



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
CLEVELAND OFFICE
600 SUPERIOR AVENUE EAST, SUITE 750
CLEVELAND, OHIO 44114-2611**

AUG 25 2011

(b)(6),(b)(7)(C)

Re: OCR Docket #15-11-2115

Dear (b)(6),(b)(7)(C)

On July 26, 2011, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received the above-referenced complaint you filed against Wittenberg University (the University), on behalf of a University student (the Student), alleging that the University discriminated against the Student on the basis of sex. Specifically, you allege that the University failed to respond appropriately when the Student reported that she was sexually assaulted by a male student athlete (b)(6),(b)(7)(C) on (b)(6),(b)(7)(C). In addition, you allege that the University's grievance procedure does not comply with Title IX.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in education programs and activities that receive Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to the requirements of Title IX. Accordingly, OCR has jurisdiction over this complaint.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening this complaint for investigation. Based on the complaint allegations, we will investigate the following issues:

- whether the University interfered with or limited the ability of a student to participate in or benefit from the services, activities, or privileges provided by the University by effectively causing, encouraging, accepting, tolerating, or failing to correct a sexually hostile environment of which it had actual or constructive notice in violation of the Title IX implementing regulation at 34 C.F.R. § 106.31; and
- whether the University has failed to adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of student complaints under Title IX in violation of the Title IX implementing regulation at 34 C.F.R. § 106.8(b).

Please note that opening allegations for investigation in no way implies that OCR has made a determination with regard to their 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 its investigation is legally sufficient and is dispositive of the allegations, 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. When contacting our office about your case, please refer to OCR Docket #15-11-2115.

Please note that your complaint may be appropriate for Early Complaint Resolution (ECR), a voluntary process similar to mediation during which an OCR staff person facilitates communication between the parties in an attempt to resolve complaint allegations. Additional information regarding the ECR process was sent with our letter acknowledging your complaint. If we believe that your complaint is appropriate for ECR, we will contact you to discuss this option.

If you have any questions, please contact Ms. Sarah Poppleton, Equal Opportunity Specialist, by telephone at (216) 522-2674 or by e-mail at Sarah.Poppleton@ed.gov.

Sincerely,

(b)(6),(b)(7)(C)

Catherine D. Criswell
Director