



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

5 POST OFFICE SQUARE, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109-3921

DEC 21 2010

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

Re: Complaint No. 01-11-2002
Harvard University Law School

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

The purpose of this letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) has accepted for investigation the above-referenced complaint that you filed against Harvard Law School (Law School) on (b)(6); (b)(7)(C).

In your complaint, you raised concerns about the Law School's policies and procedures for addressing sexual harassment grievances. Specifically, you alleged that the Law School's grievance policies and procedures fail to comply with Title IX by not providing for the prompt and equitable resolution of sexual harassment complaints on campus by: 1) requiring victims to choose between filing criminal charges and filing a Title IX complaint with the Law School; and/or 2) allowing for re-hearings that further delay the process; and 3) using a clear and convincing evidence standard of proof in the Law School's Title IX grievance procedures.

OCR evaluated your complaint for investigation because your allegations fall under the jurisdiction of Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. Sections 1681 *et seq.*, and its implementing regulation, at 34 C.F.R. Part 106 (Title IX). The Law School is subject to the requirements of Title IX because it receives Federal financial assistance from the Department.

Because OCR has determined that it has jurisdiction, and that these allegations were filed timely, it is opening the complaint for investigation. Please note that opening this complaint 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 you, the Law School, and other sources as appropriate. OCR will ensure that its investigation is legally sufficient and dispositive of the allegations, in accordance with the provision of OCR's Case Processing Manual, which can be found online at: <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

Based on your allegations, OCR will investigate the following legal issue:

Whether the Law School's Title IX policies and procedures fail to comply with 34 C.F.R. Section 106.8 by not providing for prompt and equitable resolution of sexual harassment complaints.

By agreement of both you and the Law School, the parties may choose to resolve this complaint through OCR's Early Complaint Resolution (ECR) process. ECR is a process through which OCR provides the parties an opportunity, with the aid of a facilitator, to resolve the allegation(s) that prompted the complaint. ECR is a voluntary process, in which OCR assists the parties in working towards a resolution. If the parties voluntarily reach an agreement through ECR, OCR will close the complaint.

As part of our efforts to resolve this complaint, we have requested information from the Law School related to the legal issue above. We will notify you once we receive a response from the Law School, to discuss our analysis and processing of the complaint.

Thank you for your cooperation. Should you have any questions, please contact Attorney Jane Lopez at (617) 289-0083 or at Jane.Lopez@ed.gov, or by fax at (617) 289-0150, or you may contact Attorney Anthony Cruthird at (617) 289-0037 or at Anthony.Cruthird@ed.gov. You may also contact me directly at (617) 289-0019.

Sincerely,

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

Donna L. Russell
Team Leader/ Civil Rights Attorney