



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

XXXXXXX, Superintendent  
Caddo Mills Independent School District  
P.O. Box 160  
Caddo Mills, TX 75135

Re: OCR Docket #06141312

Dear Superintendent XXXXX:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint against the Caddo Mills Independent School District (CMISD or District), Caddo Mills, Texas, which was received on March 31, 2014. The complainant alleged that, during the 2013-2014 school year, the District: (1) discriminated against her son (the Student) on the basis of sex; and (2) retaliated against the Student after the complainant reported the alleged discrimination to school officials. Specifically, the complainant alleged that the District failed to properly investigate the Student's complaint of sexual harassment, and the Student was excluded from playing in two baseball games after the District's administrators received the complaint.

OCR is responsible for determining whether organizations that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department (recipients), are in compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. The Title IX implementing regulations incorporate by reference the non-retaliation provision of the implementing regulations of Title VI of the Civil Rights Act of 1964 (Title VI), which provide, at 34 C.F.R. § 100.7(e), that individuals filing a complaint, participating in an investigation, or asserting a right under Title IX are protected from retaliation or intimidation. The CMISD is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to process this complaint under Title IX.

OCR investigated the following issues:

1. Whether the CMISD failed to promptly and equitably respond to the complainant's sexual harassment complaint regarding the Student, of which it had or should have had notice, in violation of Title IX and its implementing regulations, at 34 C.F.R. §§ 106.8 and 106.31; and

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

2. Whether the CMISD subjected the Student to retaliation by not allowing him to play in any JV baseball games after March 27, 2014, because the complainant and the Student complained about sexual harassment of the Student, in violation of Title IX and its implementing regulation, at 34 C.F.R. § 106.71.

Please be advised that a finding that a recipient has violated one of the laws that OCR enforces must be supported by a preponderance of the evidence (*i.e.*, sufficient evidence to prove that it is more likely than not that unlawful discrimination occurred). When there is a significant conflict in the evidence and OCR is unable to resolve that conflict, for example, due to the lack of corroborating witness statements or additional evidence, OCR generally must conclude that there is insufficient evidence to establish a violation of the law.

During our investigation, OCR collected and analyzed information provided by the complainant and the District, including pertinent policies, procedures, and student records. Additionally, OCR obtained information through interviews with the complainant and the District's employees. Based on our review and analysis of the information obtained during this investigation, OCR has determined that there is sufficient evidence to support a conclusion of noncompliance with Title IX regarding Issue 1. OCR also determined that there is insufficient evidence to support a conclusion of noncompliance with Title IX regarding Issue 2. The bases for OCR's determinations are outlined below.

### **Issue One**

#### **Legal Standard**

Title IX and its implementing regulations prohibit discrimination based on sex. Sexual harassment of students is a form of prohibited sex discrimination. 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. If a recipient knows or reasonably should have known about sexual harassment that creates a hostile environment, Title IX requires the recipient to take prompt and effective steps reasonably calculated to end the harassment, prevent its recurrence and, as appropriate, remedy its effects. 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.

To investigate or otherwise resolve issues of sexual harassment of students, OCR considers whether: (1) the recipient has a disseminated policy prohibiting sex discrimination under Title IX and effective grievance procedures; (2) the recipient appropriately investigated or otherwise responded to allegations of sexual harassment; and (3) the recipient has taken immediate and effective correction action responsive to any harassment that the investigation determined took place, including effective actions to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects.

Title IX calls for recipients to establish procedural requirements that are important for the prevention or correction of sex discrimination, including gender-based harassment. The Title IX regulation, at 34 C.F.R. Section 106.8(a), specifically requires that each recipient designate at least one employee to coordinate its responsibilities to comply with and carry out its responsibilities under Title IX, including any investigation of any complaint communicated to such recipient alleging its noncompliance with Title IX. This provision further requires that the recipient notify all its students and employees of the name (or title), e-mail<sup>1</sup> and office address and telephone number of the employee(s) so designated. The recipient must ensure that employees designated to serve as Title IX coordinators have adequate training on what constitutes sex discrimination (including gender-based harassment) and that they understand how the recipient's grievance procedures operate. The regulation implementing Title IX at 34 C.F.R. § 106.9(a), requires that a recipient provide notice that it does not discriminate on the basis of sex in the education programs or activities it operates; and that inquiries to recipients concerning the application of Title IX and its implementing regulation may be referred to the Title IX coordinator or to OCR.

Additionally, the Title IX regulation, at 34 C.F.R. Section 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. Title IX does not require a recipient to provide separate grievance procedures for sexual harassment and gender harassment complaints. A recipient may use student disciplinary or other separate procedures for these complaints. However, any procedures used to adjudicate complaints of sexual harassment or gender harassment, including disciplinary proceedings, must afford the complainant a prompt and equitable resolution.

In evaluating whether a recipient's grievance procedures are prompt and equitable, OCR considers whether the procedures provide for: notice to students and employees of the procedures, including where complaints may be filed; application of the procedures to complaints alleging harassment carried out by employees, other students, or third parties; adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; designated and reasonably prompt timeframes for the major stages of the complaint process; written notice to the parties of the outcome of the complaint and any appeal; and an assurance that the recipient will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

In implementing its grievance procedures, throughout the recipient's investigation and in any hearing, both parties must have equal opportunity to present relevant witnesses and other evidence. Also, in order for a recipient's grievance procedures to be consistent with the Title IX evidentiary standard, the recipient must use a preponderance of the evidence standard for investigating allegations of gender-based harassment. If a recipient provides for appeal of the findings or remedy, it must do so for both parties. The recipient must maintain documentation of all proceedings.

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<sup>1</sup> The e-mail address is recommended in OCR's DCL; not specifically required by regulation.

In addition, recipients should provide training to employees about their grievance procedures and their implementation. Recipients should provide such training to any employees likely to witness or receive reports of sexual harassment and violence; including teachers, recipient law enforcement unit employees, recipient administrators, recipient counselors, general counsel, health personnel, and resident advisors. Recipients need to ensure that their employees are trained so that they know to report harassment to appropriate officials, and so that employees with the authority to address harassment know how to respond properly.

### **Findings of Fact and Analysis**

OCR reviewed the CMISD's policies and procedures prohibiting discrimination based on sex in effect for the 2013-2014 school year. The District's notice of nondiscrimination prohibited discrimination based on any characteristic protected under State or Federal law, including, but not limited to, the person's sex, in any of its student programs and activities. OCR observed that the nondiscrimination policy was included in various materials disseminated by the CMISD (*i.e.*, monthly newsletters to parents, newspaper ads, employment applications). Additionally, the District's policies expressly prohibited the sexual harassment of any student by other students and/or by District employees. Moreover, the District's 2013-2014 Student Code of Conduct (the Code) expressly stated that sexual harassment is prohibited. The District's supervising officials advised OCR that the Code was distributed to students at the beginning of the school year; campus administrators reviewed the harassment policy with students at that time. OCR also found that the CMISD designated its superintendent to serve as the coordinator for purposes of the District's compliance with Title IX. OCR's review confirmed that the name, office address, and telephone number of the Title IX Coordinator were listed in the District's policies and procedures governing Title IX.

Additionally, OCR reviewed the CMISD's policies and procedures to determine compliance with Title IX's requirement that recipients adopt and publish grievance procedures that provide a prompt and equitable resolution to complaints of sex discrimination. OCR observed that the District has adopted a separate policy and set of procedures for harassment complaints, including sexual harassment complaints. OCR further observed that, for the 2013-2014 school year, any student or parent of a student who believed that a student had been a victim of sexual harassment was directed to report the alleged sexual harassment to a teacher, counselor, principal, other District employee, or the appropriate District official listed in the policy.

OCR's review of the District's Title IX policies and procedures in effect for the 2013-2014 school year indicated that the District shall immediately conduct an investigation concerning a complaint of sexual harassment when it is received. The District's policies classified sexual harassment of a student as "prohibited conduct", and provided examples of prohibited conduct, including "jokes or conversations of a sexual nature; and other sexually motivated conduct [or] communications. . ." The *Reporting Procedures* section of the harassment policy described the actions that the District's employees were required to take regarding sexual harassment of a student. The relevant section, *Employee Report*, provided that "[a]ny District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy." The District's reporting policy further

provided that employees should notify the Title IX Coordinator and the Superintendent. As previously noted, the District's Superintendent also served as the Title IX Coordinator during the 2013-2014 school year.

The District's policies and procedures also indicated that a complaint would be investigated by interviewing individuals who may have relevant information (*i.e.*, the complainant, the accused, etc.) and reviewing relevant documentation. The District's policies and procedures further provided that the Title IX investigation shall be completed within ten (10) District business days of receipt of a complaint (absent extenuating circumstances), and the complainant and the accused are to be informed of the outcome and action taken as a result of the complaint. Notably, the District's grievance policies and procedures did not require that the District's determination be disseminated to the parties in writing.

OCR reviewed the evidence to determine whether the District appropriately investigated or otherwise responded to the complainant's allegation of sexual harassment. In her complaint with OCR, the complainant alleged that the CMISD failed to respond appropriately to her complaint that the Student was subjected to sexual harassment. The complainant further alleged that the District failed to conduct an appropriate investigation of her complaint, in part, because the accused harassers were prominent student-athletes. OCR's investigation established that the Student and the students identified in the complaint were enrolled at Caddo Mills High School (the School) during the 2013-2014 school year. The investigation further established that the Student was a freshman member of the School's junior varsity (JV) "White" baseball team, while the accused harassers were senior members of the School's varsity baseball team. According to the complainant, the accused harassers used sexually derogatory terms in reference to the Student's sister in the presence of the Student (*e.g.*, bitch, cunt, whore, slut). In addition, the accused harassers allegedly told the Student of their desire to engage in sexual intercourse with his sister. Moreover, the accused harassers allegedly performed physical movements with their bodies in the Student's presence to demonstrate the various sexual positions they would use when having sexual intercourse with his sister. The complainant alleged that the harassment occurred only on the baseball field during baseball practices.

OCR reviewed information provided by the District regarding Issue 1. OCR's review indicated the XXXXX was the first District employee informed of the alleged harassment. The XXXX told OCR that he spoke with the Student at a team practice in March 2014, when the Student reported to the XXXXX that several students said "sexual stuff" to him about his sister. According to the XXXXX, the Student did not provide specific information regarding the sexual comments. The XXXXX indicated that he and the Student did not discuss the alleged conduct further because "I didn't want him to feel uncomfortable telling me." The XXXX reported to OCR that, later that same day, he discussed the Student's report with the XXXXX; however, OCR determined that the XXXXX took no other action regarding the complaint.

OCR's review indicated that the complainant reported the alleged sexual harassment to the XXXXXX on the same day that the Student reported the harassing conduct to the XXXXX. The XXXXX acknowledged to OCR that the Student reported several players were "making sexual remarks about his sister . . . [t]alking about having sex with his sister." While the complainant indicated to OCR that the harassing conduct began in February 2014, the XXXXX said that the

Student reported the incidents of harassment occurred only on the same day (in March 2014) that he informed the coaches. According to the XXXXX, he assured the complainant that he “would take care of it on the field.” The XXXXX advised OCR that he forced the accused harassers to run “the full length of the [baseball] field multiple times” as a form of discipline. OCR determined that the XXXXXXX did not take any further action regarding the complaint. The XXXXXXX told OCR that he did not report the alleged harassment to any School administrator or the District’s supervising officials because the complainant “told me to handle it.”

The complainant advised OCR that, in her opinion, the action of the XXXXX referenced above was insufficient; therefore, she contacted the School’s administrators several days after reporting the harassment to the XXXXXXX.<sup>2</sup> OCR’s investigation determined that on or about March 26, 2014, the complainant reported the alleged harassment to the XXXXX.<sup>3</sup> The District advised OCR that the Principal and the Assistant Principal were responsible for student discipline at the School during the 2013-2014 school year. OCR’s review of the information disclosed that the Principal and the Assistant Principal conducted an investigation of the complaint after receiving the complainant’s report. The District provided OCR with copies of records prepared contemporaneously with the investigation conducted by the Principal and the Assistant Principal. The District’s records showed that the Principal and the Assistant Principal began an investigation of the complaint on March 26, 2014. The District’s records reflected that the Assistant Principal interviewed the Student and directed the Student to provide a written statement regarding the alleged harassment. OCR’s review revealed that the Principal and the Assistant Principal interviewed the three students accused of harassment, several potential witnesses to the harassment, and the Head Coach. During the School’s investigation, the accused students denied that they sexually harassed the Student, as alleged. The Assistant Principal advised OCR that, based on information gathered during the investigation, any acts of alleged harassment occurred on the baseball field with no witnesses nearby to observe. While the Student’s sister (the subject of the alleged harassment) was enrolled at the School during the 2013-2014 school year, the School’s administrators did not contact her regarding the allegations of harassment. OCR noted that the complainant’s reports of harassment to the School’s employees did not include any allegations that the Student’s sister herself had been subjected to any acts of harassment. Moreover, in an interview with OCR, the complainant indicated that the Student’s sister was never subjected to harassing conduct by the alleged harassers or other students at the School during the 2013-2014 school year.

The Assistant Principal told OCR that “there was no evidence . . . that harassment had occurred,” based on the information collected during the investigation. The Assistant Principal stated that she and the Principal met with the complainant on March 27, 2014, or March 28, 2014, to verbally inform her of the outcome of the School’s investigation. Based on the information provided, OCR determined that the School’s investigation lasted two days and concluded on March 27, 2014. While the complainant believed that the investigation conducted by the

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<sup>2</sup>Based on the information provided to OCR by various witnesses, we were unable to determine the exact date in March 2014 when the complainant reported the harassing conduct to the XXXX. All witnesses interviewed indicated that the complainant’s report to the XXXX occurred approximately two days prior to the report made to the XXXXXXX.

<sup>3</sup> OCR requested an interview with the individual who served as the XXXXX during the 2013-2014 school year; however, the District informed OCR that the individual was no longer employed by the District at the time of OCR’s interviews.

School's administrators was deliberately mishandled or delayed because the accused harassers were prominent student-athletes, OCR found no corroborating information to support this belief.

OCR determined that some facts were not in dispute, based on information reviewed during our investigation. Specifically, the complainant and the Student reported the alleged harassment to three District employees (*i.e.*, XXXXXXXX) on three separate occasions. The XXXXXX and the XXXXXX failed to provide notification to an appropriate District official (*i.e.*, the Title IX Coordinator) after receiving the Student's report of alleged sexual harassment. The XXXXXX forced the accused harassers to run "extra" during one baseball practice, but he did not take other action to address the complaint. The District ultimately initiated an investigation of the Student's harassment allegations in accordance with its established Title IX policies and procedures; however, the District's investigation began only after its third notification by the complainant.

Based on a review of the above information, OCR determined that failure of two District employees to notify the Title IX Coordinator or other designated official of an allegation of sexual harassment was not in compliance with the applicable legal standards under Title IX or with the District's established reporting procedures regarding sexual harassment. Accordingly, OCR has determined that the District failed to promptly respond to the complainant's sexual harassment complaint with regard to the Student. Furthermore, the District's policies and procedures fail to provide notice of the outcome of a District determination regarding an allegation of sexual harassment to both parties in writing. Nor did the District issue a written determination regarding Student's allegation. Therefore, based on a preponderance of the evidence, OCR has determined that there is sufficient evidence to support a conclusion of noncompliance with Title IX with regard to issue 1.

The District expressed an interest in voluntarily resolving the above-referenced compliance concerns identified during OCR's investigation. Subsequently, the District submitted the enclosed Resolution Agreement (Agreement) dated September 14, 2015, to memorialize the steps that it will take to resolve the identified compliance concerns. Under the Resolution Agreement, the District will:

- Issue a notice of nondiscrimination prohibiting discrimination on the basis of sex to all District students, parents/guardians, staff, and contract staff;
- Designate and provide notice of the District's Title IX Coordinator, to whom students and parents may report allegations of sex discrimination, to include sexual harassment, sexual violence or any other conduct prohibited by Title IX;
- Evaluate and/or revise its policies and procedures with regard to investigating sex discrimination, sexual harassment, sexual violence or any Title IX complaints to ensure it provides for a prompt and equitable response to complaints received, and for the maintenance of documents generated by the investigation of all complaints received regarding Title IX, sexual harassment, sexual violence, and sex discrimination;

- Provide the Title IX Coordinator, all administrators, counselors, teachers, faculty staff and contract staff within the District appropriate training on the District’s policies and procedures for investigating and resolving allegations of sexual harassment, sexual violence, and any other conduct prohibited by Title IX as well as policies and procedures for addressing and preventing incidents of sex discrimination to ensure that its policies, procedures, and practices are administered consistently with Title IX;
- Provide age-appropriate training to students enrolled at CMISD middle and high schools regarding the District’s policies and procedures regarding conduct prohibited by Title IX, including sexual harassment and sexual violence and the disciplinary sanctions imposed on students found in violation of the CMISD’s policies regarding Title IX;
- Prepare a report for OCR’s review of all verbal and written complaints of sexual harassment, sexual violence, or any other conduct prohibited by Title IX filed by any person against the District or any of its employees, students, or a third party, for the 2015-2016 school year;
- Offer to the parent(s) or guardian(s) of any student enrolled in CMISD who has been subjected to sexual harassment or sexual violence by any of its employees, students, or a third party, the opportunity to have the identified student evaluated by a certified counseling professional (*e.g.*, a certified counselor, psychologist, or psychiatrist, knowledgeable about the emotional and mental effects of sex discrimination, sexual harassment, or sexual violence) to determine whether the identified student is in need of counseling or other measures to remedy the effects of the harassment; and
- Conduct a climate check or series of climate checks with all enrolled middle and high school students to assess the effectiveness of steps taken pursuant to this agreement or otherwise by the CMISD, to ensure that CMISD campuses are free of sexual harassment, including sexual assaults and sexual violence.

OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance concerns identified during the investigation. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this issue; however, OCR will actively monitor the District’s efforts to implement the Agreement. Please be advised that if the District fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts related to this issue.

## **Issue Two**

### **Legal Standard**

In order for an allegation of retaliation to be sustained, OCR must determine whether:

- (1) The complainant or other alleged injured party engaged in a protected activity;
- (2) The recipient had notice of the protected activity;



- (3) The recipient took an adverse action against the complainant or other alleged injured party contemporaneously 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, however, all of the aforementioned elements are established, OCR inquires as to whether the recipient can identify a legitimate, non-retaliatory reason for taking the adverse action. If so, OCR considers whether the reason given is merely a pretext for retaliation; in other words, whether the reason is not credible or believable.

Regarding prong 3 above, to be an “adverse action,” the recipient’s action must significantly disadvantage the complainant or other alleged injured party as a student or employee, or his or her ability to gain the benefits of the program. In the alternative, even if the challenged action did not meet this standard because it did not objectively or substantially restrict an individual’s employment or educational opportunities, the action could be considered to be retaliatory if the challenged action reasonably acted as a deterrent to further protected activity, or if the individual was, because of the challenged action, precluded from pursuing his or her discrimination claim(s). To make this determination, OCR considers (on a case-by-case basis, in light of all the facts and circumstances) 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.

### **Findings of Fact and Analysis**

Based on the information discussed above in Issue One, OCR determined that the first two elements of the retaliation analysis were established, *i.e.*, the complainant engaged in a protected activity in March 2014 when filing complaints of sexual harassment, and the District had notice of the complainant’s protected activity. Thus, OCR reviewed whether the Student was subjected to an adverse action.

The complainant alleged that the XXXXX and the XXXXX intentionally reduced the Student’s playing time after March 27, 2014: the date that the complainant reported the alleged harassment to the XXXX. Specifically, the complainant believed that the Student was denied opportunities by the coaches to play in any baseball games after the harassing conduct was reported. During interviews with OCR, the XXXXXX and the XXXXX denied the complainant’s allegation of retaliation. The XXXXXX advised OCR that the Student’s team was scheduled to play three games after March 27, 2014. The game schedule reviewed by OCR revealed that two of the team’s three games were played as scheduled (Game #3 was cancelled due to bad weather). The XXXXX stated that the Student participated in both games played after March 27, 2014. The XXXXX further reported that the Student was a second baseman during one of the games played. When OCR requested the team’s statistical records to verify the Student’s playing time in the two games referenced above, the coaches stated that the JV team did not maintain such statistics. The XXXX explained that the JV team did not keep records of “how much a kid played and . . . who did not play,” due to the team’s “free substitution” playing rules.<sup>4</sup>

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<sup>4</sup> “Free substitution” allows players to leave and re-enter the game for other players many times during the course of the game.

During the investigation, OCR made additional attempts to confirm whether the Student participated in the two games played after March 27, 2014. OCR contacted the parents of 11 of the 16 students who played on the JV White team with the Student. OCR received parental consent to interview one student only (“Student 1”). Student 1 recalled that the Student participated “a little” in one game played against Cooper ISD on April 5, 2014. Student 1 further recalled that the Student “didn’t play at all” in the game played against Van Alstyne ISD on April 21, 2014. While OCR considered the information that Student 1 provided, the absence of team statistics or other information (*i.e.*, news articles, game video/photographs) regarding the above JV games prevented OCR from resolving the conflict in the evidence.

During our investigation of the allegation of retaliation, OCR spoke with the complainant. She disputed the information provided by the coaches regarding the Student’s playing time. OCR requested additional information from the complainant to support her allegation. The complainant agreed to discuss the matter with the Student and to provide a timely response to OCR; however, OCR has not received any information from the complainant as of the date of this letter. Additionally, the complainant did not provide OCR with an opportunity to interview the Student during the course of the investigation. OCR also made numerous attempts to contact the complainant to respond to OCR’s investigative findings; however, OCR was unable to reach the complainant through the contact information provided.

Based on the above information, OCR was unable to establish by a preponderance of the evidence that an adverse action occurred following the complainant’s protected activity. Accordingly, OCR found that a *prima facie* claim of retaliation was not established. Thus, OCR has determined that there is insufficient evidence to support a conclusion that the District retaliated against the Student in violation of Title IX.

This concludes OCR’s investigation stage regarding the complaint and should not be interpreted to address the CMISD’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 OCR procedures, OCR is obligated to advise the complainant and the institution against which a complaint is filed that intimidation or retaliation against any individual is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing held in connection with a complaint.

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 regarding this letter, please contact Kenyatta Braggs, General Attorney, who is assigned to this complaint, at (214) 661-9659, or by email at [Kenyatta.Braggs@ed.gov](mailto:Kenyatta.Braggs@ed.gov), or Timothy D. Caum, Supervisory Attorney/Team Leader at (214) 661-9648, or by email at [timothy.caum@ed.gov](mailto:timothy.caum@ed.gov). Thank you for your cooperation.

Sincerely,

Taylor D. August, Director  
Office for Civil Rights  
Dallas Office

Enclosures