



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

AUG 04 2010

Mr. Michael Layish
Assistant General Counsel
Office of Legal Affairs
1590 N. High Street, Suite 500
Columbus, Ohio 43201

Re: OCR Docket #15-10-6002

Dear Mr. Layish:

By letter dated June 23, 2010, Assistant Secretary for Civil Rights Russlynn Ali of the U.S. Department of Education (Department), Office for Civil Rights (OCR), notified the Ohio State University (the University) that OCR was initiating a proactive review to evaluate the University's compliance with 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, with respect to sexual harassment¹. As part of this review, OCR will assess whether the University provides its students with a nondiscriminatory educational environment free of sexual harassment. Specifically, OCR will review the University's Title IX policies and procedures, its response to complaints or other notice of sexual harassment of students, its appointment and training of a Title IX Coordinator and compliance with Title IX notice requirements, and grievance procedures for filing allegations of sex discrimination under Title IX.

For OCR to proceed with the review, it is necessary to request specific information and records from the University. The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6(b) and (c), incorporated by reference into the Title IX

¹ Throughout this data request, the term "sexual harassment" is intended to include claims of sexual assault and acts of sexual violence, such as rape, gross sexual imposition, etc.

regulation at 34 C.F.R. § 106.71, requires that a recipient of Federal financial assistance make information available to OCR that may be pertinent to reaching a compliance determination. Under 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. We therefore request that you forward the following information to us, within 30 calendar days of the date stamped at the top of this letter. Wherever possible, please provide the requested information in electronic format.

If responsive data are available through the Internet, please provide any appropriate web addresses:

1. the name, title, address, telephone number, and email address of the person(s) responsible for coordinating the University's compliance with Title IX and its implementing regulation. In addition, please provide an explanation of how that person's identity and contact information is disseminated to students, faculty, staff, and administrators;
2. a copy of any University policies and procedures addressing sex discrimination, including sexual harassment, against students and an explanation of where and how the policies are publicized or disseminated to students, faculty, staff, and administrators and any written notices about the policy;
3. the name, title, telephone number, and email address of the person(s) responsible for implementation of each policy mentioned in Item 2 that relates to sexual harassment of students;
4. any grievance or complaint procedure available to students who wish to file complaints with the University, as well as with appropriate state and federal agencies, regarding allegations of sex discrimination, including sexual harassment; an explanation of how the procedure is publicized or disseminated to students; and any written notices to students about the procedure;
5. the name, title, telephone number, and email address of the person(s) responsible for the investigation and resolution of complaints filed by a student under each procedure identified in response to Item 4;

6. a copy of any University policies and procedures that address the coordination of sexual harassment complaints between campus police and the University's Title IX coordinator;
7. a description of any Title IX and/or sexual harassment training provided to University staff within the last two years, including the date(s) provided, the names and qualifications of the individual(s) that provided the training(s) and to which staff it was provided. If materials were provided for the training, please provide a copy;
8. a description of any Title IX and/or sexual harassment training or orientation provided to students regarding their rights and the University's responsibilities under Title IX and how to report possible violations of Title IX to University staff, including the date(s) provided, the nature or setting of the training, the names and expertise/background of the individual(s) that provided the training(s), and copies of any information disseminated to students to increase their awareness about sexual harassment. Also note whether any such training covered the link between alcohol abuse and sexual harassment;
9. copies of any and all brochures, pamphlets, or other materials that are disseminated to students regarding sexual harassment, their rights, and/or available resources on campus;
10. a list of campus organizations and other resources for students that address students' concerns or issues related to sexual harassment, including contact information for each organization, and how information about these organizations is disseminated to students;
11. a list of any women's organizations on campus including contact information for each organization, and how information about these organizations is disseminated to students;
12. please identify any rape crisis center(s) or other similar agency on the University's campus. Please include the contact information for any such agency or agencies;
13. for the University's main campus, please provide copies of each complaint concerning allegations of sexual harassment that were received by University personnel, including campus police, the

Judicial Affairs Committee, or any other College employee by or on behalf of any students attending the College for the past two school years. For each complaint, provide:

- a. a copy of the incident report or complaint;
 - b. a copy of the complete investigative file, including copies of all documentation, such as memoranda, notes, correspondence, and similar documentation related to the University's investigation;
 - c. a copy of any resolution or findings of the complaint, including any corrective action the University took in response to the complaint and any supporting documentation such as discipline records, criminal records, memoranda, correspondence or emails that discuss or relate to the corrective action; and
 - d. the timeframes regarding the University's response;
14. if the University conducted a hearing regarding any complaints filed by or on behalf of any student related to sexual harassment, provide all documents related to the hearing, including, but not limited to, hearing transcripts, campus police records, or other internal or external law enforcement agency records, and a copy of the notification sent to inform each student or complaining party of the results of the investigation and the results of the hearing, and an explanation of the basis for the University's findings, conclusions, and determination of sanctions/corrective actions resulting from each;
 15. for the University's main campus, from the beginning of the 2008-2009 academic year to the present, provide the total number of student disciplinary referrals in which an individual was referred for conduct related to sexual harassment;
 16. provide an explanation of how the University coordinates its investigations with campus and local non-University law enforcement agencies regarding those instances of sexual harassment against a student that may be criminal in nature. Include any policies or memoranda of understanding that may exist between the University and such law enforcement agencies. If any investigations of sexual

harassment were referred by the University or otherwise handled by local law enforcement agencies for the past two school years that are not identified in Item 13, provide the same information for each investigation as requested in Item 13; also provide a description of any actions taken by the University while the incident was pending with the law enforcement agency;

17. if not provided pursuant to Items 7-8, provide a description of any proactive steps the University has taken from the beginning of the 2007-2008 school year to the present to prevent sexual harassment of its students;
18. provide any University studies, reports, or campus newspaper articles concerning issues of sexual harassment of students from 2007 to the present;
19. provide a copy of the University's most recent Annual Campus Security Report required to comply with the Clery Act; and
20. provide any other information that you believe would be helpful to OCR as it conducts this proactive compliance review.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request other documentation and/or interview persons at the University with knowledge of the facts of this review. Once we receive the above information, we will contact you to schedule a mutually convenient time for an onsite visit.

OCR is committed to prompt and effective service. If you have any questions, you may contact me by e-mail at Kelly.McHargh@ed.gov or by telephone at (216) 522-2675.

Sincerely,

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Kelly M. McHargh
OCR Attorney - Compliance Review Leader