



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

August 12, 2015

President Michael V. Drake
The Ohio State University
205 Bricker Hall
190 North Oval Mall
Columbus, Ohio 43210

Re: OCR Docket #15-15-2208

Dear President Drake:

On June 1, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint filed against the Ohio State University (the University). The complaint alleges that the University discriminated against a student (the Student) on the basis of sex. Specifically, the complaint alleges that the University failed to appropriately respond to the Student's (b)(6), (b)(7)(A), complaint of sexual assault.

Because OCR has determined that we have jurisdiction over the allegation and that this complaint was filed timely, we are opening the allegation for investigation. Based on the complaint allegation, we will investigate the following:

- whether the University, on the basis of sex, subjected a student to a sexually hostile environment, i.e., sexual harassment that was sufficiently severe, pervasive, or persistent so as to interfere with or limit a student from participation in, deny a student the benefit of, or otherwise subject a student to discrimination under any program or service of the University in violation of the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31; and
- whether the University provided a prompt and equitable response to a sexual violence complaint, report, and/or other incident of which it had notice (knew about or should have known about), as required by the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31.

Please note that opening an allegation for investigation in no way implies that OCR has made a determination with regard to its 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 the investigation is legally sufficient and is dispositive of the allegation in accordance with the provisions of Article III of OCR's Case Processing Manual.

For your reference, the enclosed document, entitled "OCR Complaint Processing Procedures," includes information about:

- OCR's complaint evaluation and resolution procedures, including the availability of Early Complaint Resolution (ECR);
- regulatory prohibitions against retaliation, intimidation and harassment of persons who file complaints with OCR or participate in an OCR investigation; and
- the application of the Freedom of Information Act and the Privacy Act to OCR investigations.

Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

We intend to conduct a prompt investigation of this complaint. The Title VI regulation, at 34 C.F.R. § 100.6, requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to reaching a compliance determination. The Title IX regulation incorporates those requirements by reference at 34 C.F.R. § 106.71. In addition, in accordance with the Title VI regulation at 34 C.F.R. § 100.6(c) and with the regulation implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, at 34 C.F.R. § 99.31(a)(3)(iii), OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, we are requesting that you forward the following information to us within fifteen calendar days of the date stamped at the top of this letter. Wherever possible, please provide the requested information electronically (and Bates-labeled if you have that capability); otherwise please provide the information via hard copy:

1. a copy of all documentation (hard copy or electronic) concerning any formal or informal complaints or reports of discrimination based on sex (including sexual harassment and/or sexual violence) lodged by, on behalf of, or about the Student (b)(6), (b)(7)(A), (b)(7)(C) during the (b)(6), (b)(7) school year, including:
 - a. a copy of any written complaints or reports, and a detailed description of any verbal complaints;

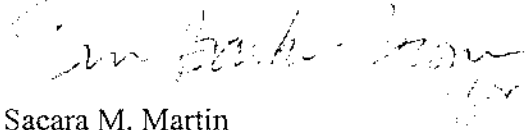
- b. a copy of all investigative files, interview memoranda, witness statements, and related documents concerning any University investigation of these complaints or reports;
 - c. a copy of any documents showing the steps of the University's investigation and the results of the investigation, including any correspondence, e-mails, and other documents, as well as if and how the University notified pertinent parties of the outcome of each investigation;
 - d. a detailed description of any action the University took to stop any harassment or discrimination, and to prevent any additional discrimination or harassment based on sex, while each complaint or report was investigated (interim measures) or after the investigation concluded;
 - e. a copy of any documents, including student discipline records, memoranda, e-mails, notes, or other documents, that discuss or relate to any disciplinary or other remedial action the University took in response to each complaint or report;
 - f. a copy of any documents or audio recordings that discuss or relate to any appeal filed by, or on behalf of, the Student;
2. if not included in responses above, copies of all communications, including letters, e-mails, notes, memoranda, reports, or other communications (hard copy or electronic) sent or received by University staff and administration during the (b)(6), (b)(7) school year that discuss, relate, or refer to the complaints or reports under Item #1 above;
3. copies of any notes, agendas, summaries, or follow-up communication related to any meeting between University staff and the Student regarding any allegations of, or remedies for, discrimination based on sex (including sexual harassment and/or sexual violence) during the (b)(6), (b)(7) school year;
4. any other information that might be relevant to the complaint allegations.

Thank you for your cooperation in this matter. We also may need to interview individuals at the University with knowledge of the facts of this case. If we determine that an on-site visit is necessary, we will contact you to schedule a mutually convenient time for our visit.

Upon receipt of this letter, please notify OCR of the name, address, and telephone number of the person who will serve as the University's contact person during OCR's investigation. Ms. Allison Beach and Ms. Erin Barker-Brown are assigned to investigate

this complaint. Ms. Beach can be reached by phone at (216) 522-2666 or by e-mail at Allison.Beach@ed.gov. Ms. Barker-Brown can be reached by phone at (216) 522-4978 or by e-mail at Erin.Barker-Brown@ed.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sacara M. Martin". The signature is fluid and cursive, with a large initial "S" and a stylized "M".

Sacara M. Martin
Supervisory Attorney/Team Leader

Enclosure