

OCT 06 2015

Re: OCR Docket #15-15-1379

Dear [REDACTED]

On August 11, 2015, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received the complaint you filed against Warren Consolidated Schools (the District) alleging that the District discriminated against your daughter at Cousino High School (the School) on the basis of sex and retaliated against her. Specifically, your complaint alleges that the District failed to promptly and equitably respond to complaints, reports, and/or incidents of sexual harassment and sexual violence of which it had notice, including a report related to your daughter made on or around May 15, 2015, and, as a result, students, including your daughter, were subjected to a sexually hostile environment. You also alleged that the District retaliated against your daughter because she did not immediately report the incident of alleged sexual assault.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in education programs and activities operated by recipients of Federal financial assistance from the Department. Persons who seek to enforce their rights under Title IX are also protected from retaliation. As a recipient of such financial assistance, the District is subject to Title IX.

In order for OCR to proceed on a claim of retaliation, a complainant must provide information supporting that an individual engaged in a protected activity, i.e. an activity protected under one of the laws that OCR enforces, such as asserting rights under one of those laws or making or participating in a complaint involving discrimination on the basis of race, color, national origin, sex, disability, or age, and that an institution took a materially adverse action against the individual because he/she engaged in that protected activity. You told OCR that your allegations of discrimination based on sex and retaliation both concern the facts described in your complaint and clarified over the telephone with OCR staff on August 20 and 25, 2015. You said you believe the District retaliated against your daughter, by failing to appropriately respond to her complaint of sexual assault, because she did not report the incident of alleged sexual assault right away. The action that you identified, failure to immediately report an incident of alleged sexual

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assault, does not constitute a protected activity under any of the laws OCR enforces; therefore, your complaint, even if true, does not state a potential violation of one of the laws OCR enforces. OCR is dismissing your retaliation allegation as of the date of this letter.

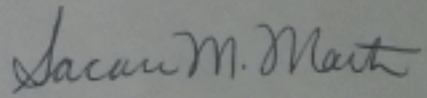
Because OCR has determined that it has jurisdiction over your allegation of discrimination based on sex and that your complaint was filed in a timely manner, OCR is opening the allegation for investigation. Based on the complaint allegation, OCR will investigate the following legal issues:

- Whether the District provided prompt and equitable responses to sexual violence complaints, reports, and/or other incidents of which it had notice (knew about or should have known about), as required by the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31.
- Whether the District complied with the requirements of the Title IX regulation at 34 C.F.R. § 106.9 regarding notice of nondiscrimination.
- Whether the District complied with the requirements of the Title IX regulation at 34 C.F.R. §§ 106.8 and 106.9(a) regarding the designation and notice of a Title IX coordinator.
- Whether any failure by the District to provide a prompt and equitable response allowed a student or students and/or the School, generally, to continue to be subjected to a sexually hostile environment that denied or limited a student's or students' ability to participate in or benefit from the District's program, in violation of the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31.

Please note that opening an allegation for investigation in no way implies that OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources as appropriate. OCR will ensure that the investigation is legally sufficient and is dispositive of the allegation in accordance with the provisions of Article III of OCR's Case Processing Manual.

OCR works to resolve allegations of discrimination promptly and appropriately. We will communicate with you periodically during our investigation. Please reference OCR Docket #15-15-1379 when contacting the OCR office regarding this complaint. If you have any questions, please contact Allison Beach, one of the OCR attorneys who has been assigned to investigate this complaint. You can reach Ms. Beach by telephone at (216) 522-2666 or by e-mail at [Allison.Beach@ed.gov](mailto:Allison.Beach@ed.gov).

Sincerely,



Sacara M. Martin  
Supervisory Attorney/Team Leader