



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

August 24, 2011

Shirley M. Tilghman
President
Princeton University
1 Nassau Hall
Princeton, New Jersey 08544

Re: Case No. 02-11-2167
Princeton University

Dear President Tilghman:

On (b)(6),(b)(7)(C), the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint filed against Princeton University. The complainant alleged that the University discriminated against the Student on the basis of her sex, by failing to respond appropriately to the complaint of sexual assault the Student made on or about (b)(6),(b) (b)(6),(b). OCR has determined that the allegation is appropriate for investigation.

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 programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The University is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed in a timely manner, it is opening this allegation for investigation. Please note that opening the allegation for investigation in no way implies that OCR has made a determination with regard to the 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 OCR's *Case Processing Manual*.

Enclosed is a document entitled, "OCR Complaint Processing Procedures." This document will provide you with an overview of OCR's complaint evaluation and resolution process. OCR will collect only material needed to investigate this complaint and will take all proper precautions to protect the identity of any individuals named in documents.

The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be necessary for it to determine whether a recipient is in compliance with the regulations it enforces. This requirement is incorporated by reference in the regulation implementing Title IX, at 34 C.F.R. § 106.71. This information is also being requested pursuant to 34 C.F.R. § 99.31(a)(3)(iii). Please submit the information listed on the enclosed data request to OCR within twenty (20) days of the date of this letter, or OCR may conduct an onsite file review in order to obtain this information in a timely manner.

OCR's goal is the prompt and appropriate resolution of the allegations contained in a complaint. OCR offers, when appropriate, an Early Complaint Resolution (ECR) process, similar to mediation, to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). Some information about the ECR process is in the enclosure to this letter entitled, "OCR Complaint Processing Procedures," and on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#II>.

Also, 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, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations. Additional information about this voluntary resolution process may be found in the enclosure entitled, "OCR Complaint Processing Procedures," and on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#III>.

It is unlawful to harass or intimidate an individual who has filed a complaint or participated in actions to secure protected rights.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this letter 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.

OCR staff will contact you within twenty (20) days of the date of this letter to discuss the allegations and the complaint resolution process. In the interim, if you have any questions, please contact Stacy L. Bobbitt, Compliance Team Investigator, at (646) 428-3823 or stacy.bobbitt@ed.gov; Jocelyn Frank, Compliance Team Attorney, at (646) 428-3796 or jocelyn.frank@ed.gov; or David Hensel, Compliance Team Attorney, at (646) 428-3778 or david.hensel@ed.gov.

Sincerely,


for Nadja Allen Gill
Compliance Team Leader

Encl.

Data Request
Princeton University
Case No. 02-11-2167
Student: [REDACTED]

Please provide the following items, or state in writing whether any requested material does not exist. This information is due to OCR by September 13, 2011.

1. Copies of all documentation related to the Student's report of sexual assault made on or about December 21, 2010, including but not limited to a copy of any written complaint(s) or record(s) of oral complaint(s) made by the Student, investigative reports, witness statements, electronic mail messages (emails), telephone logs, and correspondence.
2. A detailed description of the steps and actions the University took in response to the Student's complaint of sexual assault, including:
 - a. a description of the procedures employed by the University to investigate the complaint;
 - b. the timeline for completion of each stage of the investigation process;
 - c. the types of records maintained;
 - d. the final outcome of all investigation(s);
 - e. the name(s) and title(s) of University staff involved in the investigation process; and
 - f. the evidentiary standard applied by the University to determine the outcome of the Student's complaint.
3. Copies of all documentation, including but not limited to, letters, emails, reports, notes, logs, meeting minutes, hearing transcripts, discipline records, telephone records, campus police records, and other external law enforcement agency records related to:
 - a. the University's processing of the Student's complaint(s);
 - b. the University's handling/investigation of the Student's complaint(s), including any notices to the parties;
 - c. the disciplinary hearing, including any notices to the parties;
 - d. communications between the University and the Student (or anyone on her behalf) regarding the accused student; and
 - e. communications regarding the accused's standing at the University pending completion of the investigation.
4. The name, title, address, telephone number, fax number and email address of a contact person for this complaint.