



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION I  
5 POST OFFICE SQUARE, 8<sup>th</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921

APR 17 2017

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

Re: Complaint No. 01-16-2149  
Harvard University – Faculty of Arts & Sciences

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

The U.S. Department of Education, Office for Civil Rights (OCR) has evaluated the above-referenced complaint that you filed against Harvard University's (University's) Graduate School of Arts and Sciences in which you allege discrimination on the basis of sex. Specifically, you allege that the University failed to promptly and equitably respond to your report (b)(6); (b)(7)(C) of sexual assault by another student (Allegation 1). OCR has determined that this allegation is appropriate for investigation. OCR has determined that it will also investigate whether the University failed to respond promptly and equitably to reports and/or incidents of sexual violence of which it had notice and whether as a result students were subjected to a sexually hostile environment (Allegation 2).

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 educational programs or activities receiving federal financial assistance. The University is subject to Title IX because it is a recipient of federal financial assistance from the U.S. Department of Education.

Because OCR has determined that it has jurisdiction and that the complaint was filed in a timely manner, it is opening the allegations for investigation. Specifically, OCR will examine the following issues:

- Whether the University failed to respond promptly and equitably to complaints and reports of sexual harassment, including sexual violence, by the Complainant and others, and if so, whether the University perpetuated a sexually hostile environment, in violation of 34 C.F.R. §§ 106.8(b), 106.31(a) and (b);
- Whether the University failed to adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee/personnel Title IX complaints of sexual harassment, including sexual violence, in violation of 34 C.F.R. § 106.8(b);

- Whether the University failed to designate a Title IX coordinator to coordinate its efforts to comply with and carry out its responsibilities under Title IX, in violation of 34 C.F.R. § 106.8(a); and
- Whether the University failed to implement, publish, and distribute a notice of non-discrimination, in violation of 34 C.F.R. § 106.9.

OCR notes that it is currently investigating OCR Complaint Nos. 01-14-2158 and 01-15-2178, involving Harvard College students, to determine the University's compliance with Title IX. In accordance with OCR's case processing procedures, OCR has determined that it is appropriate to consolidate the investigation of this complaint (01-16-2149) with its ongoing investigation of OCR Complaint Nos. 01-14-2158 and 01-15-2178, in which OCR is currently addressing similar allegations under Title IX.

We have notified the University that we have opened Allegations 1 and 2 for investigation. Please be advised that regulations enforced by OCR prohibit retaliation. Pursuant to the regulations, 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. If this happens, you may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document 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.

Should you have any questions, please contact Senior Attorney Emma Kim at (617) 289-0159 or by e-mail at [Emma.Kim@ed.gov](mailto:Emma.Kim@ed.gov). Please refer to Complaint Number 01-16-2149 in any communications with OCR.

Sincerely,



Christine V. Colmey  
Team Leader