



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**

Dr. R. Gerald Turner, President  
Southern Methodist University  
6425 Boaz Lane  
Dallas, TX 75205

Reference: 06-13-2088

Dear Dr. Turner:

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 of University), Dallas, Texas, which was received in our office on March 20, 2013. The complainant alleged that SMU discriminated against his 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 an investigation regarding the aforementioned 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*.

Based on the complainant's allegation, 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.*

For your information, we have enclosed OCR's *Complaint Processing Procedures* to provide you with an overview of our complaint evaluation and resolution process. 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.

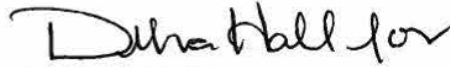
Section 100.6(c) of Title 34 of the Code of Federal Regulations stipulates that each recipient of Federal financial assistance shall permit access to pertinent sources of information to responsible Department officials or designees. Enclosed is an initial data request, which is required in assisting our efforts to ascertain compliance with the regulations enforced by OCR. Please provide the requested information to OCR within 15 calendar days of the date of this letter. This request may be supplemented through interviews with SMU personnel or any witnesses who may have knowledge of the issue, and if necessary, additional data requests from SMU as the complaint investigation progresses. After reviewing this information or any additional information, OCR will determine whether an on-site investigation is warranted. If so, you will be contacted to arrange a mutually convenient date.

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 concerning this investigation, please contact me at (214) 661-9677 or [Emily.Babb@ed.gov](mailto:Emily.Babb@ed.gov).

Sincerely,

A handwritten signature in black ink that reads "Emily C. Babb". The signature is written in a cursive style with a large, stylized "E" and "B".

Emily C. Babb  
Civil Rights Attorney

**Southern Methodist University  
OCR Complaint 06-13-2088**

Please provide the following information within 15 calendar days of the date of this letter. You may mail information to the address in the enclosed letter, fax information to (214) 661-9587, or email information to Attorney Emily Babb at [Emily.Babb@ed.gov](mailto:Emily.Babb@ed.gov).

1. The names and contact information for any and all individuals designated as the University's Title IX Coordinator(s) for the (b)(7)(C) school year. Please indicate the time period(s) such individuals served as Title IX Coordinator, and for which population(s) within the University they were responsible.
2. A copy of all Title IX policies and procedures, including but not limited to grievance procedures, complaint processing procedures, and hearing procedures, for the (b)(7)(C) school year. Please include any and all procedures for investigating or otherwise responding to complaints of sexual harassment, sexual assault, and/or sexual violence and indicate how these policies or procedures are/were disseminated to students, faculty, staff and employees.
3. A copy of all complaints or grievances, or any other notice to SMU or the SMU police department, formal or informal, filed by or on behalf of (b)(7)(C) (b)(7)(C) (hereinafter referred to as Student 1) during the (b)(7)(C) school year alleging sexual harassment, sexual assault, sex discrimination, and/or sexual violence, including but not limited to a (b)(7)(C) alleged sexual assault involving Student 1 and (b)(7)(C) (b)(7)(C) (Student 2). Please include any inquiries or investigations conducted by SMU or the SMU police department and conclusions or determinations reached, including evidence gathered or relied upon in the determination (including but not limited to handwritten notes, witness statements, taped telephone conversations), appeals and responses, hearing transcripts, and/or sanctions imposed.
4. A list of all SMU faculty, staff, and/or employees, including SMU police personnel, who were involved in the investigation of or any response, formal or informal, to the (b)(7)(C) incident involving Student 1 and Student 2. Please include the name and title for each individual.
5. A copy of all correspondence, including but not limited to e-mails or any written documentation reflecting conversations had (i.e., meeting notes, records of telephone conversations, etc.), written to, by, or about Student 1 from (b)(7)(C) (b)(7)(C) to the present, including but not limited to correspondence concerning the (b)(7)(C) campus crime alert, modifications to Student 1's (b)(7)(C) or housing, Student 1's participation in the (b)(7)(C) (b)(7)(C) program or receipt of the (b)(7)(C) (b)(7)(C) complaints of harassing conduct involving Student 1 or Student 2 (i.e., individuals knocking on Student 1's door, calling Student 1's telephone and hanging up, yelling at Student 1, glaring or smiling at Student 1, sending Student 1 unwelcome text messages), "no contact" letters

concerning Student 1, and/or Student 1's request for and receipt of a (b)(7)(C) withdrawal from SMU.

6. A copy of any documents or tape recordings submitted to the Dallas County District Attorney's office concerning the (b)(7)(C) incident involving Student 1 and Student 2.
7. A copy of any correspondence, complaints, or grievances or any other notice given to SMU or the SMU police department referencing Student 2 and involving allegations of sexual harassment, sexual assault, sexual violence, sex discrimination, gender discrimination, gender harassment, and/or inappropriate sexual conduct involving any current or former student other than Student 1. Please include any inquiries or investigations conducted by SMU or the SMU police department and conclusions or determinations reached, including evidence gathered or relied upon in the determination (including but not limited to handwritten notes, witness statements, taped telephone conversations), appeals and responses, hearing transcripts, and/or sanctions imposed.
8. A copy of any correspondence, including e-mails, from (b)(7)(C) to the present to current or former SMU students or current or former (b)(7)(C) (b)(7)(C) concerning Student 1, Student 2, the (b)(7)(C) incident involving Student 1 and Student 2, Student 2's criminal charges or indictment, or Student 1's withdrawing from SMU.