



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

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April 25, 2024

Juan Cabral
Superintendent
Redlands Unified School District
20 West Lugonia Avenue
Redlands, CA 92374

Sent by email only to: juan_cabral@redlands.k12.ca.us

Re: **Redlands Unified School District - OCR Case Number 09-20-5002**

Dear Superintendent Cabral:

This letter notifies you of the resolution of the U.S. Department of Education, Office for Civil Rights (OCR) compliance review of the Redlands Unified School District (the District). OCR initiated this compliance review on March 12, 2020, and examined whether the District responded to complaints and reports of sexual assault, including sexual incidents involving both student-to-student and staff-to-student misconduct, during school years (SY) 2017-18, 2018-19, and 2019-20 ("the Review Period") in a manner that complies with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106. This examination included evaluating whether the District provided prompt and equitable grievance procedures and responses to complaints and reports of sexual assault under 34 C.F.R. §§ 106.31 and 106.8(b); whether the District fulfilled its obligation to have a Title IX coordinator who coordinated its efforts to comply with Title IX during investigations of sexual assault reports and complaints under 34 C.F.R. § 106.8(a); and whether the District adequately disseminated notice of its Title IX duty not to discriminate based on sex under 34 C.F.R. § 106.9.

OCR enforces Title IX and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance. As a recipient of federal financial assistance from the Department, the District is subject to Title IX.

To conduct this compliance review, OCR analyzed extensive information provided by the District, including its policies, procedures, and notices regarding sexual harassment, as well as documentation of complaints and reports of conduct that could constitute student-to-student or employee-to-student sexual assault. OCR reviewed documentation regarding 35 reports of student-to-student and employee-to-student sexual harassment that were made during the Review Period. OCR also interviewed 16 witnesses, including the District's Title IX Coordinator, four other District-level administrators, and 11 school administrators and staff. OCR reviewed the policies, procedures, and notices in place during the three school years of the Review Period last revised December 2019, and interviewed the Title IX Coordinator about their implementation in October 2021. In addition, OCR reviewed the District's current policies and procedures last revised in January 2022, January 2023, and March 2023, used to address sexual harassment for

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compliance with the 2020 Amendments to the Department’s Title IX regulations (the 2020 Regulations).

I. Summary of OCR’s Findings and Compliance Concerns

After a careful review of the documentary and witness evidence, OCR found the following eight violations of Title IX under its former regulatory requirements during the Review Period:

1. The District failed to address the effects of known sexual harassment on the targeted student or to take action to prevent further harassment, including retaliatory harassment.
2. The District failed to promptly and effectively investigate all reports of possible sexual harassment of which it had notice.
3. The District failed to provide adequate notice of investigation outcomes to targeted students and their parents who made complaints of sexual harassment.
4. The District did not offer or implement interim measures to support targeted students who reported sexual harassment.
5. The District systemically failed to coordinate its response to sexual harassment, including sexual assault, through its designated Title IX Coordinator.
6. The District failed to notify the school community of the Title IX Coordinator and how to file complaints with the Title IX Coordinator by posting inconsistent information about the person the District designated to coordinate Title IX.
7. The District failed to adopt and publish equitable grievance procedures to address student-to-student sexual harassment during the Review Period.
8. The District failed to apply prompt and equitable grievance procedures to complaints of employee-to-student sexual harassment during the Review Period.

For violations 7 and 8 above, OCR also determined that the District’s notice regarding its Title IX Coordinator and the grievance procedures it applies to complaints of employee-to-student sexual harassment do not comply with the 2020 Regulations based on OCR’s review of the current notice and procedures.

After a careful review of the documentary and witness evidence, OCR found two additional violations under the 2020 Regulations that occurred after the Review Period:

9. The District failed to explain to complainants the process for filing a formal Title IX complaint of sexual harassment whenever a District employee has actual notice of sexual harassment, as required by 34 C.F.R. § 106.44(a).
10. The District failed to adequately train the Title IX Coordinator with regard to the requirements of the 2020 Amendments to the Title IX regulations, including the definition of sexual harassment, or the District’s revised sexual harassment policies, as required by 34 C.F.R. § 106.45(b)(1)(iii).

OCR also identified one compliance concern that the District appears to have failed to create or maintain sufficient records of its responses to complaints and reports of sexual harassment to demonstrate its compliance with Title IX during the Review Period, and failed to comply with the recordkeeping requirements under the 2020 Regulations at 34 C.F.R. § 106.45(b)(10).

With respect to the Title IX requirement to publish a notice of nondiscrimination, OCR found that the District adequately disseminated notice of its Title IX duty not to discriminate based on sex under 34 C.F.R. § 106.9 by publishing the nondiscrimination notice in student/parent and employee handbooks and in several locations on its website.

The District voluntarily entered into a Resolution Agreement (the Agreement) to resolve the Title IX violations and compliance concern under the former and current regulations. Below, OCR summarizes the methodology for this compliance review, the applicable legal standards, OCR's findings, analysis, and conclusions, and the terms of the Agreement.

II. Methodology

OCR focused its compliance review on the District's response to complaints and reports of sexual assault, including sexual incidents involving both student-to-student and staff-to-student misconduct during SY 2017-2018, 2018-2019, and 2019-2020 under the Title IX regulations in effect during those school years. Because the Department amended its Title IX regulation on August 14, 2020, OCR also reviewed the District's current sexual harassment policies and procedures to determine if they complied with the [2020 Amendments to the Department's Title IX Regulations](#). More information about them and related resources are available on this [Title IX Page of OCR's Website](#) and [OCR's Policy Guidance Portal](#).

The District is in southern California and enrolled between 20,352 and 21,262 students in SY 2017-2018, 2018-2019, and 2019-2020. The District had 26 schools: 16 elementary schools, four middle schools, three high schools, one continuation school, one public Montessori school (grades 7-12), and one adult school. The District has had challenges with sexual harassment of students that have been widely publicized in the community where the District is located. As of April 2020, multiple media outlets reported on numerous allegations of employee-to-student sexual harassment occurring during years preceding this compliance review (between 2008 and 2017), as well as the District's agreement to settle lawsuits in connection with such allegations. These accounts from 2008 through 2017 include incidents in which students and parents reported that District employees sexually harassed students, including by taking nude photos of students and having sexual interactions with students. During these years, the District's reports to the Department's Civil Rights Data Collection (CRDC) did not reflect these incidents of alleged sexual harassment and reflected only two incidents of sexual assault and one incident of rape.

In conducting this compliance review, OCR requested documents and data about complaints and reports of sexual harassment, including sexual assault, and the District's responses during the Review Period. Based on this evidence, OCR identified a total of 35 incidents constituting possible sexual harassment during SY 2017-2018 through 2019-2020. As described below, the District produced information for very few reports of student-to-student sexual misconduct incidents (7) over this three-year period given the size of the District (26 schools with over 20,000 students). For the same three years, the District identified four times as many (28) incidents of possible employee-to-student sexual misconduct towards students.

The reported student-to-student incidents included conduct such as unwanted touching of private areas, sharing naked student images on social media while on school grounds, obscene sexual gestures, inappropriate conduct of a sexual nature and/or obscene language and threats, and retaliation for reporting sexual misconduct. The reported employee-to-student allegations included conduct such as having inappropriate sexual interactions with students, having intimate

relationships with them, inappropriately seeking to be alone with female students, or inappropriately touching them. Of the 35 total incidents of possible sexual harassment, 11 occurred at seven elementary schools, nine occurred at three middle schools, and twelve occurred at three high schools. The District's records failed to identify the location of three of the 28 employee-to-student incidents.

In addition to reviewing files and other documentary evidence regarding reports of possible sexual harassment, OCR inquired about them during interviews with five District administrators, and 11 school administrators and school staff. OCR also interviewed the Title IX Coordinator in October 2021 to assess if the compliance issues OCR identified in the Review Period were continuing.

III. Legal Standards

In conducting this compliance review and evaluating the District's compliance with Title IX, OCR applied the Title IX regulations in effect during the Review Period. Citations in this section are to these regulations, and the legal standards discussed below were in effect during the 2017-2018, 2018-2019, and 2019-2020 school years subject to this compliance review.

The Title IX regulations contain a number of procedural requirements, including a requirement that recipients designate at least one employee to coordinate the recipient's efforts to comply with Title IX, including the investigation of any complaint communicated to such recipient alleging its noncompliance with Title IX or any actions that Title IX would prohibit. 34 C.F.R. §106.8(a). The Title IX regulations also require each recipient to notify all of its students and employees of the name, office address, and telephone number of the employee or employees so designated. *See* 34 C.F.R. 106.8(a). In addition, the Title IX regulations require recipients to publish a notice of nondiscrimination covering Title IX, and to adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any actions prohibited by Title IX and its implementing regulation. *See* 34 C.F.R. § 106.9(a); *see also* 34 C.F.R. § 106.8(b).

Sexual harassment is a form of sex discrimination prohibited by Title IX. 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 can create a hostile educational environment based on sex when the harassment is sufficiently serious to deny or limit the individual's ability to participate in or benefit from the recipient's education program or activity.

In determining whether sexual harassment exists and has created a hostile environment based on sex for students, OCR looks at the totality of the circumstances, and considers a variety of factors, including whether the conduct was unwelcome to the student(s), the degree to which the conduct affected one or more students' education; the type, frequency, and duration of the conduct; the identity of and relationship between the alleged harasser and the subject or subjects of the harassment; the number of individuals involved; the age and sex of the alleged harasser and the subject of the harassment; the size of the school, location of the incidents, and the context in which they occurred; other incidents at the school; and whether there were also incidents of gender-based but non-sexual harassment. OCR examines the conduct from an objective perspective and a subjective perspective.

When an employee sexually harasses a student outside of their daily job responsibilities, OCR evaluates if the harassment created a hostile environment for the student, using the factors discussed above with respect to hostile environment harassment. When an employee engages in sexual harassment in the context of carrying out their day-to-day job responsibilities for providing aid, benefits, or services to students and that harassment denies or limits a student's ability to participate in or benefit from the school's program on the basis of sex, the recipient is deemed responsible for the harassment and remedying its effects. This type of sexual harassment includes "quid pro quo" harassment, which occurs if a teacher or other employee conditions an educational decision or benefit on the student's submission to unwelcome sexual conduct. Whether the student resists and suffers the harm threatened by the employee or submits and avoids the threatened harm, the employee's harassment is attributed to the recipient and OCR deems the recipient to have treated the student differently on the basis of sex. OCR considers the following factors in determining whether an employee has engaged in harassment in the context of the employee's provision of aid, benefits, or services to students: 1) the type and degree of responsibility given to the employee, including both formal and informal authority, to provide aid, benefits, or services to students, to direct and control student conduct, or to discipline students generally; 2) the degree of influence the employee has over the particular student involved, including the circumstances in which the harassment took place; 3) where and when the harassment occurred; 4) the age and educational level of the student involved; and 5) as applicable, whether, in light of the student's age and educational level and the way the school is run, it would be reasonable to believe that the employee was in a position of responsibility over the student, even if the employee was not.

Under the Title IX regulation in effect for the time period reviewed in this investigation, when the recipient has actual or constructive notice of sexual harassment, it must take appropriate steps to investigate or otherwise determine what occurred, and it may be appropriate for a recipient to take interim measures prior to or during the investigation of a complaint. Interim measures are individualized services offered as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.

If a recipient's investigation or other appropriate steps to determine what occurred identify employee-to-student sexual harassment or student-to-student sexual harassment that creates a hostile environment, recipients are responsible for taking prompt and effective action to stop the harassment and prevent its recurrence. A recipient also may be responsible for remedying the effects of the harassment on the student or employee who was harassed.

Additionally, recipients should be aware that complaints of sexual harassment may be followed by retaliation by the person accused of the alleged harassment or individuals associated with the accused person. As part of the recipient's Title IX obligations, the recipient must have policies and procedures in place to protect against retaliatory harassment. At a minimum, recipients must ensure that complainants and their parents, if appropriate, know how to report any subsequent retaliation for having reported harassment, conduct follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and respond promptly and effectively to address retaliatory harassment.

IV. Investigative Findings, Legal Analysis, and Conclusions

Section IV of this letter explains the bases for OCR’s Title IX violation findings and a compliance concern, and includes salient examples of each violation and the concern. Subsections A through H discuss the violations under the former Title IX regulations based on the District’s failures to (A) coordinate its response to sexual harassment of which it had notice through its designated Title IX Coordinator; (B) address the effects of sexual harassment on targeted students or take action to prevent further harassment, including retaliatory harassment; (C) promptly and effectively investigate all reports of possible sexual harassment of which it had notice; (D) provide notice of investigation outcomes to targeted students or their parents; (E) offer or implement interim measures to support targeted students who report harassment; (F) provide the school community with accurate notice of the Title IX Coordinator by posting inconsistent information about the person the District designated to coordinate its Title IX compliance; (G) have Title IX grievance procedures that treated student-to-student complainants and respondents equitably; and (H) apply compliant Title IX grievance procedures to complaints of employee-to-student sexual harassment. Subsections G and H also identify ongoing violations under the current Title IX regulations. Subsections I and J discuss these two additional violations under the current Title IX regulations based on the District’s failures to (I) comply with the requirement at 34 C.F.R. § 106.44(a) to explain to complainants the process for filing a formal Title IX complaint of sexual harassment whenever a District employee has actual notice of sexual harassment; and (J) provide adequate training to the Title IX Coordinator, as required by 34 C.F.R. § 106.45(b)(1)(iii). Subsection K discusses the compliance concern under the Title IX regulation at 34 C.F.R. § 106.81 that the District appears to have failed to create or maintain sufficient records of its responses to complaints and reports of sexual harassment to demonstrate its compliance with Title IX during the Review Period, and the District’s failure to maintain all of the records of such reports and complaints required by the 2020 Regulations at 34 C.F.R. § 106.45(b)(10).

A. The District systemically failed to coordinate its response to sexual harassment through its designated Title IX Coordinator.

The Title IX regulations require the District to designate a Title IX coordinator to coordinate its compliance with Title IX. The District designated the Assistant Superintendent for Educational Services as its Title IX Coordinator. OCR found that the District violated its regulatory obligation to coordinate its Title IX compliance through a Title IX coordinator because the Title IX Coordinator failed to coordinate with schools about their investigations of reports of sexual harassment throughout almost all three years of the Review Period. OCR found that the Title IX Coordinator did not participate in the District’s response to 32 of the 35 incidents of possible sexual harassment and that school administrators notified the Title IX Coordinator of only one of these incidents.

The Title IX Coordinator stated to OCR that school administrators are generally responsible for student-to-student sexual harassment investigations and that he is not generally notified of them or involved. He told OCR that if there is an allegation of student-to-student sexual harassment that rises to an “egregious” level, site administrators should immediately notify law enforcement and help with the investigation, conduct a site-level investigation, and take steps to protect all students. He stated that depending on the level of egregiousness, he would be alerted as well.

With regard to employee-to-student sexual harassment, the Title IX Coordinator stated that the District relies on law enforcement's determination as to whether a staff member has committed a criminal act and/or it applies the District's Professional Adult/Student Boundaries Policy (the Boundaries Policy) to determine if the staff member has violated one of its provisions. The Boundaries Policy prohibits employees from "dating, courting, or entering into or attempting to form a romantic or sexual relationship" or sexual interaction "with any student, regardless of the student's age." The Boundaries Policy calls for school supervisors and the "assigned Human Resources Administrator" to promptly investigate possible violations. If they find that an employee violated the Boundaries Policy, the policy calls for the District to discipline the employee, possibly report the employee to the Commission on Teacher Credentialing, and/or notify local law enforcement. The Boundaries Policy does not provide for the involvement of the Title IX Coordinator. With regard to criminal investigations of sexual harassment at the District's schools, the Title IX Coordinator did not monitor the criminal investigation in terms of timeliness, outcome, or to ensure Title IX compliance.

The District had no system in place to monitor whether schools' responses complied with Title IX requirements or to identify emergent patterns or systemic problems by school or districtwide. In fact, during the Review Period, documentation maintained by the District showed that school administrators failed to identify many of the 35 incidents as sexual harassment, which hindered the District's efforts to appropriately identify incidents as sexual harassment and to ensure that the District took the responsive steps required under Title IX.

OCR's interview with the Title IX Coordinator in October 2021 revealed that the Title IX Coordinator continued not to be involved in coordinating the District's response to reports of sexual harassment in its schools. According to the Title IX Coordinator, school administrators generally handle sexual harassment incidents unless a parent is unhappy with a school's response. As a result, the Title IX Coordinator was not notified of sexual harassment incidents unless the school administrators identified a need for assistance or a parent was unhappy and chose to escalate the issue to the District level. The District's inadequate coordination of its schools' responses to complaints of sexual harassment during the Review Period and continuing into SY 2021-2022 left its Title IX Coordinator without the information needed to identify repeat harassers or patterns of harassment or to address such issues to ensure the District's Title IX compliance. The District's failure to have anyone coordinating the response to reports of sexual harassment at District schools violated Title IX and may have led to the other Title IX violations identified below.

B. The District failed to address the effects of sexual harassment on students or take action to prevent further harassment, including retaliatory harassment.

OCR found that the District's responses to incidents of sexual harassment for which it had notice were inadequate because in 26 of the 35 incidents (74%), the District did not provide OCR with any evidence to indicate that the District took action to address the effects of the respondent's harassing conduct on the targeted students where necessary and to prevent recurrence of the harassment, including retaliatory harassment. Incidents 1, 2, and 3 below are examples of this violation.

1. Incident 1

On the [redacted content] of the 2016-2017 school year, a female student attending a District

middle school (MS 1) reported to a [redacted content] teacher that a male student repeatedly made lewd statements about [redacted content] to her in class. When her parent reported the incident to the Assistant Principal, the Assistant Principal interviewed the male student (the Respondent), contacted his parent [redacted content] (the Respondent's Parent), and informed the Respondent's Parent that the School would not discipline her son. Upon request by the Respondent's Parent that the Assistant Principal also interview her son's two friends, the Assistant Principal interviewed the two friends, who stated that they witnessed the male student make the statements and that he did not direct the [redacted content] comments to the female student. The Assistant Principal did not interview the female student, the [redacted content] teacher, or any other students who witnessed the interaction.

The Assistant Principal provided conflicting information to the Respondent's Parent and to the female student's parents about the outcome of his investigation. To the Respondent's Parent, the Assistant Principal stated that the boys did not direct the comments to the female student. Communications from the Respondent's Parent indicate that she understood this to mean that the Assistant Principal found that her son did not sexually harass the female student. To the female student's parents, the Assistant Principal stated that the investigation confirmed the female student's allegation that the Respondent male student had harassed their daughter and resulted in consequences for the male student, but that the Assistant Principal could not specify the consequences. The School did not record the incident in the Respondent male student's disciplinary record, nor did the School offer interim or remedial measures to the female student. As described below, the female student then reported retaliatory harassment by the Respondent's Parent and students from her peer group for having reported the Respondent's lewd statements to the District through the [redacted content].

Prior to the female student's report, the School had selected her [redacted content] to take [redacted content] in the upcoming 2017-2018 school year. Early in the 2017-2018 school year, the female student's parents reported that the Respondent's Parent retaliated against her by [redacted content], and that peers from the female student's peer group made comments to her regarding her report of harassment including "that was a stupid choice" and "you shouldn't have done that" and avoided sitting with her, resulting in the female student sitting alone [redacted content] during the lunch period. After the female student's parents complained to the School about the alleged retaliation against her for having reported the male student's statements, the District hired an investigator who found that (1) the School mishandled the sexual harassment complaint because the Assistant Principal demonstrated bias against the female student in the handling of the investigation, failed to fully investigate the allegation, communicated conflicting information to each party, and did not clearly communicate whether sexual harassment occurred; (2) the Respondent's Parent disparaged the female student to the Principal when she [redacted content]; (3) [redacted content]; (4) while peers alienated the female student for reporting harassment, [redacted content]; (5) [redacted content]; and (6) with regard to discipline, the School treated the female student more harshly for engaging in conduct similar to that engaged in by the male student when the School [redacted content].

However, the Title IX Coordinator's notice to the female student's parents regarding the outcome of their complaint alleging harassment and retaliation did not inform the parents that the District found that the School mishandled the allegations. Nor did the notice of the outcome include the investigator's finding that the School disciplined the female student more harshly than the male student for similar conduct. The notice also did not identify any steps the District would take to redress the sexual or retaliatory harassment or to prevent its recurrence. Instead,

the notice stated that the District could not release information about the male student's discipline due to confidentiality and that it found the allegations about retaliation by the Respondent's Parent to be unsubstantiated. During the investigation, the District provided no interim measures to the female student with regard to the alleged harassment by the male student or retaliatory harassment by peers or the Respondent's Parent, nor did the District offer or provide any remedies to the Student after the investigator issued the findings detailed above.

2. Incident 2

In [redacted content] 2017, multiple female students at MS 1 complained to the Assistant Principal that a male teacher at MS 1 engaged in sexually inappropriate behavior with them. MS 1 administrators obtained from students eleven incident reports alleging that the teacher was "very touchy" with female students, including [redacted content]. The reporting students also alleged that he used sexually suggestive language and gestures with students, including [redacted content]. Students reported to MS 1 staff and administrators that the teacher made them feel uncomfortable, and at least three students requested a different teacher or class. One student reported that she chose not to participate in any [redacted content] activities because she did not want to be alone with the teacher. MS 1 administrators reported some of these allegations to local law enforcement, who investigated the allegations and determined that no crime had occurred.

MS 1 also investigated the allegations, and in [redacted content] 2018, the District issued the teacher a notice that he engaged in unprofessional conduct with students and instructed him, amongst other things, to avoid leering at female students, making inappropriate comments with sexual innuendo, making sexually suggestive comments, gestures, or sounds, or making inappropriate gender-specific comments. The District gave him 45 days to correct his behavior or risk further disciplinary action.

In [redacted content] 2018, students reported to the front office clerk that the same teacher physically blocked one female student from another, and that the female student felt uncomfortable because he made bodily contact with her. In [redacted content] 2018, another female student reported to MS 1 that the teacher told her to remain in his classroom after class had ended and [redacted content].

Although the District's investigation confirmed all of the teacher's alleged conduct, the District did not provide remedies to address the effects of the harassment on the affected students or take effective steps to prevent the recurrence of the teacher's sexually inappropriate behavior. The Title IX Coordinator was not involved in the District's investigation of this incident. Other than acknowledging that at least three students had requested a different teacher or class, the District did not provide OCR with any evidence that the District approved the students' class transfer requests, offered the students interim measures during the investigation, made a determination regarding whether the teacher's conduct constituted sexual harassment, notified the students or their parents of the outcome of the investigation, or notified the Title IX Coordinator of the reports against the teacher and MS 1's response to them.

3. Incident 3

In [redacted content] 2019, a parent reported to MS 1's Principal that a [redacted content] male teacher held her daughter and another female student after class, causing them to be marked

absent for their next class, because he wanted to share a “secret” that he was [redacted content] but would be in touch with them “[redacted content].” MS 1 administration informed the District’s Human Resources Assistant Superintendent and the Human Resources Director about the report and conducted an investigation in which they learned that the two students had directed a third female student to delete her videos and pictures of [redacted content] out of fear that the third female student would get in trouble. The School had previously found this third female student to have a picture of [redacted content] on her social media account, and she had deleted the photo after the School contacted her parent. MS 1’s investigation included obtaining statements from the female students and the teacher and substantiated the allegation that the teacher told four female students at different times that [redacted content]. The MS 1 Principal and the Human Resources Assistant Superintendent placed the teacher on paid administrative leave during the investigation. The District did not provide OCR with evidence that MS 1 offered any additional interim measures for affected female students (such as counseling or academic supports) during their investigation of the teacher’s actions.

In [redacted content] 2019, MS 1 returned the teacher to work and reminded him of the school policy not to be alone with a student in the classroom. In addition, MS 1 informed the parent of one of the female students that she had the option to have her daughter moved from his class to a different class. That parent emailed the Principal to express concern for students’ safety and dissatisfaction that the only option was to have her daughter switch classes. The Principal acknowledged the parent’s concerns, assured the parent that the District fully investigated the matter with the teacher, and again offered to change the daughter’s class. The same day, a staff person sent the Principal an email stating that the teacher was [redacted content]. The staff person’s email stated that she is uncomfortable around the teacher and that he frequently crosses boundaries with students.

A few days later, a staff witness reported to MS 1 that another female student was in the classroom alone with the teacher. An MS 1 administrator went to the teacher’s classroom and found him [redacted content]. MS 1 again placed the teacher on paid administrative leave, filed a report with Children and Family Services (CFS), reported the incident to local law enforcement, and contacted the District’s Human Resources Director. Both law enforcement and CFS informed MS 1 that they would not investigate the [redacted content] incident. MS 1 investigated the incident and determined that the teacher violated the Boundaries Policy and its requirements regarding professionalism.

Because the District investigated this incident under its Boundaries Policy and did not involve the Title IX Coordinator, the District did not assess whether the teacher engaged in sexual harassment that created a hostile environment for the female students or other students and staff and the District did not provide evidence that it offered or provided the female students and staff interim measures during the investigations or remedies once the investigations confirmed all of the alleged conduct. In addition, the District’s response to the [redacted content] 2019 incident failed to be effective in preventing the teacher from engaging in the similar behavior again, as evidenced by his [redacted content] so that he could be alone with a female student.

C. The District failed to promptly and effectively investigate reports of possible sexual harassment or retaliatory harassment.

The District failed to promptly and effectively investigate notice of possible sexual harassment of students by employees and other students and possible peer and employee retaliation against

students. Incidents 1, 2, and 3 described above are examples in which the District did not investigate or failed to adequately investigate whether the complained of conduct constituted sexual harassment or retaliatory harassment and instead relied on its Boundaries Policy, reports to CFS, and/or reports to law enforcement. Similarly, the District relied on its Boundaries Policy in Incident 4 discussed below, reports to law enforcement in Incident 5 discussed below, and reports to CFS in Incident 6 discussed below. For none of these incidents did the District notify the Title IX Coordinator, investigate the reported sexual harassment through a Title IX grievance process, or otherwise fulfill its Title IX obligations. The reliance on CFS and law enforcement did not fulfill the District's Title IX obligations to investigate whether the employees had sexually harassed students and thereby created a hostile environment for affected students or to eliminate such an environment and remedy its effects. Nor did the District's reliance on its discipline process for student-to-student sexual harassment fulfill its Title IX obligation to determine if the harassment created a hostile environment that required interim measures during the investigation and remedies for confirmed harassment. During interviews, witnesses told OCR that the District addressed reports of alleged student-to-student sexual misconduct through its discipline process, which focused on the respondent and not the harassed students. The District's abdication of its Title IX obligations and failure to promptly and effectively investigate reports of sexual harassment meant that it could not determine whether discrimination occurred in its schools, and, if so, what steps the District should have taken to remedy the discrimination.

1. Incident 4

In [redacted content] 2020, a teacher at a District high school (HS 1) discussed with students in his [redacted content] class whether students [redacted content]. [Redacted content] Several students reported to the school that the discussion made them uncomfortable. Additionally, a parent complained to the school that the teacher inappropriately touched students, including [redacted content] and making students uncomfortable. In [redacted content] 2020, the Assistant Principal issued the teacher a written warning citing unprofessional performance and a violation of the Boundaries Policy. However, despite students' reports that the discussion made them uncomfortable and the parent's complaint, the District's limited investigation did not determine whether the teacher's conduct constituted sexual harassment or created a hostile environment for the affected students. The District also did not determine whether students impacted by the teacher's conduct needed interim measures while the School investigated the teacher's conduct, or whether students who were harassed or witnessed harassment needed remedies to address the effects of the harassment. Further, the District did not provide OCR with any evidence of notifying the Title IX coordinator or the students or parents who complained about the teacher of the outcome of the District's limited investigation.

2. Incident 5

In [redacted content] 2019, at another District high school (HS 2), a student alleged to a school counselor that she witnessed an inappropriate sexual relationship between [redacted content] coach and a [redacted content] female student, which began approximately [redacted content], including [redacted content]. The Assistant Principal reported the incident to CFS and local law enforcement. The District informed OCR that law enforcement did not inform them of any actions taken and that law enforcement closed the case. The District hired an investigator to investigate the allegations and placed the [redacted content] coach on paid administrative leave. In [redacted content] 2020, the District concluded its internal investigation and determined that the [redacted content] coach violated the Boundaries Policy. The [redacted content] coach

resigned after the Human Resources Director sent him a letter informing him that the District would seek Board approval to terminate his employment based on his violation of the Boundaries Policy. Even though the District found the [redacted content] coach to be in a sexual relationship with a District student, the District failed to determine whether the relationship or [redacted content] constituted sexual harassment and allowed the [redacted content] coach to resign without investigating whether his conduct created a hostile environment for the student or for other students who witnessed or knew about the relationship. Failing to determine whether an employee sexually harassed one or more students and created a hostile environment and permitting that employee to resign risks jeopardizing the safety of other students in violation of Title IX. While the District informed OCR that it offered counseling to the student who reported the alleged sexual harassment, the District provided no documentary evidence of having made this offer or provided such counseling.

3. Incident 6

In [redacted content] 2017, at a District elementary school (ES 1), a teacher reported to CFS that a male [redacted content] student exhibited “sexually and mentally disturbing behaviors,” including “[redacted content].” After making the CFS report, the District did not investigate to determine whether sexual harassment occurred, notify the targeted student’s parents of the alleged incident or whether their child had been sexually harassed, offer interim measures, or offer support for the targeted student to address the impact of the respondent student’s conduct. The District did not inform OCR of any steps taken to prevent further harassment of the targeted student or provide any evidence that the school informed the Title IX Coordinator of the report or ES 1’s response to the report. The only response to this incident was the teacher’s CFS report.

D. The District failed to provide adequate notice of investigation outcomes to targeted students or their parents.

Based on its file review and interviews of District employees, OCR determined that the District’s responses to complaints of alleged sexual harassment violated Title IX by failing to provide adequate notice of the outcome of its investigations to targeted students and their parents or guardians. Incidents 1, 2, and 4 described above are examples in which the District did not provide adequate notice of investigation outcomes to targeted students or their parents who complained of conduct that could constitute sexual harassment. In Incident 1, the District twice provided inaccurate notices of the outcome of its investigations to the female student’s parents who reported harassment and retaliatory harassment. With regard to the employee-to-student sexual harassment in Incidents 2 and 4, the District failed to notify the harassed students or their parents of the investigation’s outcome.

E. The District failed to offer or implement interim measures to support students who reported or experienced sexual harassment.

OCR determined that the District failed to offer or provide interim measures to students who reported sexual harassment. For example, out of the seven student-to-student incidents OCR reviewed, the District provided evidence for only one incident in which it offered interim measures to a student. Similarly, for only three of the 28 employee-to-student incidents did the District provide evidence of having offered interim measures to the affected students. Regarding Incidents 1, 4, and 6, the District provided no evidence that it considered or offered

interim measures to support the allegedly harassed students during the investigations. Regarding incidents 2 and 3, involving alleged employee-to-student sexual harassment, the only interim measures the District offered were for female students to transfer out of a teacher's class. The District failed to consider whether other possible interim measures were appropriate, such as counseling or academic supports. Incident 7 below is another example of the District's failure to offer or implement interim measures to support students during pending investigations.

1. Incident 7

In [redacted content] 2019, a school counselor at MS 1 filed a CFS report alleging that a male student came up behind a female student in the hallway, got very close, and [redacted content], and that another female student witnessed the incident. The District informed OCR that MS 1 counseled the male student regarding his conduct, though the District provided no supportive documentation. The District told OCR that it took no further action to support the targeted student or any other affected student. There is no evidence that the school informed the Title IX Coordinator of this incident.

F. The District failed to meet its obligation to notify the school community of the Title IX Coordinator by posting inconsistent information about the Coordinator.

The Title IX regulations require the District to publish the name and contact information for the Title IX coordinator so that students, parents, and employees would know how to file a complaint with the coordinator. The District published notices of nondiscrimination based on sex on its website, at school sites, in student/parent and also employee handbooks, and in notices sent home to parents of students. These notices identified the name, telephone number, email address, and office address of the Title IX Coordinator. However, OCR determined that the District's policies during the Review Period as well as some current District policies provide conflicting information about whom the District designated to coordinate its Title IX compliance, as detailed below. These policies include: the two nondiscrimination policies (one for students and one for employees), the two sexual harassment policies (one for students and one for employees), the Uniform Complaint Procedures (UCP), and the Boundaries Policy.

The District has two nondiscrimination policies, one for students (Student Nondiscrimination Policy) and one for employees (Employee Nondiscrimination Policy), that prohibit discrimination based on sex, including sexual harassment. The Student Nondiscrimination Policy in effect during the Review Period instructed students who had experienced discrimination to contact "the Compliance Officer," their principal, or any other staff member, but failed to identify the Title IX compliance officer. However, the Student Nondiscrimination Policy also directed persons seeking to file a complaint to do so pursuant to the District's UCP, and the UCP in effect at that time identified the Assistant Superintendent for Education Services (who was the District's Title IX Coordinator) as the lead compliance officer and provided his contact information. The current versions of the Student Nondiscrimination Policy and UCP list multiple compliance officers, and they do not specify which of the listed compliance officers is responsible for addressing sexual harassment. The Employee Nondiscrimination Policy in effect during the Review Period prohibited discrimination against employees based on sex but did not specify the person responsible for addressing complaints of employee discrimination including sexual harassment. The current version of the Employee Nondiscrimination Policy identifies the Assistant Superintendent for Human Resources as the compliance officer responsible for addressing alleged discrimination against employees.

In addition to the two nondiscrimination policies described above, the District has two sexual harassment policies, one for students and one for employees (Student Sexual Harassment Policy and Employee Sexual Harassment Policy). The Student Sexual Harassment Policy in effect during the Review Period as well as the current version identifies the Title IX Coordinator as the person responsible for addressing sexual harassment of students. Though the Employee Sexual Harassment Policy during the Review Period did not specify the person responsible for addressing employee complaints of sexual harassment, the current version identifies the Title IX Coordinator as the person addressing such complaints. However, both the Title IX Coordinator and the Assistant Superintendent for Human Resources stated to OCR that the District designated the Assistant Superintendent for Human Resources to address reports of employee-to-student sexual harassment. This conflicts with the information provided in the District's Employee Sexual Harassment Policy, notices of nondiscrimination, the Student Sexual Harassment Policy, and the Title IX Sexual Harassment Complaint Procedures.

As discussed above, OCR found that the District's practice was to use the Boundaries Policy to address reports and complaints of employee-to-student conduct that could constitute sexual harassment of students, and the Boundaries Policy did not identify the person responsible for addressing policy violations. The current version of the Boundaries Policies also does not identify who is responsible for addressing complaints alleging policy violations, including conduct that could constitute sexual harassment by employees.

For the above reasons, OCR found that the District provided conflicting information regarding the person designated to address complaints of discrimination based on sex, including sexual harassment, during the Review Period. As described above, some District policies and notifications identify the Title IX Coordinator and others identify the Assistant Superintendent for Human Resources as the person responsible for addressing complaints of discrimination based on sex, including sexual harassment. OCR also reviewed the current Title IX Sexual Harassment Complaint Procedures that the District adopted after the 2020 Regulations took effect, and OCR determined that they correctly provide the name and contact information for the Title IX Coordinator as the person responsible for compliance.

G. The District failed to adopt and publish equitable grievance procedures for student-to-student sexual harassment complainants.

Title IX required the District to adopt and to publish grievance procedures that provide for the prompt and equitable resolution of student complaints alleging any actions prohibited by Title IX and its implementing regulation, including sexual harassment. The District adopted and published a sexual harassment policy for students, the Student Sexual Harassment Policy, which prohibited sexual harassment of students. According to this policy, the District will investigate and resolve all complaints alleging sexual harassment of students in accordance with the District's UCP. The UCP provides both the complainant and respondent with notice when a complaint is filed, when a decision or ruling is made, and, when appropriate, the availability of informal resolution through mediation. However, the UCP afforded only complainants, not respondents, the opportunity during the investigation to present evidence, notice of an extension of the timeline to complete the investigation, a written report with the District's determination, including any remedies offered or provided, and the right to appeal the determination. To ensure equitable investigations of Title IX complaints, the District was required to make any rights or opportunities that it provided to one party also available to the other party during the

investigation on equal terms. OCR found that the UCP was not equitable because the UCP afforded rights to complainants that it did not also provide to respondents, in violation of the Title IX regulation.

H. The District failed to apply prompt and equitable grievance procedures to complaints of employee-to-student sexual harassment.

Title IX required the District to apply prompt and equitable grievance procedures to complaints of employee-to-student sexual harassment. The District's Student Sexual Harassment Policy states that the UCP will be the grievance procedure that the District uses to address complaints of sexual harassment against students, including when the respondent is an employee. However, the District did not use the UCP to address complaints of employees' sexual harassment of students based on OCR's review of the District's responses to such complaints (e.g., Incidents 3, 4, and 5 above) and interviews with the Title IX Coordinator and the Assistant Superintendent for Human Resources. Instead, OCR found that the District relied solely on its Boundaries Policy to address allegations of prohibited "serious misconduct" against students by employees, including alleged sexual harassment.

The Boundaries Policy addresses "unlawful or improper" interactions with students and "boundary-blurring and grooming behaviors" towards students. It describes the types of prohibited misconduct, including sexual interactions with students. The Boundaries Policy directs employees who observe violations to report the conduct to CFS, states that the "site supervisor and assigned Human Resources Administrator" will investigate reports of possible boundary violations, and states that the school will implement immediate interventions when necessary to ensure student safety. The Boundaries Policy, however, does not provide for a prompt and equitable grievance process. For example, the Boundaries Policy does not ensure an adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence, to designate reasonably prompt time frames for major stages of the complaint process, to provide that the parties will be notified of the outcome of the complaint, or to provide assurance that the school will take steps to prevent recurrence of sexual misconduct and remedy its discriminatory effects, as appropriate.

As of October 2021, the Assistant Superintendent for Human Resources stated to OCR that the District continues to rely on its Boundaries Policy to address complaints of employee-to-student sexual harassment. The District's ongoing sole reliance on the Boundaries Policy to address complaints of possible employee-to-student sexual harassment failed to comply with the Department's prior and current Title IX regulations' requirements for a prompt and equitable grievance process for complaints of sex discrimination.

I. The District failed to comply with 34 C.F.R. § 106.44(a) of the 2020 Regulations.

OCR also found the District failed to comply with its current obligations under 34 C.F.R. § 106.44(a) of the 2020 Title IX Regulations when applying its current Title IX Sexual Harassment Complaint Procedures. When any District employee has actual knowledge of conduct that meets the regulation's definition of sexual harassment or could meet that definition at 34 C.F.R. § 106.30(a), the District must ensure that its Title IX Coordinator promptly contacts the complainant to discuss the availability of supportive measure, considers the complainant's wishes about such measures, explains that such measures are available with or without the filing of a formal complaint, and explains how to file a formal complaint of sexual harassment under

Title IX. During OCR’s interview in 2021, the Title IX Coordinator revealed that the District notified parents about the formal Title IX complaint process only if they are not satisfied with the school’s initial response to reports of sexual harassment, in violation of 34 C.F.R. § 106.44(a). Furthermore, schools did not inform the Title IX Coordinator of reports of sexual harassment unless the incidents are “egregious” or if a complainant expresses dissatisfaction with the initial response from the school. As a result, the Title IX coordinator failed to notify complainants how to file a formal complaint of sexual harassment as required by 34 C.F.R. § 106.44(a).

In addition, the Title IX Coordinator stated to OCR that when he trained school administrators on how to handle reports of sexual harassment, he instructed them to refer reports of possible child abuse and neglect to CFS and law enforcement, but did not instruct them on the District’s obligations at 34 C.F.R. § 106.44(a) when the reported conduct could meet the Title IX regulation’s definition of sexual harassment. Reporting a complaint of sexual harassment to CFS and law enforcement does not absolve the District of its obligations to respond to actual notice of sexual harassment as required by 34 C.F.R. § 106.44(a).

J. The District did not adequately train its former Title IX Coordinator.

The 2020 Regulations require recipients to ensure that Title IX Coordinators receive training on the definition of sexual harassment at 34 C.F.R. § 106.30, the scope of the recipient’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. During OCR’s interview in October 2021, the former Title IX Coordinator demonstrated a lack of familiarity with the requirements of the amended Title IX regulation applicable to sexual harassment, including requirements explicitly assigned to the Title IX Coordinator. For example, when any District employee has actual knowledge of sexual harassment or allegations that could constitute sexual harassment as defined at 34 C.F.R. § 106.30(a), the Title IX Coordinator must take several steps, including promptly contacting the complainant to offer and discuss supportive measures, explaining how to file a formal complaint, and clarifying that a complaint is not needed for supportive measures. Based on OCR’s interview with the former Title IX Coordinator, OCR determined that the Coordinator was not familiar with the definition of sexual harassment that would trigger these duties, nor was the Coordinator aware of or fulfilling these duties.

From the interview, OCR also determined that the former Title IX Coordinator was not familiar with the District’s revised sexual harassment policies even though the Coordinator was responsible for ensuring the District’s compliance with them and Title IX. The Title IX Coordinator’s lack of familiarity with the definition of sexual harassment and the requirements of the Title IX regulations likely contributed to the violations detailed above. The Title IX Coordinator’s incorrect training of school administrators about their Title IX obligations to respond to reports and complaints of sexual harassment discussed above also could lead to ongoing District failures to appropriately address reports and complaints of sexual harassment.

K. The District’s recordkeeping issues during and after the Review Period

Based on OCR’s review of many files from the Review Period, OCR identified a concern that the District appears to have failed to create or maintain sufficient records of its responses to reports and complaints of sexual harassment to demonstrate its compliance with Title IX during the

Review Period, as required by 34 C.F.R. § 106.8. This Title IX regulation incorporates by reference the obligation under the regulation implementing Title VI of the Civil Rights Act of 1964 (Title VI), at 34 C.F.R. § 100.6(b), which requires recipients to collect, maintain, and provide to OCR such records that will enable OCR to ascertain whether the District is in compliance with the nondiscrimination requirements of Title VI, and by extension, of Title IX. The 2020 amendments to the Title IX regulations added specific requirements at 34 C.F.R. § 106.45(b)(10) for creating and maintaining records about reports and formal complaints of sexual harassment, including the District’s response to such reports and complaints. Based on OCR’s interview with the Title IX Coordinator about these requirements in October 2021, OCR found that the District failed to maintain all the records required by the 2020 Regulations. Below OCR details the evidence underlying both this current violation and the compliance concern about the District’s prior recordkeeping practices during the Review Period.

OCR’s interview with the Title IX Coordinator revealed that the District maintains records of District Office investigations that rise to an “egregious” level and are brought to the attention of the Title IX Coordinator, and that otherwise each school maintains disciplinary or counseling notes within the District’s discipline data system. The Title IX Coordinator told OCR that schools do not regularly report sexual harassment incidents to the District, that the District’s student services department accesses the District’s discipline data system at least three times a year to review the student-to-student sexual assault reports that led to discipline, and that the District does not “necessarily review” corresponding “counseling notes.” According to the Title IX Coordinator, each school maintains its own investigative documents in a separate or disciplinary folder, not in students’ cumulative files. When OCR asked who is responsible for overseeing the District’s compliance with its Title IX recordkeeping obligations, the Title IX Coordinator was not sure and thought the responsibility may be that of the Coordinator. Yet, the Title IX Coordinator did not know the specific documents schools maintain or how long they are maintained, even though the regulation at 34 C.F.R. § 106.45(b)(10)(i) requires the District to maintain for seven years many types of records for each sexual harassment investigation.

OCR’s interview with the Title IX Coordinator also revealed that as of October 2021, the District was still relying on its student discipline data system and reports to CFS to maintain records of its responses to actual notice of alleged sexual harassment, even though the discipline system and CFS reports do not include records of supportive measures offered and provided to complainants or informal resolutions of formal complaints of sexual harassment that the District has been required to maintain under the 2020 Regulations. *See* 34 C.F.R. § 106.45(b)(10)(i)-(ii).

OCR also identified a concern that the District’s recordkeeping regarding reports and investigations of sexual harassment appears to have been inadequate during the Review Period under 34 C.F.R. § 106.81 because the District was unable to produce complete records of its responses to reported sexual assaults to demonstrate its compliance with Title IX. To conduct this compliance review, OCR requested the District’s complete records related to reports and complaints of employee-to-student and student-to-student sexual assaults during the Review Period and the District’s responses. For the 28 employee-to-student sexual assaults, the District provided various documents, including notes from interviews of the employees, “Notice of Unprofessional Conduct” to the employees, communications between the employees and District personnel, CFS and law enforcement documentation, and other memoranda, interview notes, emails, and letters. However, the files did not contain any UCP complaint forms, notices of investigative outcome to the parties, records from hearings, or records of interim measures

offered to the harassed students during investigations. In addition, the District's written warning provided to OCR for the employee who [redacted content] did not include any investigative documents as required under Title IX and relied solely on the Boundaries Policy (Incident 4).

OCR determined that during the Review Period the District maintained some copies of sexual harassment incident reports to CFS, records of formal complaints filed under the UCP, and records of student-to-student incidents of sexual harassment in the student discipline data system. As a result of the District's limited and incomplete recordkeeping practices, it was able to identify only seven incidents of student-to-student sexual misconduct that could constitute sexual assault over the three-year Review Period. For these seven incidents, the District provided student data printouts, CFS reports, law enforcement reports, handwritten notes, and one notice of outcome sent to a student's parent. The CFS reports typically included one sentence to one paragraph about the respondent student's conduct. All school administrators interviewed by OCR stated that there was no District oversight of CFS reporting to ensure accurate and consistent records. This practice failed to create and maintain records demonstrating how the District's response to reports and complaints of sexual harassment met its Title IX obligations when the District referred such incidents to CFS. For example, the records provided to OCR for the student who exhibited sexually and other disturbing behaviors (Incident 6) was limited to a CFS report only, and the District did not provide any evidence of an investigation of the report.

The District's reliance on reports to CFS and local law enforcement without ensuring that the District itself created and maintained complete records of sexual harassment allegations raises a compliance concern that the District's inadequate recordkeeping did not comply with Title IX during the Review Period and contributed to its failure to respond appropriately to notice of sexual harassment. The District provided OCR no evidence to demonstrate a record keeping system sufficient to ensure that it maintained information regarding the outcome of and Title IX compliance from CFS and law enforcement investigations, to allow the District to evaluate its own Title IX compliance.

The District's records of alleged student-to-student sexual assault also were incomplete and inconsistent. Although the District's records initially reported only 7 across the 2017-18, 2018-19, and 2019-20 school years, the District's data for its 26 schools suggested a higher number of such incidents. Though OCR asked the District for additional documentation of investigations into allegations of student-to-student sexual assault, the District provided none. Even more stark were the inconsistencies between what the District reported to OCR in this compliance review and to the CRDC. For example, the District reported 9 sexual assaults in the 2017-2018 school year in this compliance review and only three sexual assaults to CRDC for the 2017-18 school year. OCR has a concern that the District's system for creating and maintaining records about alleged sexual assaults and other sexual harassment during the Review Period was inadequate to ensure accurate reporting of such incidents to OCR in the CRDC and this compliance review. The District's incomplete and inconsistent recordkeeping practices resulted not only in its inability to produce the records OCR needed to assess the District's Title IX compliance during the Review Period but also its failure to coordinate its schools' responses to notice of sexual harassment through its Title IX Coordinator.

As discussed above, OCR determined that the District failed to establish a recordkeeping system after the Review Period that complied with the 2020 Regulations based on its interview with the former Title IX Coordinator in October 2021. OCR is concerned that the District's current Title

IX Coordinator may not be coordinating the District's compliance as required by Title IX because the former Title IX Coordinator did not ensure that the District created and maintained records about reports and formal complaints of sexual harassment, including the District's response to such reports and complaints.

V. Conclusion

To resolve the violations and compliance concern OCR identified during this compliance review, the District entered into the attached Agreement, which is aligned with the issues investigated and the evidence obtained by OCR. The Agreement requires that the District make changes to ensure that the Title IX Coordinator coordinates all of the District's efforts to comply with Title IX moving forward, including but not limited to all of its investigations of sexual harassment and overseeing the District's maintenance of the requisite records for such investigations, as well as its informal resolutions and offers and provision of supportive measures to complainants. The Agreement also requires the District to implement a revised Title IX recordkeeping system to document and preserve records about sexual harassment as required by the Title IX regulations. The Agreement further requires that the District review and revise as necessary its policies and procedures to ensure compliance with Title IX, provide training regarding the revised policies and procedures for staff and students, and conduct a climate survey.

Based on the commitments made in the Agreement, OCR is closing this compliance review as of the date of this letter and notifying the complainant concurrently. When fully implemented, the Agreement is intended to address the violations and compliance concerns identified by OCR. OCR will monitor the implementation of Agreement until the District is in compliance with the terms of the Agreement and the Title IX statutory and regulatory obligations at issue in this compliance review.

This concludes OCR's compliance review and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issue other than that addressed in this letter. This letter sets forth OCR's determination in this compliance review. 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, discriminate, or otherwise retaliate against any individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a separate retaliation complaint with OCR.

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

Thank you for the courtesy and cooperation extended by you and your staff during the investigation. If you have any questions regarding this letter, please contact me at (415) 486-5555.

Sincerely,

/s/

Zachary Pelchat
Regional Director
OCR, Region IX

Attachment (the Agreement)

cc: David E. Robinette, Esq. (Atkinson, Andelson, Loya, Ruud & Romo)