

OCR Complaint: Redacted**Sexual Assault and Gender Based Discrimination in the Seattle School District**

Our entire family was devastated when our daughter was raped on a public high school field trip. The school district's failure to extend our daughter Title IX rights, to acknowledge her report of sexual assault, and to treat her with basic human dignity has been life-scaring beyond description. We have relentlessly pursued accountability so that something positive may come from this tragedy. For the sake of others, we ask OCR to open an investigation.

XXXXXX (signatures)

Introduction

On November 7, 2012, our daughter reported that she was sexually assaulted by a classmate on a school-sponsored field trip. The Seattle School District (the "District") was aware of the assault the same day but failed to conduct a prompt, thorough, and independent investigation as required by Title IX and by the policies of the United States Department of Education's Office for Civil Rights ("OCR"), which is responsible for enforcing Title IX and investigating violations. The District also failed to involve its Title IX coordinator. Additionally, the District did not inform our daughter of the sanctions meted out against the assailant so she could immediately return to school, and did not protect her from retaliation. As a result, her right to an equal education free of discrimination was violated. In addition, the District failed to provide required information about educational accommodations for debilitating PTSD that she suffered as a result of the sexual assault.

We request that OCR determine whether the District violated its obligations under Title IX by investigating the District's response to our daughter's report of sexual assault, including its failure to promptly and equitably investigate and address retaliation. We also request that OCR undertake a Compliance Review of the District to determine whether its practices, procedures, and training of staff regarding response to student reports of sexual and gender-based violence and harassment complied with Title IX and remedy any unlawful conduct, practices, and procedures. We also request OCR to determine whether Garfield High School appropriately educated and notified students/families about sexual harassment policies as required. We ask OCR to require the District and its employees to undergo ongoing training, review, and monitoring and to redress the effects of its discrimination against our daughter. We ask that OCR compel the District to explain why it failed to observe its chaperone policies that would have provided a safe environment free of sexual harassment, in particular for girls, the most vulnerable victims. We ask OCR to determine how the District's ad hoc policies and response to our daughter's report of sexual assault support a culture of sexual harassment and violence. Additional requests appear at the end of this document.

Discussion

1. In November 2012, our daughter was in her sophomore year at Garfield High School. She was a successful student, taking Advanced Placement classes and maintaining an A-B average. She was an active participant in the advanced XXXXXXXXX and had completed nearly four times her community

service hours, which included giving XXXX lessons to economically disadvantaged children and serving as a summer camp counselor.

2. On November 7, 2012, during a school sponsored field trip to NatureBridge on the Olympic Peninsula, our daughter was sexually assaulted by another student. That same day the perpetrator told the school principal that the sexual activity with our daughter was “consensual” but also admitted she told him to stop. The following day a parent reported to the school that her daughter had witnessed a rape.

3. On the field trip there was improper and inadequate adult supervision that created an uncontrolled, unsafe, and hostile environment that permitted sexual harassment/violence to occur. Chaperones did not prevent girls and boys from co-mingling unsupervised in each other’s cabins before and after curfew in violation of District and camp policy. The teachers who were supposed to be in charge slept with their children in separate cabins that were distant from the students’ cabins and were therefore unable to monitor the students for whom they were responsible. The boys were chaperoned by one unscreened/unauthorized male college student who slept with earplugs, thereby creating an environment that failed to protect girls. Because the school principal and teachers failed to follow the District required field trip planning procedures, there was only one screened female chaperone for 27 students during the night in violation of District policies. Chaperones and teachers admitted they were ignorant of District policies and lost control of the students both nights.

4. Our daughter reported the sexual assault to her teacher the same morning. The teacher informed the school principal. The executive director of schools and assistant superintendent for operations were also notified. Moreover, the assailant told the school principal on the day of the assault that our daughter told him to stop touching her. Therefore, the District was aware of the sexual assault the day it occurred.

5. Our daughter was in shock. NatureBridge staff took her to the emergency room at Olympic Medical Center in Port Angeles, where she was diagnosed and treated for sexual assault. She voluntarily agreed to a rape kit examination.

6. We asked the school principal the next day about what disciplinary actions had been meted out to the perpetrator so our daughter could return to school, but the principal refused to tell us. It was not until April 16, 2013, more than five months later, that the District informed us that the perpetrator had been emergency excluded from school, but did not tell us when the exclusion occurred or for how long. The District later told us that, emergency exclusion “is not a determination that he did or did not do anything wrong.”

The Washington State Office of the Education Ombudsman publication *Discipline in Public Schools* states that:

Districts can expel students on an emergency basis when there is good and sufficient reason to believe that a student’s presence would be unsafe to him/herself or to others. Districts can also order an emergency expulsion if a student’s presence presents an immediate and continuing threat of substantial disruption to the education process. Emergency expulsions

have no definite ending time. They continue until the school district says that the “emergency” is over or until a hearing officer changes it as a result of a hearing.

It was not until the end of June 2013 that we learned that the perpetrator was allowed to return to school on November 21, 2012, but there was no explanation of why the District believed his presence no longer contributed to a hostile environment against our daughter. OCR directives state:

Because seeing the perpetrator may be traumatic, a complainant in a sexual harassment case may continue to be subject to a hostile environment if he or she does not know when the perpetrator will return to school or whether he or she will continue to share classes or a residence hall with the perpetrator. This information also directly affects a complainant’s decision regarding how to work with the school to eliminate the hostile environment and prevent its recurrence. (Dear Colleague Letter 2011)

Because our daughter was terrified of seeing the assailant at school and the principal would not reveal that he had been emergency excluded, our daughter did not want to return to school. Moreover, she learned that retaliation against her report of a sexual assault had begun.

In June 2013 we learned that the perpetrator had previously been emergency excluded from a District middle school for having sexual intercourse with a peer on school grounds during lunch period, which could have been another incident of sexual harassment perpetrated by the assailant. The District was aware or should have been aware that the perpetrator presented a risk of sexual harassment in an under-supervised setting, such as occurred on the November, 2012 field trip. School personnel ignored this risk. Instead, teachers and chaperones failed to read and abide by the District’s own policies and procedures governing overnight field trips, thus creating an uncontrolled, unsafe, and hostile environment in which sexual harassment and sexual assault could and did occur.

7. At no time did any school or District staff inform us that our family had the right to file a Title IX complaint, that Title IX prohibits retaliation for reporting sexual assault, nor did anyone give us the name of a Title IX coordinator or other school official responsible for handling sexual assault complaints. We only learned of the District’s Title IX obligations from the Washington State Office of the Superintendent of Public Instruction (OSPI) Office of Equity and Civil Rights after escalating our complaint to that office in March, 2013. As far as we are aware, the District never involved a Title IX coordinator in investigating, overseeing, or addressing our daughter’s report of sexual assault, nor did the District tell our family that they could talk to the Title IX coordinator or even identify who the Title IX coordinator is. Nor did the District comply with its obligation to notify us of our right to file a Title IX complaint. Clearly, the District failed to comply with its obligation to train its employees and to ensure that they were prepared to respond effectively and appropriately to reports of sexual harassment. After obtaining guidance from OSPI, we approached the Title IX officer for help, but he refused to answer our questions. Instead, he abdicated his responsibilities to the District general counsel, thereby creating an unacceptable conflict of interest. OCR directives state:

The Title IX coordinators should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest. (Dear Colleague Letter 2011)

8. School District personnel botched and mismanaged accommodations for our daughter, who suffered disabling PTSD post-assault and was unable to return to school. In December, 2012, the District qualified our daughter for a 504 accommodation based on a diagnosis of PTSD following the rape. The District then withdrew its 504 plan in response to our questions. During the months following the assault, we received contradictory information from the school administration. We asked the 504 coordinator to explain and describe the accommodations for our daughter, but she ceased and refused to communicate with us in January 2013. Moreover, the 504 coordinator's correspondence revealed a stark denial of the impact of rape and the ensuing disability our daughter suffered. The District granted our daughter a school transfer with the November rape as the basis, yet the 504 coordinator would not explain how our daughter would be accommodated in a new school. Without providing us with this information, our daughter's attendance at the new school would have placed her at an educational disadvantage compared to her peers. Further, the District did not provide required information on procedural safeguards. After already qualifying our daughter for a 504 accommodation in December, 2012, the District proposed to re-qualify her in April, 2013 when it was far too late to help her. The inability of our daughter to resume her education has been devastating.

9. In the months following the sexual assault, our daughter was subjected to retaliation from her peers, who accused her of lying about being raped and framing the perpetrator. This created a hostile environment under which she did not want to return to school, as documented by the therapist who treated her and by postings on social media. The school did nothing to pre-empt this retaliation. No school personnel ever inquired about retaliation against our daughter or informed us how to report retaliation. Moreover, they ignored our written concerns about retaliation. According to OCR regulations:

The school also should tell the complainant that Title IX prohibits retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

At a minimum, schools must ensure that complainants and their parents, if appropriate, know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. (Dear Colleague Letter 2011)

10. On March 18, 2013, we wrote a complaint to the District Superintendent requesting an explanation of why the District had not investigated why our daughter was allowed to be sexually assaulted on a school field trip. The District wrote that it had not conducted its own investigation because of its longstanding practice to await the conclusion of a law enforcement investigation. The District also wrote that it was not aware that law enforcement had completed their investigation until we informed them in March 2013. This clearly defies OCR directives, which state:

Schools should not wait for the conclusion of a criminal investigation or criminal proceeding to begin their own Title IX investigation and, if needed, must take immediate steps to protect the student in the educational setting. For example, a school should not delay conducting its own investigation or taking steps to protect the complainant because it wants to see whether the alleged perpetrator will be found guilty of a crime. In addition, a criminal investigation into allegations of sexual violence does not relieve the school of its duty under Title IX to resolve complaints promptly and equitably. (Dear Colleague Letter, 2011)

11. It was not until we escalated our complaint to OSPI in April, 2013, that the District learned of its Title IX obligations through the OSPI Office of Civil Rights. The District subsequently alleged that it had already conducted the required independent investigation, even though it had previously told us that it was waiting for the conclusion of the law enforcement investigation before commencing its own investigation. This so-called independent investigation consisted of one teacher's second-hand report of a couple of interviews she observed. The teacher did not ask questions. In addition, the teacher did not observe the FBI interviews with our daughter or with the assailant. Therefore the District's so-called investigation was neither equitable nor substantive. In addition, the District never informed us of the findings of this so-called investigation until April 2013, five months after it occurred. Once we explained to the district why this "investigation" was inadequate, it decided "after further consideration" to conduct its own independent investigation, beginning in May, 2013, six months after the assault. This violates OCR directives, which state that schools should not wait for a parent complaint before launching their own investigation:

Regardless of whether a harassed student, his or her parent, or a third party files a complaint under the school's grievance procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation... [T]he school's Title IX investigation is different from any law enforcement investigation, and a law enforcement investigation does not relieve the school of its independent Title IX obligation to investigate the conduct. (Dear Colleague Letter 2011)

The quality of the District's investigation was greatly undermined as a result of this delay as we detailed to the District. For example, the District did not interview our daughter in the three and a half months before she entered residential treatment in February 2013. Moreover, our daughter's educational opportunities were unfairly compromised because the District failed to conduct a prompt and equitable investigation, as required by OCR directives, so she could have returned to school. Her inability to return to school without harassment and to rebuild her life was devastating.

12. The District's independent investigator wrote a draft report dated June 28, 2013. He requested us to contribute additional information, which we did on October 18, 2013, including our daughter's written account of events, law enforcement reports, verification of her Washington State crime victim's status, information concerning chaperone negligence from our public records search, screenshots demonstrating retaliation, and objective medical evidence corroborating our daughter's treatment for sexual assault and PTSD as a result of the assault. The independent

investigator did not have an opportunity to incorporate the information we supplied into his final report because the District terminated his investigation.

13. On January 15, 2014, we wrote to the District asking why it had not responded to the information we supplied on October 18, 2013. The Superintendent replied to our March 18, 2013 complaint on January 23, 2014 informing us that the District had determined that there was “insufficient evidence” to conclude our daughter “was the victim of harassment.” The District reached its conclusion ten months after our March, 2013 complaint and more than 14 months after the assault. This can hardly be considered a prompt investigation required by OCR directives. Our daughter’s high school educational opportunity was derailed as a result of the District’s failure to promptly investigate. The District’s failure to promptly and equitably respond to the report of sexual assault was devastating for our daughter.

14. On February 14, 2014, we appealed the Superintendent’s decision to the District Board of Directors. In our appeal, we noted that the District had not addressed our complaint regarding: 1) the improper and inadequate adult supervision on the field trip that created an unsafe environment in which sexual assault could and did occur, and 2) noncompliance with OCR Title IX directives in response to a report of sexual violence. Moreover, the District justified its decision on the grounds that the US Attorney’s Office did not file criminal rape charges against the perpetrator, even though we cited correspondence from the National Park Service Chief Ranger that stated, “The US Attorney has not determined that no sexual assault occurred.” The District’s rationale contradicts OCR directives, which state:

Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation. (Dear Colleague Letter 2011)

15. In its memoranda to the School Board, the District devalued, discounted, and ignored objective information that we supplied demonstrating that our daughter did not welcome the sexual conduct of the assailant and was immediately thereafter treated by medical professionals for sexual assault and the ensuing PTSD. The District possessed both the account provided by our daughter, and the perpetrator’s own account that he gave to the National Park Service investigators after the assault, both of which state that our daughter clearly told the perpetrator to stop the sexual conduct multiple times. The perpetrator acknowledged that our daughter used a code word to tell him to stop, but he continued sexually touching her in increasingly more invasive and aggressive ways. By telling the perpetrator to stop more than once, our daughter made it clear that his conduct was unwelcome, as defined by Washington State law and OCR:

Conduct is considered unwelcome if the student did not request or invite it and considered the conduct to be undesirable or offensive. The age of the student, the nature of the conduct, and other relevant factors affect whether a student was capable of welcoming the sexual conduct. A student’s submission to the conduct or failure to complain does not always mean that the conduct was welcome. (Sexual Harassment: It’s Not Academic, 2008)

Moreover, the objective medical reports and diagnoses we supplied to the District support that our daughter suffered physical and psychological trauma from the sexual encounter, which is inconsistent with the perpetrator's claim that the sexual touching was welcome. In addition, the assailant told law enforcement investigators that he never ejaculated, which contradicts the medical evidence we provided to the District. Further, the District's own investigator was skeptical of the assailant's claim that our daughter would have welcomed 10 minutes of anal sex.

The District ignored this evidence and instead adopted an advocacy role for the perpetrator, claiming that although our daughter told to him to stop touching her, the male student "believed he then persuaded her to allow him to continue," as stated in its legal memorandum to the School Board. The District apparently believes that the male student "persuaded" his victim to consent when he actually overpowered her. The District accepts the assailant's story as credible at face value, notwithstanding his prior discipline record of sexual misconduct at school. For these and other reasons, including its failure to consider a report from a mother who said her daughter witnessed rape, the District clearly discounts the testimony of females and fosters a culture of sexual violence and discrimination against the female victim of sexual assault.

16. For the appeal hearing, we provided the School Board with ample information to make an informed decision, including state and federal definitions of sexual harassment, rape, and Title IX requirements. Yet District legal staff wrongly counseled the Board that Title IX requirements were irrelevant to our appeal hearing. Only *after* the School Board had rendered a decision based on faulty and incomplete information from the District legal department did a School Board Director write to OSPI requesting the same Title IX information we had earlier provided to the District and the School Board. Moreover, this information should have been made available through the District's Title IX officer.

17. The District has evidence that the sexual touching by the perpetrator was more likely than not unwelcome by our daughter. But because the District has repeatedly voiced to us its concern about its potential liability for the assault, we find it difficult to believe that its adjudication process was impartial, as evidenced by the District ignoring our inquiries, attempting to shut down the report of sexual assault, failing to commence an independent investigation in a timely manner, ignoring objective medical and forensic evidence that we provided, advocating for the perpetrator, and terminating its own independent investigation without allowing the investigator to incorporate the documentation we provided in a final report. The latter raises a question of conflict of interest with respect to the District adjudicating evidence when it has an avowed concern about its liability. According to OCR guidelines:

Any procedures used to adjudicate complaints of sexual harassment or sexual violence, including disciplinary procedures, however, must meet the Title IX requirement of affording a complainant a prompt and equitable resolution.

Additionally, a school's investigation and hearing processes cannot be equitable unless they are impartial. Therefore, any real or perceived conflicts of interest between the fact-finder or decision-maker and the parties should be disclosed. (Dear Colleague Letter, 2011)

Additionally, the District refused our offer to participate in interviews while it invited other parents to, and it hid essential information from its report, such as a parent reporting her daughter witnessed a rape. We further have doubts about the impartiality of the District's regularly hired investigator, Richard Kaiser, who denied our request to record his interview with us, even though he permitted recording of his interview with another informant. For these and other reasons detailed in our October 18, 2013 response to the District's draft report, the District's investigation was hardly the "prompt, thorough, and impartial" investigation demanded by Title IX regulations.

18. The District discriminated on the basis of gender by not giving our daughter's report of sexual assault equal credence with the perpetrator's claim of a consensual sexual encounter. The male school principal initially told us that perpetrator admitted to having consensual sex with our daughter, but then reversed himself and falsely stated that he had only told us that a student came forward with "information." He further insinuated that she had made a false allegation of assault absent any objective information and without acknowledging that the assailant could have falsely alleged that the sexual encounter was consensual. In addition, the principal already knew directly from the assailant on November 8, 2012 that our daughter told him to stop touching her and that "stop" is an indication of unwanted touching. Rather than commencing the required prompt and equitable investigation, the principal and District effectively shut down the report of sexual assault and failed to inform the victim of her rights.

Considering the assailant's prior record of sexual misconduct at school, the school should have transferred him and recommended counseling. According to OCR directives:

When taking steps to separate the complainant and alleged perpetrator, a school should minimize the burden on the complainant, and thus should not, as a matter of course, remove complainants from classes or housing while allowing alleged perpetrators to remain. In addition, schools should ensure that complainants are aware of their Title IX rights and any available resources, such as counseling, health, and mental health services, and their right to file a complaint with local law enforcement. (Dear Colleague Letter, 2011)

Clearly, the District privileged the assailant's allegation of consensual sex to permit him, a valued athlete, to remain at school rather than promptly remedying the hostile educational environment for our daughter to afford her the right to an equal education free of sexual harassment.

19. The District treated the reported sexual assault with deliberate indifference, writing us that there was no need for the District to take action to remedy the hostile environment after the assault because our daughter was not attending school, even though it was the hostile environment and fear of retaliation that prevented her from returning to the school in the first place. To further relieve itself of responsibility for protecting its students against sexual harassment/violence, the District adopted the ad hoc policy that on school-sponsored field trips, sexual intercourse between students, wanted or unwanted, can still occur under "specific circumstances" even when chaperones are performing their duties.

Summary

Under Title IX the District has an obligation to extend to all of its students protection from sexual violence. The plain truth is that the Seattle School District, including its Title IX compliance officer, was completely ignorant of its Title IX obligations towards our daughter in the aftermath of the rape. It did not conduct the required “prompt and equitable” investigation because it offered the excuse that a federal investigation was ongoing, it failed to inform us of the sanctions it applied against the perpetrator and to take steps to defuse a hostile environment at Garfield High School so our daughter could continue her education there, it failed to inform our daughter of her Title IX rights, and it failed to take prompt actions to correct its policies that lead to the assault in the first place. Instead, the District was first and foremost concerned about its potential liability, informing us more than once that it “does not acknowledge that a sexual assault occurred or, if it did, that the District is at fault.”

The inequitable way in which the District responded to the rape of our daughter caused her to feel utterly devalued as a human being. Not only was she betrayed by a classmate who assaulted her in the presence of other students, she was betrayed by teachers and chaperones who failed to protect female students on the overnight trip, and by her school that failed to implement the required steps that would have allowed her to continue her education, free of retaliation, after the assault. Instead, she was treated like a second-class citizen while a male athlete perpetrator, who had previously been disciplined for sexual misconduct, was allowed to continue his education as a valued member of the school community. Insofar as this was not the first year in which the principal authorized overnight field trips without screening or naming all chaperones, the school has a track record of failing to provide a safe environment that protects girls from sexual assault. The tragedy that befell our daughter should serve as an important lesson to those who seek to combat sexual assault at the secondary school level. To spare others the life-scarring trauma and derailment of education that our daughter experienced, we ask OCR to open an investigation.

Remedies

OCR should fully investigate the District’s response to our daughter’s sexual assault by another student on the November, 2012 field trip. OCR should issue a determination describing the District’s Title IX violations.

OCR should require the District’s employees, including teachers and administrators, to undergo training on Title IX guidelines for responding to reported sexual assault.

OCR should require the District to implement, *utilize, and enforce* strong policies and procedures governing student safety at school and on field trips, and schools’ response to sexual assault. These policies and procedures should require schools to conduct an active and thorough investigation into *all* sexual assault claims and to implement *and utilize* grievance procedures that facilitate the prompt and equitable resolution of sex discrimination complaints.

OCR should require the District to *implement, utilize, and enforce* policies to protect sexual assault victims after they report sexual assault.

The District did not follow its own grievance and Title IX procedures. We therefore request OCR to:

- Perform a compliance review of the District's compliance with Title IX (previously and concerning the assault of our daughter) and its adherence to Title IX directives regarding response to sexual violence.
- Require the District to undergo monitoring and reporting for a period of five years.
- Require the District to explain why its administration failed to enforce policies (including its 2009-2012 trips to NatureBridge) that would have provided field trip participants with a safe educational environment free of harassment, and why the District states that sex may occur on appropriately chaperoned field trips "under specific circumstances" in violation of the right to an education free of sexual harassment.
- Fully investigate the District's response to our daughter's report of a sexual assault and its failure to conduct a prompt investigation.
- Investigate why the District's investigation was not substantive, equitable, or completed, and why it ignored the factual information we provided. This should include an examination of whether the District's regularly hired investigator conducted a complete and impartial investigation and why our contributions were never incorporated into a final report.
- Investigate and determine whether our daughter was the recipient of discrimination on the basis of gender because she reported a sexual assault; consider the assailant's prior disciplinary record as an indicator discrimination against our daughter.
- Determine whether after granting our daughter a school transfer based on sexual assault the District can reverse itself to claim she was not the victim of sexual assault.
- Determine whether the District complied with Title IX regulations regarding the assailant's prior incident of "lewd conduct" on school property, whether that student was actually assaulted (thereby impacting the discipline meted out to the assailant for the rape of our daughter), whether the District extended Title IX safeguards to that female student, and how that prior incident impacted the District's response to our daughter's reported sexual assault.
- Determine whether the District's was in compliance with policies concerning our daughter's 504 accommodations and whether she was the recipient of discrimination based on her disability. Determine whether the District's agenda to mitigate liability impacted her ability to be fairly accommodated.
- Determine whether the District is obligated to fully disclose its findings and remedies to our staff negligence/misconduct complaint related to the violation of our daughter's Title IX rights.

A Reflection from the Victim's Mother:

I believe our case presents an important learning opportunity that will contribute to both high school and college level awareness of Title IX and sexual assault. We parents invested significant effort bringing this case to OCR because we wish to spare others the devastation that accompanies sexual assault and its impact on the victim's education. While Title IX and sexual assault in institutions of higher education are receiving attention in the media, I

believe the role of Title IX in secondary school, particularly as it relates to sexual harassment, sexual assault, and gender discrimination also deserves public attention. It is my hope that if high school students and their families are afforded information about Title IX, we can decrease the number of sexual assaults both at the secondary and post-secondary level. I believe our experience points to the need to educate high schools and their students about the ramifications of sexual assault (including deterrents such as the requirement for a prompt and equitable investigation, the obligation to address retaliation, etc.) before potential perpetrators assault their victims. By educating high school students (if not middle school students because the boy who raped our daughter was disciplined for having sex during recess in 8th grade) we may prevent assault from occurring. Finally, by educating families about Title IX and sexual assault in secondary schools, we would expect fewer assaults at the college level because potential assailants will already be aware of the victims' Title IX rights. I also believe that by educating high school students about Title IX, students will be better prepared to manage sexual harassment when it occurs in college. To summarize, education about sexual harassment, sex assault, and Title IX should be in place far before it is needed. Clearly our school district was ignorant of Title IX and as a result, the repercussions were devastating. It is my hope that our case will spare others the life-scarring consequences of sexual assault and its impact on the right to an equal education.

Sincerely,
XXX [Mother]

Redacted: Photos of victim prior to assault, rape poetry.

Documentation:

The accompanying CD contains documents supporting our complaint.

Please refer to our document inventory list titled "Selected Supporting Documents." We call your attention to a PDF entitled "Sexual Assault Case Documents," which provides an overview of recent communication with the school district.

We can help you locate specific communications that are tied to our complaint. Below we have compiled an example of how we can help categorize the correspondence as it applies to particular elements of our complaint. We urge you to read all the entire documents.

1. Failure to conduct a prompt investigation

Our daughter reported a sexual assault on November 7, 2012. The District was aware of the reported assault the same day. OCR directives state that schools should not wait for law enforcement investigations to conclude before beginning their own investigation of a reported sexual assault. Correspondence shows the District did not comply with this directive.

April 5, 2013 Letter from District counsel Ron English:

It is the District's practice to refrain from initiating an independent investigation when law enforcement is conducting a criminal investigation into an incident involving District students or staff. The District only recently became aware that the U.S. Park Service and FBI have completed their investigation and that the U.S. Attorney's Office has declined to prosecute. As the law enforcement investigation into this matter is complete, the District stands ready to begin an investigation.

April 7, 2013 Letter from District counsel Ron English:

We are prepared to investigate the incident. As previously stated, we waited, at the FBI's request, until the federal authorities completed their investigation. Until I received your letter of March 18, I was not aware they completed their work some time ago, as they did not tell us.

See also letters from District counsel Ron English in which he states that the District embarked upon an investigation only upon our insistence, even after he was told otherwise by OSPI. The relevant correspondence includes:

Item	Document Name/PDF Number
Calendra Sechrist emails of April 11 and 16, 2013 to Paul Apostle and Ron English	7 Title IX violations.pdf
Emails from Ron English regarding undertaking an independent investigation only at our request: <ul style="list-style-type: none"> • May 10, 2013 • May 14, 2013 • May 20, 2013 See Parents' response to English's emails regarding failure to undertake investigation	11 Correspondence with the Seattle School District regarding Sexual Assault.pdf

2. Failure to involve the Title IX coordinator

After obtaining guidance from OSPI in April 2013, we approached the Title IX officer for help, but he refused to answer our questions. Instead he abdicated his role to the District's General Counsel which presents a conflict of interest according to Title IX.

Parents' May 22, 2013 email to District Title IX Coordinator Paul Apostle:

Although you referred our questions to [District general counsel] Mr. English one month ago we still have not received any answers regarding our daughter's rights and the school's responsibilities under Title IX. It is our understanding that you are the district's Title IX

coordinator. Our daughter reported a sexual assault, so therefore the district should have responded according to federal regulations. It did not. (Please refer to entire email)

Item	Document Name/PDF Number
Parents' emails to District Title IX Coordinator Paul Apostle dated: <ul style="list-style-type: none"> • May 20, 2013 • May 20, 2013 • June 22, 2013 (to Apostle and School Board) 	7 Title IX violations.pdf
See also letters to School Board regarding Title IX officer's failure to serve	9 Selected correspondence with the school board.pdf

3. Failure to prevent retaliation

We informed the district of retaliation against our daughter for having reported that a classmate sexually assaulted her. The District did not respond nor take action to prevent the retaliation.

Item	Document Name/PDF Number
Correspondence of December 14 and December 22, 2012 with principal Ted Howard alerting him of a hostile environment	6 Correspondence with Principal Ted Howard.pdf
Staff Complaint against Ted Howard for failing to address retaliation	Staff complaint and correspondence with Michael Tolley.pdf
Parents' letter to Ron English, May 7, 2013 expressing concerns of retaliation	11 Correspondence with the Seattle School District regarding Sexual Assault.pdf

4. Failure to inform the victim of sanctions meted out against the assailant to allow our daughter to return to school; failure to provide equal educational opportunities

- Sexual assault case documents.pdf
- PDF 6 Correspondence with Principal Ted Howard.pdf
- PDF 11 Correspondence with the Seattle School District regarding Sexual Assault.pdf

5. Discrimination on the Basis of Gender

Item	Document Name/PDF Number
<ul style="list-style-type: none"> • Staff Complaint against Ted Howard for failure to give equal consideration to our daughter's report of assault • Complaint against teachers for failure to provide an environment that protected girls • Complaint against assistant principal Brad Westering for failing to provide an environment that protected girls 	Staff complaint and correspondence with Michael Tolley.pdf

6. Failure to produce a prompt, substantive, equitable, and completed investigation

- Kaiser draft report and response.pdf
- Staff complaint and correspondence with Michael Tolley.pdf
- Sexual assault case documents.pdf
- PDF 7 Title IX violations.pdf

7. Failure to provide educational accommodations

Item	Document Name/PDF Number
<ul style="list-style-type: none"> • School Transfer form with transfer granted owing to sexual assault • Discrimination against victim's disability PTSD 	8 504 plan and SPS documents.pdf
District 504 coordinator Carole Rusimovic refusal to communicate in January 2013 regarding accommodations	Staff complaint and correspondence with Michael Tolley.pdf

8. School District's ad hoc policies target girls and impact their ability to obtain an equal education. Discrimination on the basis of gender.

Item	Document Name/PDF Number
<ul style="list-style-type: none"> • School Transfer form with transfer granted owing to sexual assault • Discrimination against victim's disability PTSD 	8 504 plan and SPS documents.pdf
<ul style="list-style-type: none"> • Staff complaints against Ron English, Jose Banda, and School Board for allowing that sex may occur on field trips in the context of proper chaperoning under "specific circumstances" • Complaint against Ted Howard • Complaint against Brad Westering and teachers for failing to provide adequate chaperoning that would protect girls from sexual assault 	Staff complaint and correspondence with Michael Tolley.pdf

9. School District fosters a culture of sexual violence when it privileged the assailant's claim that he persuaded the victim to accept vaginal and anal intercourse and ignored our daughter's report of sexual assault.

Item	Document Name/PDF Number
<ul style="list-style-type: none"> • Parents' letter to school board February 25, 2014 • Cerqui memorandum Feb. 20, 2014 stating that the assailant "persuaded" the victim to have consensual sex • Parents' Feb. 21, 2014 response to Cerqui Memo objecting to the District's belief that a rapist may persuade his victim 	Sexual assault case documents.pdf

Posted on Tunblr in original form with photo:

Reflections on Rape

*He defiled me. Tearing into my flesh like a beast would its prey. The light within, the pureness inside had been extinguished that night. The holy place, now corrupted, lay in ruins. Precious auras shattered as angels wept, leaving my broken soul to lie still, crumbling into the darkness. Yet no one knew. No one really *could* know. My lips were sewn shut with the same needle that had sewn countless others' lips. . . .*

-- by the victim assaulted on the Seattle Public School District field trip