



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

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

DEC 21 2010

Martha L. Minow, Dean
Harvard Law School
Griswold 200
1525 Massachusetts Avenue
Cambridge, Massachusetts 02138

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

Dear Dean Minow:

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 filed against Harvard University Law School (Law School). The Complainant 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 is responsible for enforcing 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 the Complainant, 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 the allegations presented, 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 the Law School and the Complainant, 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 investigation into the above-referenced case, OCR may need to review and obtain copies of records from other Title IX complaints, including prior sexual harassment complaints to the Law School. We are therefore requesting that you do not destroy any documents pertaining to sexual harassment cases at the Law School during the pendency of our investigation. This will preserve OCR's ability to perform a thorough investigation.

For your information, a copy of "OCR Complaint Processing Procedures" is enclosed with this letter. To facilitate this investigation, in the event that ECR is unsuccessful, a data request is also enclosed to assist OCR in determining the facts surrounding the allegations in this complaint. Please forward the requested information within 25 calendar days of the date of this letter. As part of our investigation, OCR may request additional information, interview Law School employees, and conduct an on-site visit to the Law School. OCR's authority to gather information and conduct an investigation is set forth at 34 C.F.R. Section 104.61, which incorporates by reference Sections 100.6(b) and (c) and 100.7(c) of the implementing regulation for Title VI of the Civil Rights Act of 1964.

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.

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Donna L. Russell
Team Leader/ Civil Rights Attorney

Enclosures

Data Request
Complaint No. 01-11-2002
Recipient: Harvard University Law School

Please submit the following information to OCR within twenty-five (25) calendar days of the date of the transmittal letter. Information can be sent to the address on the attached letter or by electronic mail to Jane.lopez@ed.gov. If you prefer, you may also fax the information to (617) 289-0150.

1. The name, title, business address and telephone number of the Law School's contact person for this complaint and the person authorized to resolve this matter.
2. The name, telephone number, and email address of the Law School's Title IX Coordinator. Further, please provide information regarding how students, parents and Law School employees are informed of the identity of the designated Coordinator.
3. A copy of the Law School's Title IX policy and grievance procedures.
4. A narrative description of the Law School's process for responding to reports or complaints of sexual harassment, including reports or complaints of sexual assault.
5. For each and every Title IX sexual harassment grievance filed with the Law School during the past five (5) years, please provide the following information:
 - a. Copy of the complaint or grievance filed;
 - b. Name or other identifier of person filing a grievance or complaint;
 - c. Name or other identifier of person(s) subject of the grievance/ complaint filed;
 - d. Date grievance/complaint was initially filed and name of person(s) with whom it was filed;
 - e. Date(s) of each meeting and/or hearing including any appeals, held on the matter, name of person(s) in attendance and their role, and evidence standard of proof used in making determinations at each meeting/hearing;
 - f. Date of any re-hearing(s) on every matter identified in #5, name of person(s) in attendance and their role, standard of proof used in re-hearing, and ruling or decision taken at each and by whom;
 - g. Final disposition of each grievance/complaint matter identified in #5.
6. Please retain any/all files, written and audio documents and records in your possession including, notes, emails, and phone logs, associated with each of the complaints/grievance matters identified in #5 above, for on-site review by OCR officials.
7. Please provide any other information the Law School believes would further assist OCR with this investigation.