



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW  
WASHINGTON, DC 20202-1475

REGION XI  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, DC

August 8, 2017

(b)(6); (b)(7)(C)

Re: OCR Complaint No. 11-17-2032  
Notification/Partial Dismissal Letter

Dear (b)(6); (b)(7)(C)

On (b)(6); (b)(7)(C) the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received your complaint against The George Washington University (the University). You filed the complaint on behalf of a student (the Student) at the University and allege that the University discriminated against her on the basis of sex and subjected her to retaliation. Specifically, the complaint alleges the following:

1. The University failed to promptly and equitably respond to the Student's complaint of sexual assault against a male student (the respondent) and subsequent retaliatory harassment by the respondent (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) through (b)(6); (b)(7)(C) and, as a result, the Student was subjected to a sexually hostile environment during the (b)(6); (b)(7)(C) academic years.<sup>1</sup>
2. In retaliation for the Student's complaint of sexual assault, the University denied her application to participate in the (b)(6); (b)(7)(C) (the Program), on or about (b)(6); (b)(7)(C)

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

<sup>1</sup> To the extent that you asserted in your complaint that the University also failed to provide the Student with accommodations for her classes and/or other interim measures or relief during this timeframe, OCR will address your concerns through its investigation of this allegation.

After carefully reviewing the information you provided, OCR determined that Allegation 1 is appropriate for investigation. However, OCR also determined that we will not investigate Allegation 2 for the reasons set forth below.

Because OCR determined that it has jurisdiction and that the allegation was timely filed, OCR is opening Allegation 1 for investigation. Please note that opening the allegation for investigation in no way implies that OCR has made a determination on the merits of the allegation. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.html>.

OCR is dismissing Allegation 2 because it was not filed in time. As explained in Section 106 of OCR's *Case Processing Manual*, OCR generally will take action only with respect to allegations that are filed within 180 days of the act of alleged discrimination. You filed this complaint on (b)(6); (b)(7)(C) more than 180 days after the University allegedly retaliated against the Student on (b)(6); (b)(7)(C) by denying her application to participate in the Program.

You requested a waiver of the 180-day filing requirement because OCR's website states that "the 180-day time limit runs from the most recent action of discrimination, not from the first day of discrimination." OCR cannot grant a waiver on this basis. You allege that Student initially applied to the Program on (b)(6); (b)(7)(C) and was denied on (b)(6); (b)(7)(C). Accordingly, the "last" retaliatory act you alleged occurred on (b)(6); (b)(7)(C) which is more than 180 days before you filed the complaint on (b)(6); (b)(7)(C). Therefore, OCR has determined that Allegation 2 is untimely under Section 106 of OCR's *Case Processing Manual* and will take no further action on it.

For the reasons explained above, OCR is dismissing Allegation 2 as of the date of this letter. However, as noted above, we are opening an investigation of Allegation 1.

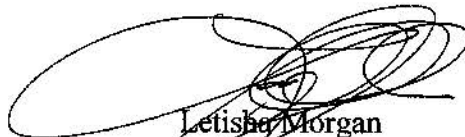
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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

If you have any questions, please contact Kathryn Love, the OCR attorney assigned to this complaint, at 202-453-6948 or [Kathryn.Love@ed.gov](mailto:Kathryn.Love@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Letisha Morgan', with a large, sweeping flourish extending to the left.

Letisha Morgan  
Team Leader  
District of Columbia Office  
Office for Civil Rights