

# Sample OCR Cases

These cases illustrate some of the [many types of sexual harassment](#), violence, and gender-based discrimination that resulted in OCR investigations of K-12 schools. We present these cases to encourage you to [report violations](#) so school districts will be investigated and held accountable. Every situation is unique, so do not hesitate to take action. To see additional cases, [visit the OCR site](#) or [search on a particular district or locality](#).

## **District handling of reported bullying incidents was inadequate**

### [Yakima School District, WA](#)

Yakima School District is the 18th largest school district in Washington State with 23 schools and approximately 16,000 students. It is also the largest Latino majority district in Washington State.

[OCR's investigation](#) found that:

- The district violated federal civil rights laws by failing to provide nondiscrimination notices or procedures for prompt and equitable resolution of student or employee complaints.
- Flawed district recordkeeping prevented the district, or OCR, from determining whether a hostile environment exists for students and if so whether the district takes appropriate steps for solution

The [District agreed](#) to:

- Promptly investigate all incidents of harassment based on sex, race, color, national origin, and disability of which it has notice; and take appropriate action to end the harassment, prevent its recurrence, and remedy its effects if appropriate;
- Hire or assign an equity consultant to assist with the district's implementation of the agreement;
- Create a non-discrimination and anti-harassment statement that complies with Title IX, Section 504 and Title II; and provide effective notice of the statement to students, parents, employees and third parties;
- Establish grievance procedures compliant with Title IX, Section 504 and Title II; and provide effective notice of the procedures to students, parents, employees and third parties;

- Designate compliance coordinators and provide effective notice of the coordinators to students, parents, employees and third parties;
- Conduct annual school climate checks related to harassment incidents;
- Create a task force to suggest strategies for dealing with harassment in schools;
- Train staff and coordinators on obligations related to identifying, reporting, investigating, and taking appropriate action in response to harassment incidents;
- Train students on recognizing and reporting harassment;
- Create a system for investigating, record-keeping and tracking complaints and incidents of harassment; and,
- Create a system for monitoring the effectiveness of its response to harassment and conducting a self-assessment.

## **Sexual Harassment/Violence Rampant in Schools District-Wide, Gang Rape**

### [West Contra Costa Unified School District, CA](#)

*A Richmond High School student was gang raped on school property over a period of hours after she left a homecoming dance. Female students from other district high schools also reported to OCR that, as a result of the rape at Richmond High School, they felt unsafe and at risk of attack in school. In October 2008, a high school student was raped in a classroom by two male students.*

In addition, a coach of the girls' basketball team at Richmond High School was accused of sexually inappropriate conduct with female students. He allegedly watched female students change clothes and inappropriately touched students and made sexual comments in a locker room in the presence of an entire girls' basketball team. He also had female students' phone numbers stored in his cell phone.

Additionally, OCR found that there was frequent nonconsensual sexual touching among students in elementary, middle, and high schools. Female students sometimes submitted to unwanted touching out of fear that if they resisted, it would escalate into something worse. Students believed that complaining would not address the problem, or believed that the sexual behavior was normal or condoned. Students also expressed significant concern about being labeled a "snitch" and explained that such a label may result in ostracism both within school and in the broader community, and even physical retaliation including assault.

*OCR determined that the district did not respond promptly and effectively to the sexual harassment of students, including sexual assaults and other verbal and physical conduct of a sexual nature, which resulted in a sexually hostile environment that denies or limits students' ability to participate in or benefit from the district's education program and activities. Although sexually harassing behavior permeates the educational environment at the school sites, the district did not undertake corrective action designed to stop the harassment, prevent its recurrence, eliminate the hostile environment, and remedy the effects on the victim and other adversely impacted individuals in the same environment. Additionally, OCR found that the district was not in compliance with the procedural requirements of Title IX.*

The district [agreed](#) to:

- Designate a Title IX Coordinator and ensure that grievance procedures comply with Title IX requirements;
- Revise its policies, procedures, and practices for preventing, promptly investigating, and remediating sexual harassment and sexual violence;
- Develop guidance to help ensure the effectiveness of remedial actions and conduct annual assessments of the climate at district schools to evaluate the effectiveness of the actions being taken;
- Take interim measures to ensure the safety of victims, reporting students and the school community; and address any ongoing harassment and prevent retaliation;
- Create a task force composed of parents, students, community members and representatives of community-based organizations to identify strategies to improve the school climate, and prevent sexual harassment and sexual violence;
- Develop a comprehensive plan for educating students, parents and employees to ensure that they are aware of Title IX's prohibition against sex discrimination, including the right to be protected from sexual harassment; how to recognize it when it occurs and how to report incidents.
- Provide annual training to all district staff and School Resource Officers and age-appropriate instruction to students;
- Increase supervision of students at school sites and at all school-sponsored after-school activities, whether held on campus or off campus;
- Develop and implement multidisciplinary best practices for reducing the incidence of sexual harassment in District schools;
- Implement systems for tracking reports that may constitute sexual harassment, even when no formal complaints are filed, to ensure that incidents are promptly and impartially investigated and resolved; and assess the effectiveness of its efforts to prevent and address sexual harassment and sexual violence.

## **School Fails to Properly Investigate Reported Sexual Assault; Perpetrator Assaults Second Student**

[Forest Hills School District, MI](#)

Related stories: [Mich. School District Settles \\$600K Sexual Assault Lawsuit](#), [Forest Hills Schools settles sex assault suit for \\$600K](#)

A prominent athlete allegedly assaulted a female student in an unlocked soundproof band room located off of an unmonitored hallway at Forest Hills Central HS. The female student reported the assault to the principal and to the police. Two weeks later, the same male student sexually assaulted another female student in the school parking lot. Despite receiving a second report of assault perpetrated by the same student within a month, the District conducted no investigation of the second attack. The student accused of attacking the 15-year-old girl in the band room was eventually convicted as a juvenile of misdemeanor assault and battery.

Forest Hills allegedly failed to investigate most of the claims by one of the students and her parents, who said the girl was repeatedly harassed in school as retaliation after the 2010 assault, according to the OCR report, which described how the 15-year-old girl was shoved in school hallways, bullied online, and taunted at sporting events.

She stopped participating in after-school sports and eventually left Central High School.

The student filed a [federal lawsuit](#) against the Forest Hills school district, its superintendent, and others.

OCR found that Forest Hills Public Schools' procedures for responding to sex discrimination weren't effective and didn't comply with Title IX.

As part of a resolution agreement with OCR, the Forest Hills district agreed to:

- Reimburse the girl who filed charges for her counseling.
- Pay her transportation costs after she left for another school.
- Review her academic record to determine if she needs compensatory education or other measures.
- Take steps to ensure the school takes immediate and effective action to eliminate harassment of the victim.
- Undergo district-wide training, revive grievance procedures.
- Create a student committee and advisory committee to address sexual and harassment and assault and hold a community meeting to share updates to the district's anti-harassment program.

## **Gender Non-Conforming Students Subjected to Ongoing Sexual Harassment; Eight Student Suicides in Two Years**

[Anoka-Hennepin School District \(MN\)](#)

Related stories: [Southern Poverty Law Center sues Anoka-Hennepin District](#), [Eight Suicides in Two Years at Anoka-Hennepin School District](#), [One Town's War on Gay Teens](#), [Anoka-Hennepin School District – Don't Teach, Don't Tell?](#)

OCR and the Department of Justice (DOJ) investigated the largest school district in Minnesota after receiving a complaint alleging that a district student was being harassed by peers because the student did not act and dress in ways that conformed to traditional gender stereotypes. The OCR and DOJ investigation revealed that multiple students were harassed on the basis of sex in District middle and high schools and that the harassment included both verbal and physical harassment. District students told OCR and DOJ investigators that they were constantly harassed (some almost every day for years) because of their failure to conform to gender stereotypes. Female students reported being called "manly," "guy," or "he-she"; male students reported being called "girl," and "gay boy," and being told, "you're a guy, act like it." A female student reported being told to "go kill herself" and students said they were threatened and

subjected to physical assaults because of their nonconformity to gender stereotypes. Some of these students suffered from physical and mental health problems. Some students stopped attending school for periods of time, left the District, or dropped out of school entirely.

OCR found that district students experienced harassment on the basis of sex that was sufficiently serious to deny or limit their ability to participate in or benefit from the educational program in the middle and high schools in the District and thereby created a hostile environment for these students. The complaint further alleges that the District knew about the harassment, yet failed to take effective action to stop the harassment and that, as a result, the harassment continued and in certain instances escalated.

In the [consent decree](#), the District agreed to:

- Review and improve its policies and procedures concerning harassment to address sex-based harassment, including harassment based on gender stereotypes by working with an Equity Consultant
- Hire or appoint a Title IX and Equity Coordinator to ensure proper implementation of the District's policies and procedures
- Conduct training of all District faculty, staff and students on the issue of harassment, and clarify District policies for reporting and responding to harassment
- Hire a Mental Health Consultant to assist students who are subjected to harassment; (5) create an Anti-Bullying/Anti-Harassment Task Force
- Administer an Anti-Bullying Survey once per year
- Identify harassment "hot spots" and assign personnel to monitor these trouble areas
- Ensure that all of its middle and high schools have a peer leadership program addressing harassment
- Convene annual meetings between the Superintendent and students at every middle and high school in the District
- Provide compliance reports to DOJ and OCR each trimester

## **Hostile Racial and Sexual Environment Towards White Students at Hawaii Public Schools**

[Hawaii State Department of Education](#) (HDOE)

*White students experienced racially and sexually derogatory name-calling by native Hawaiian students on nearly a daily basis on school buses, at school bus stops, in school hallways, and other areas of the school. Some harassing incidents involved assaults or physical harassment. After reports of racial or sexual harassment were made to school officials, students who were the victims of the race and sex harassment were frequently subjected to retaliation by other students and that many students or parents stopped reporting such incidents because racial and sexual harassment would become even more severe after it was reported. Students and parents stopped reporting such incidents because, based on retaliation experienced following a report of harassment, they believed that school officials were not responding effectively. There was no coordinated effective systemic response to reports of sexual or racial harassment and*

retaliation and that HDOE did not promptly and effectively respond to concerns about race and sex harassment and retaliation that were reported to staff or that HDOE staff should have known about.

OCR found that HDOE failed to comply with Title IX because school officials did not take prompt and effective steps to stop racial and sexual harassment reported by students and parents.

In a resolution agreement with OCR, HDOE agreed to:

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- Designate an individual to oversee Title IX compliance.
- Produce a written plan to prevent students from being subjected to racial or sexual harassment or retaliation.
- Train all staff about Title IX and complaint procedures.
- Provide age-appropriate training to all students about racial and sexual harassment.

## **Male Student Subject to Severe and Prolonged Sexual Harassment Commits Suicide**

### [Tehachapi Unified School District, CA](#)

For media reports search “Seth Walsh Project” or see [K-12 Sexual Assault in the Media](#).

The harassment against the student victim dated back to elementary school. When the student was in fifth grade his mother first complained to the student’s principal and teacher about his peers’ treatment of him, including calling him “gay,” “queer,” and “girl” as pejorative terms. In sixth grade, the harassment intensified. The Vice Principal responded that, in a perfect world, the student would be treated equally, but that the students were at a difficult age and he could not change attitudes originating in the students’ homes.

In seventh grade the student experienced unbearable harassment of a hostile and demeaning sexual nature, including derogatory remarks related to sex between men and crude questions about sexual acts and behavior in which they suggested the student had engaged. The student also was reportedly teased for being attracted to another boy at school. Students spread hostile and false sexual rumors about the student. There was also physical harassment. The student suffered this conduct on school grounds on a daily basis, typically during lunch period, breaks, passing periods, P.E. class, and after school.

The student committed suicide.

OCR determined that these sexual and gender-based acts of verbal and physical aggression, intimidation, and hostility directed toward the student—particularly in light of their cruel, relentless, and inescapable nature, in conjunction with the student’s young and vulnerable

age—were clearly sufficient to create a hostile environment that limited the student’s ability to participate in and benefit from the school’s education program.

In this case, the impact of the harassment significantly limited the student’s educational opportunities. The student took extensive steps while at school to try to avoid the harassment, including often spending breaks in isolated areas, such as the library and the hallways, rather than congregating with other students in social areas where the conduct was more likely to occur.

The student was compelled to withdraw from school for a period of several weeks in seventh grade, opting instead for an independent study program. The student faced immediate harassment and ridicule upon his return to the school in eighth grade, such that he again chose this route rather than endure the torment of his peers at school, despite the loneliness and isolation that he experienced on independent study the previous school year.

The student was subject to persistent, pervasive, and often severe sex-based harassment that resulted in a hostile educational environment of which the District had notice, and that the District failed to take steps to stop the harassment, to prevent its recurrence, or to eliminate the hostile environment. Although the District’s Sexual Harassment Policy and Regulation are consistent with the law with respect to sexual harassment, the District did not adhere to its own policy in addressing the multiple forms of notice it received with regard to the treatment of the student.

The District entered into a [voluntary resolution agreement](#) in which it agrees that it will research, develop, and implement policies, procedures, and practices designed to: (i) educate students and staff regarding the harmful effects such behavior may have on individuals; (ii) educate staff regarding the proper investigation and means of eliminating such harassment and its harmful effects; and (iii) monitor the educational climate at its schools in order to regularly assess and appropriately address the presence and effect of peer-on-peer harassment at the District’s schools.

## **Female Students Subjected to Sexual Harassment by Coach**

[LaPorte Community School Corporation, IN](#)

Related stories: [Indiana school revises policies after coach harassed players](#), [Report: LaPorte School Corp. violated federal sexual harassment laws](#), [OCR Resolves Indiana School System Title IX Complaint](#)

*Student A and other members of the female volleyball program were subjected to a sexually hostile environment as a result of the Junior Varsity Coach’s actions. The sexual harassment included inappropriate physical contact and sexual activity.*

Because of her age and state law, the sexual activity between the student and the JV Coach was by definition unwelcome and nonconsensual. The JV Coach’s sexual harassment of the student

was witnessed by other female student volleyball players and was otherwise well-known to the volleyball players. The JV Coach harassed other female volleyball players by making comments about the sexiness of squats, making sexual jokes, and/or leering at players' bodies. Female student-athletes complained directly and/or through parents to the Head Coach and/or the Athletic Director about the JV Coach's misconduct. Female volleyball players were subjected to a sexually hostile environment because the JV Coach's actions limited and denied their access to the high school education programs and activities; players quit the volleyball program, feared a cut in playing time, and/or were emotionally upset by the harassment.

From its investigation, OCR determined that students at the district's only high school were subjected to sexual harassment by the JV Coach. The harassment included sexual relations between the JV Coach and a student, who was a minor at that time. The district failed to respond in a prompt and equitable manner to reports and notice of the sexual harassment and sexual violence by the JV Coach and this failure allowed for the creation and continuation of a sexually hostile environment. The district's grievance procedures failed to comply with the requirements of Title IX, both as written and as implemented by the Corporation in its response to the incidents at issue in this case.

The district failed to conduct an adequate, thorough, and reliable investigation of possible sexual harassment of volleyball players by the JV Coach. The district's notice of possible sexual harassment of the student should have triggered a thorough investigation that would have led to the discovery of additional incidents of sexual harassment of the student and the other volleyball players by the JV Coach. In addition, the district did not assess whether the JV Coach's actions created a sexually hostile environment for the high school female volleyball players.

The steps taken by the district were not effective in stopping the harassment by the JV Coach and preventing its recurrence until its dismissal of the JV Coach and his resignation. Even then, the district allowed the JV Coach to attend the girls' volleyball games because his wife was the new JV Coach. The Corporation's actions thus failed to eliminate a sexually hostile environment for the volleyball players until the JV Coach's dismissal.

Even after OCR informed the district that it was in violation of Title IX, the district did not agree to take corrective action to address the sexual harassment of its students until after OCR issued a letter warning the district that, if it persisted in refusing to enter a resolution agreement, the office would refer the district for enforcement actions that could include discontinuation of federal funding.

In the [resolution agreement](#), the district committed to take the following actions:

- Issue a statement to the corporation community, including students, parents, administrators and staff, that it does not tolerate sexual harassment and encouraging any student who believes he or she has been subjected to sexual harassment to report the incident(s) to the corporation.



- Review and revise its sexual harassment policies and procedures and its code of conduct to ensure that they adequately address incidents of sexual harassment and provide for the prompt and equitable resolution of sexual harassment complaints.
- Provide effective training to students and staff on the corporation's revised sexual harassment policies and procedures and provide investigation training to staff who are directly involved in handling complaints or other reports of sexual harassment.
- Establish a working group to make recommendations regarding the effectiveness of the corporation's anti-harassment program and conduct a climate survey to assess the effectiveness of the steps taken to assure that its school environment is free from sexual harassment.
- Inform the one student in writing of the findings and outcome of any investigation(s) conducted by the corporation into the reports of sexual harassment of the student and invite her to identify needed remedial services, which may include payment for future counseling and reimbursement for previously received counseling, and then take appropriate remedial actions after OCR approval.
- Complete an investigation of whether other members of the girls' volleyball team were subjected to a sexually hostile environment and, if so, offer appropriate remedial services.
- Convene focus groups of student athletes to discuss any concerns regarding sexual harassment in the corporation's athletic program.
- Provide OCR documentation relating to any complaints or other reports of sexual harassment of students received by the corporation and the corporation's response to the complaints and reports.

## **Repeated Sexual Assault by Same Perpetrator**

### [Framingham School District \(MA\)](#)

A 15-year old freshman female was allegedly sexually assaulted by an 18-year old junior. The female victim reported the event two weeks after it had occurred. School administrators, as well as law enforcement were notified. The male student was allowed to remain in school without any intervention.

He then allegedly sexually assaulted another female student and then was suspended for the last five days of last school year. The male perpetrator was allowed to play football during the school year without interruption.

The Framingham school district agreed to respond promptly and equitably to complaints of sexual harassment and is revamping its policies.

The school district volunteered to make the changes, with the help of two paid consultants, to end an investigation by OCR.

Under the [agreement](#), the district must provide training for all staff on Title IX and the district's procedure for filing complaints. The district must show the Office for Civil Rights documentation

of reports and complaints, and how the district has handled the complaints, as well as efforts to track complaints. Anyone who files a complaint must be informed that services such as counseling and academic adjustments are available.

Under the agreement, the school district must add the name and contact information for the district's Title IX Coordinator to its website and student and employee handbooks, to instruct staff and faculty to report incidents of sexual harassment that come to their attention, and to communicate to students and parents the school's policy defining, prohibiting, and outlining the consequences for sexual harassment. It must also establish a memorandum of understanding with the local police that clarifies the school district's independent obligation to address matters of sexual assault involving students, and establish a plan to track and handle complaints of sexual harassment and assault.

## **Transgender Student Denied Equal Access to Facilities and Accommodations**

[Arcadia Unified School District, CA](#)

See related stories: [Case: Student v. Arcadia Unified School District, Transgender Students Protected Under Title IX](#), [Equal Access at All Levels](#)

*A middle-school student, who was born female and later identified and presented as male, was treated differently by the District because of his gender identity. The District refused to allow the student from using sex-specific restroom and locker room facilities designated for boys during his sixth and seventh grade years. The District refused to permit the student to stay in a cabin with other male students at an overnight camp sponsored by the District during his seventh grade year, requiring instead that he stay in a cabin separate from all of his classmates with his parent or another adult chaperone.*

OCR and the US Department of Justice (DOJ) shared with the District concerns about the District's response to the family's request that the student be permitted access to sex-specific facilities prior to 2012, including that the District had not considered reasonable alternatives that would have been less burdensome on the student during his sixth and seventh grade years. Additionally, the OCR and DOJ shared concerns about the District's unwillingness to recognize the student's consistent and uniform gender presentation in the absence of an identification document. The District rationalized its actions as consistent with its concern about the safety and privacy of the student, but the OCR and DOJ investigation did not reveal any safety or privacy issues for the student or other students at the time of the complaints.

The District entered into a voluntary [resolution agreement](#) whereby it permits the student to use male-designated facilities at school and on school-sponsored trips and to otherwise treat the student as a boy in all respects. *The District has also agreed to take other actions to ensure that the District continues to treat all students, including the student and other transgender students, in a nondiscriminatory manner, including by amending its policies and procedures, training staff, and ensuring appropriate supports for the student and other transgender students who request it.*

## **Male Native American Students Suffer Sexual and Racial Harassment**

### [Frazer Public Schools, MT](#)

Three male students alleged they were harassed at school. One student was sexually harassed by peers at high school and the other two students were physically harassed by peers on the elementary school playground on the basis of their race, color, or national origin (Native American). The district failed to take action in response to an internal complaint filed by the parents.

After OCR notified the district of the allegations in the complaint, the district requested to resolve the allegations through a voluntary agreement. The district agreed to take these actions:

- Review and revise its sexual harassment policies and procedures.
- Notify district staff and families of the district's racial and sexual harassment policies and procedures, including complaint procedures.
- Provide training to all district staff regarding the district's obligation to address racial and sexual harassment.