



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

APR 19 2013

(b)(7)(C)

Reference: 06-13-2088

Dear (b)(7)(C)

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas office, has completed its evaluation of the above-referenced complaint against Southern Methodist University (SMU or University), Dallas, Texas, which was received in our office on March 20, 2013. You alleged that SMU discriminated against your client (Student) on the basis of sex when the University failed to appropriately respond when the Student notified the University that he had been sexually assaulted.

OCR is responsible for determining whether organizations or entities that receive or benefit from Federal financial assistance, either from the Department or an agency that has delegated investigative authority to the 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 regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex.

SMU is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to process this complaint for resolution under Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening the allegation. Please note that opening an investigation pertaining to this allegation in no way implies that OCR has made a determination with regard to its merit. 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*.

OCR will investigate whether during the (b)(7)(C) school year, SMU discriminated against the Student on the basis of sex by failing to take prompt and effective action to address the sexually harassing conduct directed toward him, which was sufficient to constitute a hostile environment, of which SMU had or should have had notice, in violation of Title IX, at 34 C.F.R. § 106.31.

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

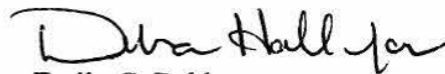
Please note that OCR's case resolution processes include Early Complaint Resolution (ECR). ECR allows the parties (the complainant and the institution that is the subject of the complaint) an opportunity to resolve the complaint allegations quickly; generally, soon after the complaint has been opened for investigation, although ECR may take place at any time during the investigative process. If both parties are willing to try this approach, and if OCR determines that ECR is appropriate, OCR will facilitate settlement discussions between the parties and work with the parties to help them understand the legal standards and possible remedies. You will be contacted in the near future, usually within ten days from the date of this letter, to discuss this case. Enclosed with this letter is a brochure explaining the ECR process. Please let OCR know if you are interested in the ECR process.

Under OCR procedures, OCR is obligated to advise the complainant and the institution against which a complaint is filed that intimidation or retaliation against any individual 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, proceeding or hearing held in connection with a complaint.

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, 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 personal privacy.

If you have any questions regarding this investigation, please feel free to contact me at (214) 661-9677.

Sincerely,



Emily C. Babb
Civil Rights Attorney