



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475  
CHICAGO, IL 60661-4544

REGION V  
ILLINOIS  
INDIANA  
IOWA  
MINNESOTA  
NORTH DAKOTA  
WISCONSIN

February 26, 2014

Dr. David Fuller  
President  
Minot State University  
500 University Avenue West  
Minot, North Dakota 58707

Re: OCR #05-14-2061

Dear Dr. Fuller:

This is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), has carefully evaluated the above-referenced complaint filed with OCR on December 18, (b)(6); (b)(7) against Minot State University (University), alleging discrimination on the basis of sex. We conducted the evaluation in accordance with OCR's *Case Processing Manual* to determine whether to open your complaint for investigation. We have determined that we have the authority to investigate the complaint.

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

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. As a recipient of Federal financial assistance from the Department, the University is subject to Title IX. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Because OCR has determined that it has jurisdiction and the complaint was filed timely, it is opening the allegation for investigation. Please note that opening the allegation 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 recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of the *Case Processing Manual*.

OCR offers, when appropriate, an Early Complaint Resolution (ECR) process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegations. Some information about the ECR process is in the enclosure to this letter.

In addition, 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, a resolution agreement signed by the recipient and submitted to OCR must be aligned with the complaint allegation or the information obtained during the investigation and it must be consistent with applicable regulations.

Please read the enclosed document entitled “OCR’s Complaint Processing Procedures,” which includes information about:

- OCR’s complaint processing procedures, including the availability of ECR;
- Regulatory prohibitions against retaliation and intimidation of persons who file complaints with OCR or participate in an OCR investigation; and
- Application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI, at 34 C.F.R. § 100.6(b) and (c), requires a recipient of Federal financial assistance make available to OCR information that may be pertinent to a compliance determination. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, OCR requests that you provide the following information within fifteen (15) calendar days. Wherever possible, please provide the requested information in electronic format. If responsive data are available through the Internet, please provide the link to the data.

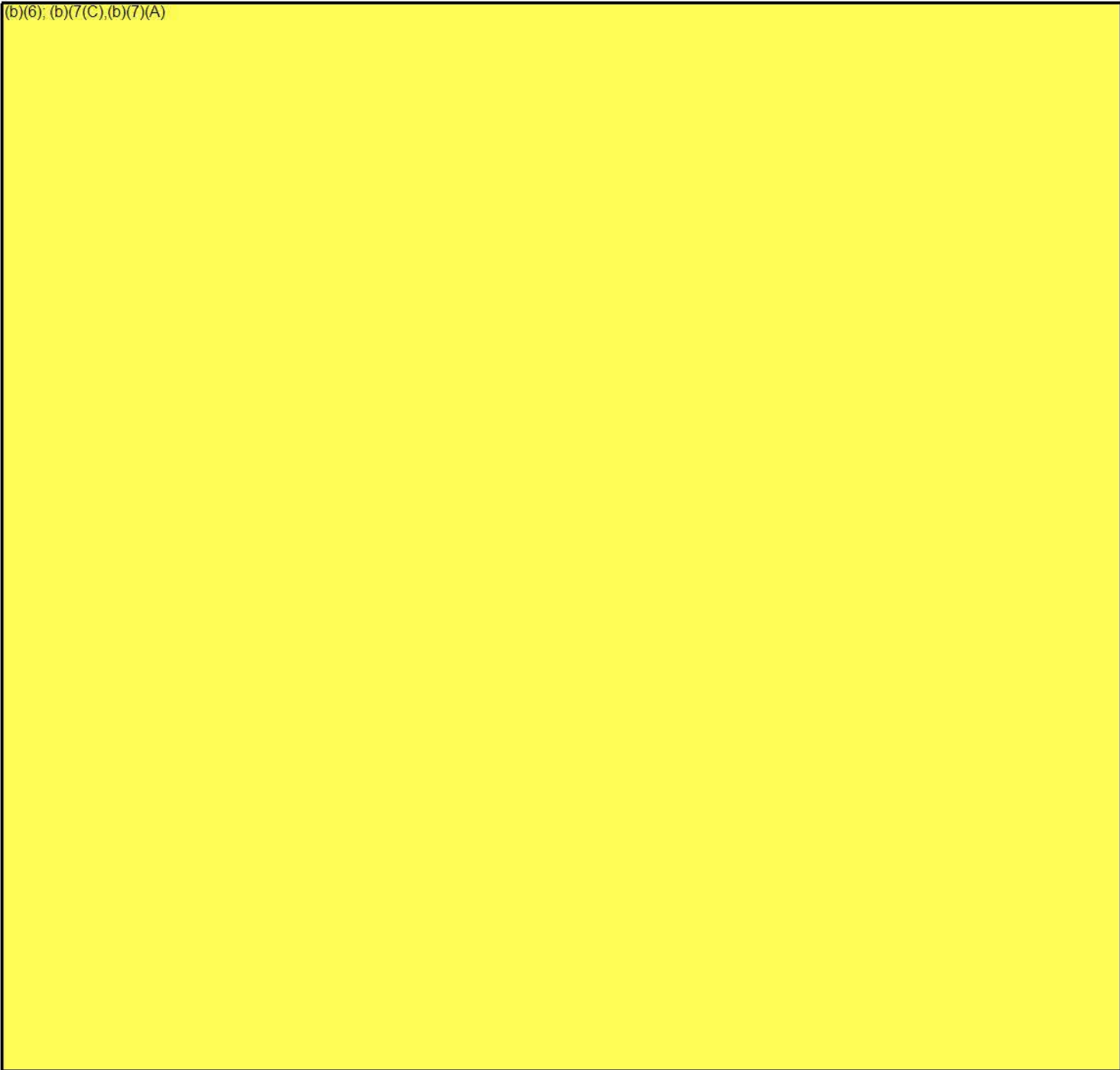
(b)(7)(A)



(b)(7)(A)



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



In addition to the information requested above, OCR would like to conduct a site visit in April or May 2014. During the site visit, OCR intends to interview witnesses and conduct focus groups with University students. To facilitate the focus groups, please secure 7-10 individuals from

(b)(7)(A)



Thank you for your cooperation in this matter. OCR may need to request additional information and interview pertinent personnel. OCR will contact you to schedule a mutually convenient time for the site-visit.

Please notify OCR of the name, address and telephone number of the person who will serve as the University's contact person during the processing of this complaint. We would like to talk to this person as soon as possible to discuss the processing of this complaint and we will, at that time, identify the complainant.

OCR is committed to prompt and effective service. If you have any questions, please contact Tom Okawara, at 312-730-1597 or by email at [Tom.Okawara@ed.gov](mailto:Tom.Okawara@ed.gov).

Sincerely,



Aleeza Strubel  
Supervisory Attorney

Enclosure