with the victim, the accused and any witnesses to gather information, it does not expressly state that the parties will be provided the opportunity to present witnesses and other evidence. In addition, the Procedure does not expressly state that the investigation will be adequate, reliable and impartial;
- Procedure 5143 does not provide designated timeframes for all major stages of the investigation. Specifically, Procedure 5143 does not state the timeframe for conducting an investigation, and notifying the parties of the outcome of the complaint; and
- While the revised Procedure 5143 provides that notice of the outcome will be provided to the parents of the parties, it does not state that the notice will be in writing.

In addition, the Procedures do not contain the following provisions recommended by OCR in its April 2014 Frequently Asked Questions (FAQs):

- Neither Procedure provides a statement of the District's jurisdiction over Title IX complaints;
- Procedure 5143 does not provide adequate definitions of sexual harassment, which includes sexual assault;
- Neither Procedure provides reporting policies and protocols, including provisions for confidential reporting, or the identification of the employee(s) responsible for evaluating requests for confidentiality;
- Neither Procedure provides notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously;

- Procedure 4170 does not provide notice of the available interim measures that may be taken to protect the student in the educational setting, or notice of potential remedies for students;
- Neither Procedure states the evidentiary standard that must be used (preponderance of the evidence) in resolving a complaint; and
- Procedure 4170 does not detail the sources of counseling, advocacy and support.

Moreover, the District does not have a Title IX Coordinator or any employee designated to coordinate the District's efforts to comply with and carry out its responsibilities under Title IX. Accordingly, the District does not publish the contact information for a Title IX Coordinator or designee on its website or in its notice of nondiscrimination. In addition, there are several inconsistencies between Procedure 4170 and 5143. While Procedure 4170 provides that students may seek guidance from the Director of the Equity Assurance Office, and that all reports of discrimination and harassment will be submitted to the Director of the Equity Assurance Office, Procedure 5143 provides that a school administrator will conduct the investigation and that all reports of bullying, harassment or intimidation will be provided to the Office of Student Engagement and School Support. In addition, while Procedure 4170 states that students may submit complaints verbally or in writing to the Director of the Equity Assurance office, District Counsel later informed OCR that there is no individual at the District who holds this position. Moreover, while Procedure 4170 states that the incident will be reported utilizing a Student Incident Report, Procedure 5143 provides that all incidents will be documented on the Bullying, Harassment or Intimidation Form.

OCR further notes that Procedure 4170 provides that, for allegations by employees and volunteers, both the complainant and respondent may agree to mediation. The Procedure does not state that mediation is voluntary, and does not state that mediation is not appropriate for allegations involving sexual assault. As stated in OCR's April 4, 2011 Dear Colleague Letter, while grievance procedures generally may include voluntary informal mechanisms for resolving some types of sexual harassment complaints, it is improper for an individual who complains of harassment to be required to work out the problem directly with the alleged perpetrator. Moreover, in cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis.

Last, while there is some evidence that District staff has been trained regarding the District's revised Procedure 5143, and the revised Bullying, Harassment or Intimidation Form, several District staff and administrators informed OCR that they had not received training about sexual harassment generally, nor had they received specific training regarding how to conduct an investigation.

In light of the foregoing, OCR finds that the District does not employ a Title IX coordinator or any employee designated to coordinate the District's efforts to comply with and carry out its responsibilities under Title IX, does not have a sufficient notice of non-discrimination, and does not have prompt and equitable Title IX grievance procedures, as required by the regulation implementing Title IX at 34 C.F.R. § 106.8(b).

2. Sexual Harassment

Legal Analysis

The evidence reflects that the School failed to take steps reasonably calculated to prevent
XXXXXX

xx – paragraphs redacted – xx

3. Retaliation

xx – paragraphs redacted – xx

Legal Analysis

xx – paragraphs redacted – xx

CONCLUSION

XXXXXX. OCR has also determined that the District failed to comply with the requirements of Title IX with respect to its grievance procedures, Title IX coordinator and notice of nondiscrimination. Thus, OCR concludes that the District did not comply with the applicable Title IX regulations at 34 C.F.R §§ 106.8, 106.9, and 106.31. The evidence, however, is insufficient for OCR to conclude that the District retaliated against the Student as alleged.

RESOLUTION AGREEMENT

On October 19, 2015, the District provided OCR with the enclosed signed Resolution Agreement (the Agreement), which addresses the compliance concerns identified in OCR’s investigation and, when fully implemented, will resolve the District’s noncompliance with Title IX. In signing the Agreement, the District has agreed to:

- revise Procedure 4170 and 5143, the Student Code of Conduct, and notice of non-discrimination;
- designate a Title IX Coordinator, and provide training to the Title IX Coordinator and other District employees responsible for processing, investigating and/or resolving complaints of sexual harassment;
- revise its existing online sexual harassment training or develop a new online Title IX training for employees;
- create a Committee to develop a plan to be implemented at the School for educating students and parents about issues related to sexual harassment;
- conduct annual climate checks with students to assess the effectiveness of the steps taken by the District pursuant to this Agreement, and use the gathered information to inform future proactive steps;
- include in all student orientations at the School, informational age-appropriate information regarding sexual harassment;
- issue an anti-harassment/anti-retaliation statement to all students, parents and staff that will be widely published and disseminated;

- develop a centralized record-keeping process for documenting and tracking complaints of sexual harassment; and provide to OCR documentation of the District's responses and handling of all sex discrimination/harassment allegations reported during the previous calendar year; and
- offer counseling and/or academic services, or reimbursement for such services, for the Student.

Pursuant to Section 303(b) of OCR's *Case Processing* Manual, a complaint will be considered resolved and the recipient deemed compliant if the recipient enters into an agreement that, fully performed, will remedy the identified areas of noncompliance. OCR will closely monitor the implementation of the Agreement to ensure that the commitments made are implemented timely and effectively.

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. The Complainant may have the 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 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. 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 Complainants may file another complaint alleging such treatment.

OCR is committed to prompt and effective service. If you have any questions, please contact me at (215) 656-6935, or by email at beth.gellman-beer@ed.gov.

Sincerely,

/s/

Beth Gellman-Beer
Team Leader
Philadelphia Office

Enclosure

CC: Amana T. Simmons, Esq., EEO Advisor