



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

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

OCT 26 2010

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

Re: Complaint No. 01-09-2070

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

We are writing to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its reconsideration of the (b)(6); (b)(7)(C) dismissal of the above-referenced complaint that you filed against Tufts University (University). We have decided to grant your request for reconsideration and accept your complaint for investigation.

In your complaint, you alleged that the University discriminated against you on the basis of sex by failing to respond appropriately to your complaints of sexual harassment and assault, which you raised between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). Your allegation falls under the jurisdiction of Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs or activities that receive Federal financial assistance. The University is subject to the requirements of Title IX because it operates programs and activities that receive Federal financial assistance from the Department.

As we mentioned in our October 23 letter, to be considered timely, an OCR complaint must be filed within 180 days of the alleged discrimination. After careful review of your request for reconsideration, OCR has decided that the portions of your complaint pertaining to the concerns you expressed to the University in (b)(6); (b)(7)(C) are timely. Therefore, we have decided to grant your request for reconsideration and open the timely aspects of your complaint for investigation. Opening a complaint for investigation in no way implies that OCR has made a determination with regard to the merits of the allegation(s) raised. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the University, 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 its *Case Processing Manual*, which can be found online at: <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>. A copy of "Information about OCR's Case Resolution Procedures" is enclosed with this letter.

Based on your allegation, OCR will investigate the following legal issue:

- Whether the University failed to take immediate and appropriate steps to investigate and promptly and effectively respond to notice of possible sexual harassment, in violation of 34 C.F.R. Sections 106.8 and 106.31.

We will be requesting information from the University regarding the allegation in your complaint. We will contact you again in the next several weeks to discuss your allegation and the information collected. If you have any questions regarding this letter, please feel free to contact Attorneys Trina Ingelfinger, at (617) 289-0004 or Trina.Ingelfinger@ed.gov, or Anthony Cruthird, at (617) 289-0037 or Anthony.Cruthird@ed.gov. You may also contact Donna L. Russell, Team Leader/Civil Rights Attorney at (617) 289-0019 or me at (617) 289-0111.

Sincerely,

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

Thomas J. Hibino
Regional Director

cc: (b)(6); (b)(7(C))