



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

June 10, 2013

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

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

Re: OCR #05-13-2112

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

This is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), has carefully evaluated the above-referenced complaint you filed with OCR on February 21, 2013, against Hanover College (College) alleging discrimination on the basis of sex and also alleging retaliation. We conducted the evaluation in accordance with OCR's *Case Processing Manual* to determine whether to open the complaint for investigation. We have determined that we have the authority to investigate one allegation in your complaint, as you were previously informed, and are dismissing the other allegation, as set forth below.

The complaint alleges that:

1. During the (b)(6); (b)(7)(C) academic year, the College subjected you to discrimination on the basis of sex when a male student at the College sexually assaulted you, and the College was aware of the assault but did not respond appropriately; and
2. in (b)(6); (b)(7)(C) the College subjected you to retaliation for filing a sexual harassment grievance with the College when it (a) refused to provide you a copy of its investigative file concerning your grievance and (b) denied you (b)(6); (b)(7)(C)

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits retaliation and discrimination based upon sex in any educational program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the College is subject to this law.

OCR informed you by letter May 22, 2013, that it was opening allegation #2 for investigation. With regard to allegation #1, according to applicable regulations, a complaint must be filed not later than 180 days from the date of the alleged discrimination. Pursuant to the regulations and OCR's case processing procedures, OCR may grant a waiver of the 180-day filing requirement for good cause shown, such as when the complainant filed, within the 180-day period, an internal grievance alleging the same discriminatory conduct that is the subject of the OCR complaint, and the OCR complaint is filed no later than 60 days after the internal grievance was concluded.

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

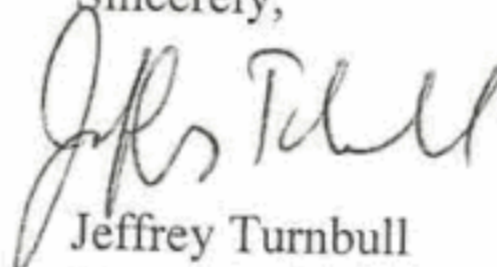
You filed your complaint with OCR more than 180 days after the alleged sexual assault [REDACTED] and the College's response to the assault which ended into [REDACTED] therefore, allegation #1 in your complaint was not filed in a timely manner. You requested a waiver of the 180-day filing requirement, informing OCR that you were unaware of the 180-day filing requirement. That reason is not an acceptable basis under OCR's case processing procedures to grant a waiver of the 180-day filing requirement.

You also indicated that you filed an internal grievance with the College about the assault in [REDACTED] and that the College responded by investigating the alleged assault and conducting a hearing on the matter in [REDACTED]. You said the College determined that no sexual assault occurred and provided you a written finding and that you appealed the decision. You told OCR that your appeal was denied [REDACTED]. As such, in addition to not filing your OCR complaint within the 180-day filing period, you did not file the present OCR complaint within 60 days of your appeal being denied. Therefore, your internal grievance does not provide a basis for granting a waiver.

OCR recognizes your concern about what occurred to you during the [REDACTED] academic year. However, based on the above, the reasons you provided for requesting a waiver are not acceptable bases under OCR's case processing procedures to grant a waiver of the 180-day filing requirement. OCR is therefore dismissing allegation #1 of your complaint, effective the date of this letter.

OCR will continue to investigate allegation #2 of your complaint. If you have any questions, please contact TiShaunda McPherson, Civil Rights Attorney, at (312) 730-1633 or by email at TiShaunda.McPherson@ed.gov.

Sincerely,



Jeffrey Turnbull
Team Leader