



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

Jennifer J. Raab
President
Hunter College of the City University of New York
695 Park Avenue
New York, New York 10065

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

Dear President Raab:

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 Hunter College (the College) of the City University of New York (CUNY). Specifically, the complainant 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 (b)(6),(b)(7)(C) (Allegation 1); and, in (b)(6),(b)(7)(C) (Allegation 2). Further, the complainant 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Affairs¹: prohibited the complainant from registering for courses for the fall (b)(6) semester (Allegation 3); and rescinded an offer to modify the payment terms for her outstanding tuition balance (Allegation 4).

OCR has determined that these 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 U.S. Department of Education (the Department). CUNY is a recipient of financial assistance from the Department, and is a public elementary and secondary education system. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

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:

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

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 that the 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 the complainant, 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*.

Enclosed is a document entitled, "OCR's 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.

To facilitate OCR's efforts to investigate this complaint, OCR requests that, within twenty (20) days of the date of this letter, you provide to OCR the information listed on the enclosed data request. The regulation implementing Title VI, 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).

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 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>.

It is unlawful to harass or intimidate any individual who has filed a complaint or participated in actions to secure protected rights.

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 staff will contact you within twenty (20) calendar days to discuss the allegations and the complaint resolution process. In the interim, if you are interested in resolving this complaint through OCR's ECR process or have any questions, please contact 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

Encl.

Data Request

Case No. 02-13-2052

[REDACTED] (the complainant)

[REDACTED] (the Professor)

Due Date: February 28, 2013

Please provide the following information or indicate if any of the requested materials do not exist:

1. A copy of the College's policies and procedures for responding to complaints of discrimination/harassment on the basis of sex.
2. Copies of all formal and informal complaints, including records of any oral complaints, made by the complainant or on her behalf, from academic year 2010-2011 through the present, in which it was alleged that the Professor harassed her on the basis of her sex. For each complaint, provide a detailed description of the complaint investigation procedures followed; the length of the process; the names and titles of the individuals involved in the handling of the complaints; all actions taken by the College in response to the concerns raised; the final outcome of all investigations; and, any notice of the findings provided to the complainant. Include copies of all documentation relevant to these complaints, including notes, investigative reports, memoranda, witness statements, meeting minutes, and all other correspondence, including correspondence with the complainant. In addition, please indicate if there is a pending investigation regarding the complainant's complaint(s).
3. Copies of all correspondence between the complainant and the Professor from academic year 2009-2010 to the present, including emails, text messages and voicemails.
4. A copy of the College's policies and procedures regarding student course registration, including any restrictions placed upon students' ability to register for courses. Provide the name(s) and title(s) of College personnel responsible for student course registration and any prohibitions thereof.
5. State whether the College's Assistant Vice President for Student Affairs (Assistant VP) prohibited the complainant from registering for courses for the fall 2012 semester. If so, provide:
 - a. A written narrative explaining why the Assistant VP prohibited the complainant from registering;
 - b. The name(s) and title(s) of College personnel responsible for making the decision to prohibit the complainant from registering; and,
 - c. Copies of all documentation relevant to the prohibition, including: notes; memoranda; meeting minutes; and all correspondence, including correspondence with the complainant.
6. If the complainant was not prohibited from registering, provide a copy of her course registration/schedule for the fall 2012 semester.

7. A copy of the College's policies and procedures regarding tuition payment, including any modifications or adjustments that may be made to such payment terms. Provide the name(s) and title(s) of College personnel responsible for making such decisions.
8. State whether the College made an offer to the complainant regarding the payment of an outstanding tuition balance in 2012. If so, provide:
 - a. A copy or explanation of any such offer, specifying any conditions and impact on the complainant's ability to register for courses for the Fall 2012 semester;
 - b. The name(s) and title(s) of College personnel responsible for making the offer.
 - c. State whether the Assistant VP rescinded, or otherwise modified, an offer made in September 2012 regarding the complainant's payment of an outstanding tuition balance. If so, provide:
 - i. A written narrative explaining why the Assistant VP rescinded, or otherwise modified the offer;
 - ii. The name(s) and title(s) of College personnel responsible for making the decision to rescind or modify the offer;
 - d. State whether the Assistant VP refused to meet with the complainant in September 2012 regarding the offer; and, if so, provide an explanation for her refusal.
 - e. State whether the Assistant VP denied the complainant the opportunity to meet with the College's Vice President of Student Affairs, in September 2012, regarding the offer; and, if so, provide an explanation for her refusal.
9. A copy of the complainant's academic transcript.
10. Copies of all other correspondence relating to the allegations raised in this complaint, including telephone logs, internal memoranda, and letters.
11. Any other information the College believes would assist OCR in this investigation.
12. The name, title, telephone number, and electronic mail address of the College's designated contact person for this complaint.