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UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS – REGION VI

April 2, 2010

Reference: 06102069

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

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

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, received this complaint from you on March 8, 2010, which was filed against the University of Mississippi (UM), Oxford, MS. You alleged that UM discriminated and retaliated against (b)(6),(b)(7)(A),(b)(7)(C) on the basis of her sex (female), in violation of Title IX of the Education Amendments Act of 1972 (Title IX) 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106.

Specifically, the complaint alleges that UM discriminated against (b)(6),(b)(7)(A),(b)(7)(C) by failing to investigate or respond to a notification that she was sexually harassed (sexual assault) (b)(6),(b)(7)(A),(b)(7)(C); and retaliated against (b)(6),(b)(7)(A),(b)(7)(C) for notifying UM about the alleged sexual harassment, (b)(6),(b)(7)(A),(b)(7)(C) in contravention to UM' published policy. Based on the allegations raised in the complaint, OCR will investigate the following issues:

1. Whether UM discriminated (b)(6),(b)(7)(A),(b)(7)(C) on the basis of sex (female), by failing to respond in a prompt and effective manner to notification she was sexually harassed (sexual assault) (b)(6),(b)(7)(A),(b)(7)(C), in violation of 34 C.F.R. §106.8 (b) and §106.31; and
2. Whether UM intimidated or retaliated against (b)(6),(b)(7)(A),(b)(7)(C) for notifying university officials of the alleged sexual harassment, which occurred (b)(6),(b)(7)(A),(b)(7)(C) (b)(6), when UM (b)(6),(b)(7)(A),(b)(7)(C) in violation of C.F.R. §106.71.

OCR is responsible for determining whether recipients of Federal financial assistance from the U.S. Department are in compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, at 34 C.F.R. §Part 106 (2009). Title IX prohibits discrimination on the basis of sex.

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Title IX incorporates, by reference, the anti-retaliation provision of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. Part 100 (2009), which states 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 section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this part.

UM is a recipient of Federal financial assistance from the Department, and as such, OCR has jurisdiction to process this complaint for resolution under The Title IX.

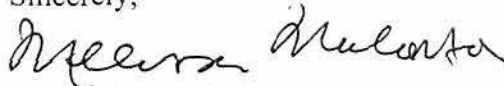
Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening this allegation. Please note that opening this allegation for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a neutral 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*.

Under OCR procedures we are obligated to advise the institution against which the complaint is filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state 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, proceedings or hearing held in connection with a complaint.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this document and other related correspondence and records upon request. In the event we receive such a request, we will seek to protect, to the extent provided by law, personally identifiable information which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

If you have any questions, please feel free to contact me by telephone at 214.661.9637 or by e-mail at: [Melissa.malonson@ed.gov](mailto:Melissa.malonson@ed.gov).

Sincerely,



Melissa Huling Malonson  
Senior Attorney  
Office for Civil Rights  
Dallas Office

Cc: (b)(6),(b)(7)(A),(b)(7)(C)