



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

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

February 8, 2013

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

Re: Case No. 02-13-2052
Hunter College of the City University of New York

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

On (b)(6),(b)(7)(C), the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint you filed against Hunter College (the College) of the City University of New York (CUNY). Specifically, you alleged that the College failed to respond appropriately to complaints of sexual harassment made against a professor in the College's Department of Biology (the Professor) in August 2011 (Allegation 1); and, in (b)(6),(b)(7)(C) (Allegation 2). Further, you alleged that in retaliation for filing sexual harassment complaints against the Professor, in (b)(6),(b)(7)(C), the College's Assistant Vice President for Student Affairs¹: prohibited you from registering for courses for the fall (b)(6) semester (Allegation 3); and, rescinded an offer to modify the payment terms for your outstanding tuition balance (Allegation 4).

OCR reviewed the information you provided in your written complaint, email correspondence, documentation submitted, as well as information you provided during a telephone conversation with OCR on January 8, 2013. Based on a review of this information, OCR has determined that your allegations are appropriate for investigation.

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 Department. CUNY is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

¹ You indicated that the College's Assistant Vice President for Student Affairs also serves as the Associate Dean of Students.

The regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference 34 C.F.R. § 100.7(e) of the regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, which provides that:

No recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing held in connection with a complaint.

Because OCR has determined that it has jurisdiction and your complaint was filed in a timely manner, it is opening these allegations for investigation. Please note that opening these 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 you, 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 the Case Processing Manual.

OCR's goal is the prompt and appropriate resolution of the allegations contained in a complaint. OCR offers, when appropriate, an Early Complaint Resolution (ECR) process, similar to mediation, to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). Some information about the ECR process is in the enclosure to this letter entitled, "OCR Complaint Processing Procedures," and on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#II>.

Also, 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 allegation 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 publication "OCR Complaint Processing Procedures," which was enclosed with OCR's previous letter to you, acknowledging your complaint. This information is also on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#III>.

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. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

It is unlawful to harass or intimidate any individual who has filed a complaint or participated in actions to secure protected rights. If this should occur, you may file a separate complaint with OCR alleging such harassment or intimidation.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this letter 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 that if released, could constitute an unwarranted invasion of personal privacy.

OCR will communicate with you periodically regarding the status of your complaint. If you are interested in resolving your complaint through OCR's ECR process or have any questions, please contact Letisha Morgan, Senior Compliance Team Investigator, at (646) 428-3827 or letisha.morgan@ed.gov; David Krieger, Compliance Team Attorney at (646) 428-3893 or david.krieger@ed.gov; or me, at (646) 428-3806 or felice.bowen@ed.gov.

Sincerely,



Félice A. Bowen
Compliance Team Leader