



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
32 OLD SLIP, 26<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD  
DIRECTOR  
NEW YORK OFFICE

May 12, 2014

Dr. Ronald Champagne  
Office of the President  
McGraw Hall, Room 107  
Elmira College  
One Park Place  
Elmira, New York 14901

Re: Case No. 02-14-2316  
Elmira College

Dear President Champagne:

On (b)(6),(b)(7)(C) the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint filed against Elmira College (the College). The complainant alleged that the College failed to respond promptly and equitably to reports and/or incidents of sexual violence of which it had notice, including a report of forcible sexual assault the complainant made on or about (b)(6) (b)(7)(C); and, as a result, students, including the complainant, were subjected to a sexually hostile environment. OCR has determined that it will investigate this allegation.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 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 programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The College is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed in a timely manner, it is opening this allegation for investigation. Please note that opening this allegation for investigation in no way implies that OCR has made a determination with regard to its merit. 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 allegation, in accordance with the provisions of Article III of OCR's *Case Processing Manual*.

Enclosed is a document entitled, “OCR Complaint Processing Procedures.” This document will provide you with an overview of OCR’s complaint evaluation, investigation, and resolution process. OCR will collect only material needed to investigate this complaint and will take all proper precautions to protect the identity of any individuals named in documents.

The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be necessary for it to determine whether a recipient is in compliance with the regulations it enforces. This requirement is incorporated by reference in the regulation implementing Title IX, at 34 C.F.R. § 106.71. This information is also being requested pursuant to 34 C.F.R. § 99.31(a)(3)(iii). Please submit the information listed on the enclosed data request to OCR within twenty (20) days of the date of this letter or OCR may conduct an onsite file review in order to obtain this information in a timely manner.

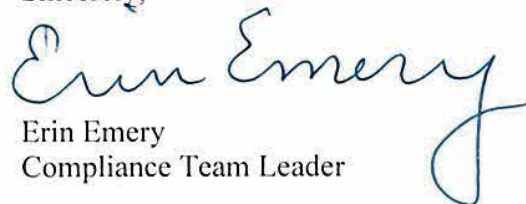
When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations. Additional information about this voluntary resolution process may be found in the enclosure entitled, “OCR Complaint Processing Procedures,” and on OCR’s website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#III>.

Please be advised that the College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint alleging such treatment.

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

OCR staff will contact you within twenty (20) days of the date of this letter to discuss the complaint resolution process. In the interim, if you have any questions, please contact Coleen Chin, Senior Compliance Team Attorney, at (646) 428-3809 or [coleen.chin@ed.gov](mailto:coleen.chin@ed.gov); or Eric Bueide, Compliance Team Attorney, at (646) 428-3851 or [eric.bueide@ed.gov](mailto:eric.bueide@ed.gov).

Sincerely,

  
Erin Emery  
Compliance Team Leader



**Data Request  
Elmira College  
Case No. 02-14-2316**

**Complainant:** [REDACTED]

**DATA DUE: June 1, 2014**

*Please provide the following items for academic year 2013-2014, unless otherwise indicated, or state in writing whether any requested material does not exist:*

1. Copies of the College's policies and procedures, and/or a description of its practices, governing the investigation of complaints of harassment/assault on the basis of sex in academic years 2011-2012, 2012-2013 and 2013-2014. Include a detailed description of the complaint process, including each level of the process, the length of the process, and the types of records maintained. Also, provide the names and titles of the College's staff responsible for handling complaints of harassment/assault on the basis of sex, at each level of the process.
2. An explanation of the means by which the College informed students, parents and employees of the policies and procedures referred to in Item 1, above. Submit copies of all materials disseminated.
3. Copies of publications that contain the College's nondiscrimination notice, the Uniform Resource Locator (URL) or website link for any electronic postings of the nondiscrimination notice, and a list of campus locations where the notice of nondiscrimination is physically posted, if any.
4. Copies of the College's policies and procedures, and/or a description of its practices in effect during academic years 2011-2012, 2012-2013 and 2013-2014, governing: (a) disciplinary or corrective actions that may be taken to address sexual harassment/assault by students; and (b) the provision of services to the victims of sexual harassment/assault, if any.
5. State whether the College conducts focus groups/meetings and/or holds informational sessions with the student community (e.g., women's groups, athletes, residential assistants, fraternity and sorority leaders, etc.) and/or College staff regarding students' rights under Title IX, how to report possible violations of Title IX, and/or the College's obligation to promptly and equitably respond to Title IX complaints. If so, provide the dates of such events, a description of the attendees, and any materials presented and/or distributed.
6. The name, office address, and telephone number of the College's Title IX Coordinator(s). Indicate the method(s) by which this information is disseminated to students and employees. Provide copies of all publications/websites that contain this information.

7. A detailed description of any training regarding sex discrimination, including sexual harassment and sexual assault, provided to the College's Title IX Coordinator(s) and other College staff. For each such training, include:
  - a. the date(s) the training was provided;
  - b. the names and qualifications of the individuals who provided the training;
  - c. a list of the names and titles of the individuals who attended the training; and
  - d. copies of any materials distributed at the training.
8. Copies of all documentation related to the reports of sexual assault made by or on behalf of the Complainant, including but not limited to a copy of any written complaint(s) or record(s) of oral complaint(s), investigative reports, witness statements, hearing transcripts, electronic mail messages (emails), text messages, telephone logs, and correspondence.
9. A detailed description of the steps and actions the College took in response to all complaints relating to the alleged sexual assault of the Complainant, including:
  - a. a description of the procedures employed by the College to investigate the complaints;
  - b. a description of interim remedial measures (academic or other) provided by the College to the Complainant during the pendency of the investigation;
  - c. the timeline for completion of each stage of the investigation process;
  - d. the types of records maintained;
  - e. the final outcome of all investigation(s);
  - f. the name(s) and title(s) of the College staff involved in the investigation process;
  - g. the evidentiary standard applied by the College to determine the outcome of the Complainant's complaints; and
  - h. copies of the College's Title IX grievance procedures and sex discrimination/harassment (including sexual assault) policies and procedures relied upon to respond to any complaints filed by the Complainant.
10. Copies of all documentation, including but not limited to, letters, emails, reports, notes, logs, meeting minutes, hearing transcripts, discipline records, telephone records, campus public safety records, and other external law enforcement agency records related to:
  - a. the College's processing of the complaints filed by the Complainant, or on the Complainant's behalf;
  - b. the College's handling/investigation of the complaints filed by the Complainant, or on the Complainant's behalf, including any notices to the parties;
  - c. any disciplinary hearing, including any notices to the parties;
  - d. appeals filed;
  - e. communications between the College and the Complainant (or anyone acting on her behalf) regarding the accused student; and
  - f. communications regarding the accused student's standing at the College pending completion of the investigation.

11. Copies of any media maintained by the College regarding the alleged incident of sexual assault involving the Complainant and the accused student in October 2013, including print outs of pages from the Facebook accounts of the Complainant, the accused, and/or other members of the College community; print outs of other social media; text messages, and College newspaper articles.
12. State whether the Complainant or anyone acting on her behalf filed a complaint with the College alleging that the Complainant was assaulted by another student, on or about September 7, 2013. Describe the College's response to the complaint, and provide a copy of any relevant documentation, including but not limited to any determination letter the College issued.
13. A list of all complaints of sexual assault filed by or on behalf of students at the College during academic years 2011-2012, 2012-2013 and 2013-2014.
14. For each complaint identified in Item 13, provide the following:
  - a. a detailed description of the complaint processing procedures employed;
  - b. the length of the process;
  - c. the name(s) and title(s) of the person(s) responsible for investigating the complaint;
  - d. all actions taken by the College in response to the concerns raised;
  - e. the College's final determination regarding the complaint, and any notice of the findings provided to the complainant; and
  - f. a copy of all related documentation, including but not limited to a copy of the complaint, any documents used during the investigation, any documentation related to any interim relief provided to the parties, any witness statements, internal memoranda regarding the investigation, the determination letters issued to the parties, and all documentation related to any appeal.
15. Any other information the College believes will assist OCR in this investigation.
16. The name, title, telephone number and electronic mail address for the College's designated contact person(s) for this complaint.