



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
CLEVELAND OFFICE
600 SUPERIOR AVENUE EAST, SUITE 750
CLEVELAND, OHIO 44114-2611**

JUL 21 2011

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

Re: OCR Docket #15-11-2098

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

On June 9, 2011, the U.S. Department of Education (the Department), Office for Civil Rights (OCR) received the above-referenced complaint you filed against Michigan State University (the University), on behalf of a University student (the Student), alleging that the University discriminated against the Student on the basis of sex. Specifically, you allege that the University failed to respond appropriately when the Student reported that she was sexually assaulted (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) In addition, you allege that the University failed to take appropriate action when (b)(6); (b)(7)(C) students engaged in retaliatory harassment of the Student (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Finally, you also allege that the University retaliated against the Student for reporting the sexual assault (b)(6); (b)(7)(C)

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

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in education programs and activities that receive Federal financial assistance. Additionally, the regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference the prohibition against retaliation contained in the regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.7(e). Thus, Title IX also prohibits retaliation against individuals who seek to enforce rights protected by the statute. As a recipient of Federal financial assistance from the Department, the University is subject to the requirements of Title IX. Accordingly, OCR has jurisdiction over this complaint.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening this complaint for investigation. Based on the complaint allegations, we will investigate the following issues:

- whether the University interfered with or limited the ability of a student to participate in or benefit from the services, activities, or privileges provided by the University by effectively causing, encouraging, accepting, tolerating, or failing to correct a sexually hostile environment of which it had actual or constructive notice in violation of the Title IX implementing regulation at 34 C.F.R. § 106.31;
- whether the University has failed to adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of student complaints under Title IX in violation of the Title IX implementing regulation at 34 C.F.R. § 106.8(b); and
- whether the University retaliated against the Student for the purpose of interfering with any right or privilege secured under Title IX in violation of 34 C.F.R. § 106.71.

Please note that opening allegations for investigation in no way implies that OCR has made a determination with regard to their merits. 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 allegations, in accordance with the provisions of Article III of OCR's *Case Processing Manual*.

In addition the allegations discussed above, OCR noted that your complaint contained a list of specific allegations against the University under Title IX. Most of these allegations relate to the University's handling of the alleged sexual assault and will be addressed through our investigation of the legal issues listed above; however, OCR is dismissing two of those allegations for the reasons discussed below.

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

Pursuant to OCR's operating procedures, we will dismiss a complaint allegation where the information provided, even if true, fails to state a violation of one of the laws OCR enforces, in this case, Title IX. OCR finds that the information you provided with respect to the above allegation does not state a violation of Title IX. While Title IX requires Universities to take appropriate action to address allegations of sexual assault/harassment, including actions to stop such conduct and prevent its recurrence,

Title IX does not contain a specific requirement that Universities publicize information regarding individual incidents of sexual assault in order to raise awareness about sexual violence. As noted above, OCR will be investigating the appropriateness of the University's response to the alleged sexual assault at issue in your complaint. Title IX also does not govern what information is withheld or released pursuant to FOIA; therefore, OCR is dismissing this allegation effective the date of this letter.

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

(b)(6); (b)(7(C)) OCR finds that this information does not state a violation of Title IX. Accordingly, we are dismissing this allegation effective the date of the letter.

OCR works to resolve allegations of discrimination promptly and appropriately. We will communicate with you periodically during our investigation. When contacting our office about your case, please refer to OCR Docket #15-11-2098.

Please note that your complaint may be appropriate for Early Complaint Resolution (ECR), a voluntary process similar to mediation during which an OCR staff person facilitates communication between the parties in an attempt to resolve complaint allegations. Additional information regarding the ECR process was sent with our letter acknowledging your complaint. If we believe that your complaint is appropriate for ECR, we will contact you to discuss this option.

If you have any questions, please contact Mrs. Terri Whynter, Senior Equal Opportunity Specialist, by telephone at (216) 522-4978 or by e-mail at Terri.Whynter@ed.gov, or Ms. Sacara Martin, OCR Attorney, by telephone at (216) 522-7640 or by e-mail at Sacara.Martin@ed.gov.

Sincerely,



Meena Morey Chandra
Team Leader