

Perez, Lydia

From: ocr_complaint@ed.gov
Sent: Thursday, June 02, 2011 2:49 PM
To: (b)(7)(C) OCR Dallas
Subject: OCR Electronic Complaint Submission



PLEASE DO NOT REPLY TO THIS E-MAIL. THIS E-MAIL ADDRESS IS USED BY DEPARTMENT OF EDUCATION AUTOMATED SYSTEMS AND IS NOT MONITORED.

Your complaint with the Office for Civil Rights, a copy of which is reproduced below, has been automatically forwarded to the following office for review:

Office for Civil Rights/ED
Dallas Office

1999 Bryan Street, Suite 1620

Dallas, Texas, 75201-6810

So that we can best assist you, we call your attention to the following:

1. If you need to communicate with OCR regarding your complaint before you are contacted directly, please do not reply to this message, which would result in your reply going to a send-only server address. Instead, please direct your correspondence to the above office at OCR.Dallas@ed.gov.
2. If you need to modify or supplement your complaint, please do not use the complaint form to submit another complaint with the new information. Instead, you may simply send an email to the office that has your complaint. Filing duplicative complaints may impede our ability to review your concerns in a timely manner. (If you have a separate complaint involving other matters, you may of course use this form to submit it.)
3. Remember that before OCR can process your complaint it must receive at the above address a signed copy of the Office for Civil Rights Consent Form, which you can obtain at <http://www.ed.gov/about/offices/list/ocr/edlite-consentform.html>.
4. It is recommended that you print a copy of this message and retain it for your records.

The following information has been sent to the specified office:

OCR COMPLAINT FORM

1. Enter information about you.

Your First Name: (b)(7)(C) Your Last Name: (b)(7)(C)
Your Address: (b)(7)(C)
City: (b)(7)(C)
State: (b)(7)(C) Zip Code: (b)(7)(C)

Best Time to Call You: DAY

Primary Phone No: (b)(7)(C)

Alternative Phone No:

Your Email Address: (b)(7)(C)

2. Who else can we call if we cannot reach you?

Contact's Name: (b)(7)(C)

Daytime Phone No: (b)(7)(C)

Relationship to you: (b)(7)(C)

3. Who was discriminated against?

(b)(7)(C)

4. What institution discriminated?

Institution Name: Southern Methodist University

Address: 3315 Daniel Avenue

City: Dallas

State: TX

Zip Code: 75205

School or department involved: (b)(7)(C)

5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

Yes

Agency Name: SMU

Date Filed: 06/01/2010 (mm/dd/yyyy)

Status: I first contacted SMU in (b)(7)(C) 2010 about the complaint. At that time I told them I would send written complaint in (b)(7)(C) 2010, and (b)(7)(C) at the (b)(7)(C) said this would be fine. In (b)(7)(C) 2010, I submitted a written complaint to SMU's office of Access and Equity. They made a determination in (b)(7)(C) 2010, and I appealed. On (b)(7)(C) 2011, SMU's Faculty Ethics and Tenure Committee found that " (b)(7)(C) violated SMU's Sexual Harassment Policy (University Policy No. 2.5) through remarks (b) made to, in the presence of, and about,

(b)(7)(C) " However Mr. Turner, President of SMU, sent me letter on (b)(7)(C) 2011, stating that he was "not persuaded" by the panel's report that (b)(7)(C) conduct violated SMU's sexual harassment policy, but that he does find this conduct "objectionable and unprofessional" and has directed Dean (b)(7)(C) to take "appropriate corrective action." I have now exhausted all remedies SMU offered me. They have done nothing to remedy the situation.

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

All that apply:

race or color

sex

retaliation

you filed a complaint or asserted your rights

Why you believe the discrimination was because of race, sex, disability, or whatever basis you indicated above or why you believe the action was retaliatory.

1. On (b)(7)(C) (b)(7)(C) I went to (b)(7)(C) home to practice the materials I prepared for the (b)(7)(C) ...which was set for (b)(7)(C) While going through my (b)(7)(C), I used a sentence that began with 'Now I'd like to talk about...' (b)(7)(C) stopped me and said something to the effect of 'Stop using the word I. It's always about you. What, were you some type of prom/beauty queen or something?'"

During SMU's hearing, (b)(7)(C) acknowledged making this "prom/beauty queen" remark to me.

2. On (b)(7)(C) 2010 at (b)(7)(C) house, the same time and place as in item 1 above, another clinic student, (b)(7)(C), arrived to practice for (b)(7)(C) upcoming (b)(7)(C). The three of us engaged in small talk, and I mentioned that prior to (b)(7)(C), I worked in (b)(7)(C) (b)(7)(C) asked me what I did there, and I responded by telling (b)(7)(C) that I worked for a (b)(7)(C) and then for (b)(7)(C). (b)(7)(C) asked me what I did at (b)(7)(C). I responded by telling (b)(7)(C) that I was (b)(7)(C) for (b)(7)(C) and that I (b)(7)(C) for (b)(7)(C). (b)(7)(C) then said, 'Oh, so you were a hired bimbo.'"

(b)(7)(C) was present in the room at the time.

3. (b)(7)(C) used the word "bitch" several times in reference to me during a class held on (b)(7)(C) (b)(7)(C). (b)(7)(C) acknowledged making these remarks. Following are the remarks, as transcribed from an audiotape of the class that (b)(7)(C) created:

(i) During her cross-examination, (b)(7)(C) comments on (b)(7)(C) performance by saying "You're not getting bitchy yet, but you're just this side of it."

(ii) Approximately six minutes later, during a critique of (b)(7)(C) performance, (b)(7)(C) says "Here comes the bitch again"

(iii) Just under three minutes later, during the same critique, (b)(7)(C) says: "You don't have to be bitchy about it or catty about it or anything."

(iv) Approximately fifteen minutes later, in response to a question from me, answers by saying "If you haven't already pissed them off by being a bitch."

4. In an (b)(7)(C) class, (b)(7)(C) lectured us about paying attention to details. (b)(7)(C) said that failure to pay attention to details was 'like looking at a beautiful woman only she's wearing dirty panties.'"

During the hearing, (b)(7)(C) stated that (b)(7)(C) said: "It's like a beautiful woman with dirty panties."

5. On or about (b)(7)(C) (b)(7)(C) (b)(7)(C), a fellow student, informed me that in (b)(7)(C) of (b)(7)(C), the beginning of the semester, (b)(7)(C) openly disparaged me in the presence of several students and staff (b)(7)(C) and others). Specifically, (b)(7)(C) informed me that (b)(7)(C) made comments about how I was "just one of those girls" who "thinks she's so pretty" and that I have "guys do my work" for me."

During the hearing, and in response to a question about why (b)(7)(C) thought it was appropriate to use words such as "pretty" about a "certain type of girl," meaning one who has men do their work for them, (b)(7)(C) says: "Well, because you are a girl, aren't you? You're not a guy." (b)(7)(C) testified at the hearing and confirmed the statement.

6. (b)(7)(C) had referred to me as a "doody blonde." I assumed that it was a reference to feces. (b)(7)(C) acknowledged making that remark. When asked about the meaning of the adjective, (b)(7)(C) he indicated that the entire phrase is a descriptor for someone who "doesn't quite get it."

7. (b)(7)(C) also disparaged another former (b)(7)(C) student, (b)(7)(C), in front of the panel, saying that (b)(7)(C) "drugged other student's and bragged about it".

Conclusion: (b)(7)(C) remarks are sexual and inappropriately sexist in nature, as they are all gender-specific and pertain to female attractiveness (the "prom/beauty queen" remark and the "pretty girl" remark), female undergarments (the "dirty panties" remark), female competency (the "doody blonde" remark), or the characterization of female assertiveness or aggressiveness (the "bitch/bitchy" remarks). The explanations that (b)(7)(C) gave for making these statements are also sexist. (b)(7)(C) justification was that (b)(7)(C) had just watched the movie Charlie Wilson's War, and that Charlie Wilson "had lots of young congressional aides that worked for him, and they were all very good, very efficient. They were also very young beautiful little girls. (b)(7)(C) called them 'jailbait' throughout the movie. That movie had just been on; I had seen it. So, I didn't say 'jailbait.' I said, 'oh, so you were like beauty queens,' whatever, etc). Throughout the (b)(7)(C) (b)(7)(C) semester, I was subjected to an overall pattern of offensive, gender-specific statements. This caused me great humiliation and made it difficult for me to learn and improve. Also, the grades were not anonymously given and I received the lowest grade in the class from this professor. On (b)(7)(C), (b)(7)(C) the (b)(7)(C) refused to review my complaint as to my grade; I believe the grade I received was retaliatory, and was told that the only way to have it changed would be through a finding of "unethical behavior". I exhausted all remedies to obtain such a finding, but SMU's president single handedly overturned it. In another document, this professor admits to deducting points

from my grade, while not reducing the grades of others for the same alleged shortcomings. SMU has further ratified this behavior by overturning the findings of a 6 member unanimous panel, which found that (b)(7)(C) violated SMU's Sexual Harassment Policy (University Policy No. 2.5) through remarks (b)(7)(C) made to, in the presence of, and about, (b)(7)(C).

7. Your complaint must be filed within 180 days of the discriminatory action

When did the last act of discrimination occur?

Enter the date: (b)(7)(C) (b)(7)(C) (mm/dd/yyyy)

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Yes. Reason for not filing complaint before 180 days.

The school's final decision was given to me on (b)(7)(C) (b)(7)(C), however the last of the events initially complained about took place in (b)(7)(C) (b)(7)(C). As I understand it, this means the relevant date is (b)(7)(C) (b)(7)(C). Either way, I tried in good faith and in a timely fashion to resolve my sexual harassment complaint through SMU's procedures. Furthermore, this professor made further sexist comments in relation to me at the ethics hearing which took place on (b)(7)(C) (b)(7)(C).

8. What would you like the institution to do as a result of your complaint - what remedy are you seeking?

I would like SMU to adopt the recommendations of the SMU Faculty Ethics and Tenure Committee, to terminate this professor's employment, and to change the tainted grade I received in this class to a "pass". In the alternative, I would like to pursue sanctions and damages for the damages this has caused me.

Do you have written information that you think will help us understand your complaint?

Yes