



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

November 2, 2018

Ms. Emily Martin
National Women's Law Center
11 DuPont Circle, Suite 800
Washington, DC 20036

Dear Ms. Martin:

Thank you for your letter requesting that the Department of Education's Office for Civil Rights (OCR) initiate an investigation into The Ohio State University (University). As you know, OCR is responsible for enforcing Title IX, and I assure you that the Department remains committed to the full, fair, and effective enforcement of that statute. OCR will continue to fulfill its mission to vigorously protect civil rights and to investigate all complaints under Title IX impartially and thoroughly, including those related to sexual misconduct.

When a compliance review, report, complaint, or any other information indicates a possible failure to comply with the regulations and laws enforced by OCR, or the matter warrants immediate attention and the compliance concern is not otherwise being addressed through OCR's complaint, compliance review, or technical assistance activities, OCR has the ability to initiate a directed investigation. See 34 C.F.R. 106.71 (incorporating 34 C.F.R. 100.7(c)) and OCR's Case Processing Manual, <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>. In light of recent allegations made by former students concerning sexual abuse by former athletic team doctor Richard Strauss, OCR has initiated a directed investigation of the University. Launched on August 8, 2018, OCR's directed investigation is examining whether the University has adhered to its responsibilities under Title IX.

Your letter also expressed concerns regarding the Department's withdrawal of the 2011 Dear Colleague Letter on Title IX and Sexual Violence and the 2014 Questions and Answers on Title IX and Sexual Violence. I appreciate you sharing these concerns with the Department. As you know, the Department is in the process of developing a notice of proposed rulemaking to clarify schools' obligations under Title IX in redressing sex discrimination, including complaints of sexual misconduct, and the procedures by which they must do so. Hearing from a variety of interested parties during the comment period is critical to developing fair rules that protect all students. I look forward to hearing from you during this process.

The Department shares your interest in ensuring a safe learning environment for students that is free from sex discrimination and appreciates your concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenneth L. Marcus", with a long horizontal flourish extending to the right.

Kenneth L. Marcus

Assistant Secretary for Civil Rights

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
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