



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

RACHEL POMERANTZ
DIRECTOR
NEW YORK OFFICE

May 17, 2022

Sent by email only to ybrugal@sanjuanbautista.edu

Yocasta Brugal Mena, M.D.
President
San Juan Bautista School of Medicine
P.O. Box 4968
Caguas, Puerto Rico 00726-4968

Re: Case Nos. 02-18-2181 and 02-19-2044
San Juan Bautista School of Medicine

Dear President Brugal Mena:

This letter is to notify you of the determination made by the U.S. Department of Education, Office for Civil Rights (OCR), with respect to the above-referenced complaints filed against San Juan Bautista School of Medicine (the School). The complaints raised several allegations of discrimination based on race/national origin (REDACTED) and sex (female) against the School.¹

Specifically, the Complainant alleged that:

1. the School's REDACTED (REDACTED 1) discriminated against her on the bases of her race/national origin (REDACTED) by failing to respond to her requests for assistance to obtain an alternate rotation placement after she REDACTED from Puerto Rico due to the REDACTED in REDACTED, while responding to similar requests for assistance made by REDACTED REDACTED students (Allegation 1);
2. REDACTED 1 discriminated against her on the bases of her race/national origin and sex by failing to comply with a REDACTED order of protection that she obtained against a REDACTED male student (Student A) (Allegation 2);
3. the School's REDACTED (REDACTED 2) discriminated against her on the bases of her (a) race/national origin and/or (b) sex by failing to address her complaint regarding REDACTED 1's alleged failure to comply with the protective order (Allegation 3);
4. the School discriminated against her on the basis of her sex by failing (a) to investigate and respond appropriately to her report to REDACTED 1, made in REDACTED 2018, that Student A had sexually assaulted her and (b) to provide her with interim measures by

¹ The Complainant filed a complaint on REDACTED, 2018, which was assigned Case No. 02-18-2181 and contained Allegations 1, 2, 3, and 5. The Complainant filed a second complaint on REDACTED, 2018, which was assigned Case No. 02-19-2044 and contained Allegations 4 and 6. This letter addresses all the allegations opened for investigation in Case Nos. 02-18-2181 and 02-19-2044.

- not rescheduling her examinations and by “pushing” her to REDACTED from the School after she received grades of “incomplete” (Allegation 4);
5. REDACTED 1 retaliated against the Complainant because she made the report regarding the sexual assault by releasing confidential information about the order of protection to School staff without her consent (Allegation 5); and
 6. on REDACTED, 2018, REDACTED 2 discriminated against her on the basis of her sex by not permitting her to begin her REDACTED medical rotation because she had received grades of “incomplete,” while permitting male students with grades of “incomplete” to participate in their REDACTED semester medical rotations (Allegation 6).

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance.² OCR also enforces Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. The regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference 34 C.F.R. § 100.7(e) of the regulation implementing Title VI, which provides 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.

The School is a recipient of financial assistance from the U.S. Department of Education. As a recipient of Federal financial assistance, the School is subject to Title IX and Title VI and their implementing regulations.

As discussed below, OCR determined that there was insufficient evidence to substantiate Allegations 1, 2, 5, and 6. With respect to Allegation 4(a), OCR determined that the School had failed to investigate the Complainant’s report of sexual assault in violation of Title IX. Before OCR completed its investigation of Allegation 4(b) or Allegation 3, the School expressed a willingness to resolve both complaints. OCR determined that a voluntary resolution is appropriate under Section 302 of OCR’s *Case Processing Manual (CPM)* to resolve OCR’s concerns about Allegations 3 and 4(b) and that resolution pursuant to Section 303(b) of the *CPM* is appropriate for Allegation 4(a). Subsequent discussions between OCR and the School resulted in the School’s agreeing to take the steps in the enclosed resolution agreement to address this violation with respect to Allegation 4(a) and OCR’s concerns about Allegations 3 and 4(b) to date.

² Amendments to the Title IX regulation went into effect on August 14, 2020, and can be viewed [here](#). However, the prior Title IX regulation that was in effect at the time when the alleged acts occurred serves as the basis for OCR’s determination in this matter. You can find that regulation [here](#). For more information about Title IX, including the new Title IX regulation and related resources, visit OCR’s website at https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html and <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/index.html>.

Applicable Legal Standards

Title VI

The regulation implementing Title VI, at 34 C.F.R. §100.3(a), provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program operated by a recipient. Further, the regulation implementing Title VI, at 34 C.F.R. §100.3(b)(1)(i), (ii) and (v), prohibits a recipient, on the basis of race, color, or national origin, from denying an individual a service or benefit of a program; providing different services or benefits; and treating an individual differently in determining whether the individual satisfies any admission or eligibility requirement for provision of a service or benefit.

Title IX

In investigating the allegations in these complaints and evaluating the School's compliance with Title IX, OCR applied the Title IX regulation in effect during academic year 2017-2018. Citations in this section are to this prior regulation, and the legal standards discussed below were in effect during the academic years at issue in the allegations.

The regulation implementing Title IX, at 34 C.F.R. § 106.31(a), states as follows: "Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance."

The Title IX regulation requires recipients to adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any actions prohibited by Title IX and its implementing regulation. *See* 34 C.F.R. § 106.9(a); *see also* 34 C.F.R. § 106.8(b).

While the Title IX regulation in effect during the academic years under review did not reference sexual harassment, OCR interpreted Title IX at that time to require recipients to respond to complaints or other notice of sexual harassment involving students and employees.

Sexual harassment is a form of sex discrimination prohibited by Title IX. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Sexual harassment can create a hostile educational environment based on sex when the harassment is sufficiently serious to deny or limit the individual's ability to participate in or benefit from the recipient's education program or activity. In cases of such harassment, a school has an obligation to respond promptly and equitably.

Under the Title IX regulation in effect for the time period reviewed in this investigation, when the recipient has actual or constructive notice of sexual harassment, it must take appropriate steps to investigate or otherwise determine what occurred, and it may be appropriate for a school to take interim measures prior to or during the investigation of a complaint. Interim measures are

individualized services offered as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations. For instance, if a student alleges that he or she has been sexually assaulted by another student, the school may decide to place the students immediately in separate classes, pending the results of the school's investigation.

Once charged with notice of sexual harassment, a school should take steps to prevent any retaliation against the person who made the complaint (or was the subject of harassment) or against those who provided information as witnesses. At a minimum, the school's responsibilities include making sure that the harassed students know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems. In cases where the harassment is widespread, the school may need to provide training for the larger school community to ensure that individuals can recognize harassment if it recurs and know how to respond.

Retaliation

The following three elements must be satisfied to establish a *prima facie* case of retaliation: (1) an individual engaged in a protected activity; (2) an individual experienced an adverse action caused by the recipient; and (3) there is some evidence of a causal connection between the adverse action and the protected activity. When a *prima facie* case of retaliation has been established, OCR then determines whether there is a facially legitimate, non-retaliatory reason for the adverse action, and if so, whether the facially legitimate, non-retaliatory reason is a pretext for retaliation.

Investigative Findings, Legal Analysis, and Conclusions

In its investigation, OCR reviewed documentation and information that the Complainant and the School submitted and interviewed the Complainant and School staff. OCR determined that, during academic year 2017-2018, the Student was enrolled in the School as a REDACTED medical student.

Allegation 1

The Complainant alleged that REDACTED 1 discriminated against her on the bases of her race/national origin by failing to respond to her requests for assistance to obtain an alternate rotation placement after she REDACTED REDACTED Puerto Rico due to the REDACTED in 2017, while responding to similar requests for assistance made by REDACTED students. The Complainant asserted that REDACTED 1 sent REDACTED students an email advising them that they could complete their rotations at an alternate site in the mainland United States; however, the Complainant asserted that in response to her requests for assistance, REDACTED 1 sent her an email stating that she was required to return to Puerto Rico to continue her rotation.

OCR determined that to begin REDACTED rotations, all students must take and pass the United States Medical Licensure Exam, Clinical Knowledge and Clinical Skills REDACTED exam

(REDACTED exam), administered by the National Board of Medical Examiners (NBME). Students must first attempt to pass the REDACTED exam in June or July at the end of their REDACTED year of medical school. If a student needs to delay taking the REDACTED exam, the student must request and receive approval for a REDACTED from a School committee (the Committee), which includes faculty members and School administrators.

The Complainant did not complete the REDACTED exam in June or July of REDACTED, which was the end of her REDACTED year of medical school. In a memorandum dated REDACTED, 2017, the School granted the Complainant's request for an REDACTED from REDACTED, 2017 to REDACTED, 2017, to take the REDACTED exam.³

The Complainant was scheduled to take the REDACTED exam in REDACTED, REDACTED on REDACTED, 2017, but the exam was canceled because of the REDACTED of REDACTED REDACTED in REDACTED. She had to reschedule the exam in Puerto Rico for REDACTED, 2017. On REDACTED, 2017, the Committee agreed to grant an extension of her REDACTED to continue preparing for the REDACTED exam for REDACTED, 2017.

Following REDACTED in Puerto Rico, the testing site in Puerto Rico canceled the Complainant's REDACTED exam scheduled for REDACTED, 2017, and rescheduled it for REDACTED, 2017. Following REDACTED, the School was closed from REDACTED 2017, until REDACTED, 2017, and the NBME cancelled all REDACTED exams scheduled to occur in or around the School, including the Complainant's REDACTED exam scheduled for REDACTED.

The School advised OCR that because many students were REDACTED following REDACTED, the School requested that the Association of American Medical Colleges (AAMC) allow eligible REDACTED student to complete rotations in the mainland United States rather than in Puerto Rico. The AAMC approved the request; however, such rotations were available only to students who were eligible to begin their REDACTED rotations by REDACTED, 2017, and the rotations had to be completed between REDACTED, 2017, and REDACTED, 2017. To be eligible to begin a rotation in the mainland United States by REDACTED, 2017, students needed to satisfy all requirements to be promoted to REDACTED by REDACTED, 2017. This required proof of successfully completing the REDACTED exam no later than REDACTED, REDACTED, or if the student had taken the REDACTED exam but results were not available prior to REDACTED, REDACTED, proof of a passing score on REDACTED exam.

On multiple occasions between REDACTED, 2017, and REDACTED, 2017, the Complainant attempted to contact REDACTED 1 by email and telephone to request that she be granted an extension to her REDACTED for taking the REDACTED exam due to the REDACTED in Puerto Rico and the resulting difficulty in finding a testing location to take the REDACTED exam. In one of these emails, sent on REDACTED, 2017, the Complainant asked if REDACTED 1 could assist in the process of having her begin her rotation in the mainland United States. On REDACTED, 2017, REDACTED 1 responded to the Complainant and informed her that she had not provided evidence of a rescheduled date for taking the REDACTED exam, making her

³ The REDACTED memo outlined the conditions the Complainant needed to meet to REDACTED her studies, including providing evidence that she took and passed the REDACTED exam prior to beginning her scheduled rotation on REDACTED, 2017; and/or providing proof of REDACTED examination while she awaited the results of her REDACTED exam.

ineligible to begin REDACTED rotations on REDACTED, 2017. On REDACTED, 2017, the Complainant emailed REDACTED 1 reiterating that: the NBME had canceled her rescheduled REDACTED exam in Puerto Rico on REDACTED, 2017, because of the effects of REDACTED; her REDACTED exam was now scheduled in REDACTED, REDACTED for REDACTED, 2017; and she was prepared to continue her medical education in the mainland United States if the School provided the required support.

The School informed OCR that the Complainant was ineligible to begin her REDACTED rotations on REDACTED, 2017, because she had not taken and passed the REDACTED exam within the timeframe established by the AAMC. Accordingly, the School informed the Complainant that she could begin her rotations when the next round of rotations began on REDACTED, 2018. The School also extended the Complainant's REDACTED to REDACTED, 2017. REDACTED 1 informed OCR that the School issued REDACTED extensions due to the effects of REDACTED to all students who had not completed the REDACTED exam by REDACTED, 2017.

On REDACTED, 2018, the Complainant informed the School that she had completed the REDACTED exam, and the School confirmed that she was eligible to return from her REDACTED. She was scheduled to begin her REDACTED rotation on REDACTED, 2018. The Complainant notified the School by email on REDACTED, 2018, that she had been unable to return to Puerto Rico due to difficulties with REDACTED, and again requested that she be permitted to complete her REDACTED rotations in the United States. The School informed OCR that the temporary period for which the AAMC permitted students to rotate as visiting students in the United States had ended on REDACTED, 2017; therefore, it was not possible to approve the Complainant's request, and she needed to complete her rotation in Puerto Rico.

OCR determined that during academic year 2017-2018, REDACTED students in the School (including the Complainant) requested permission to participate in rotations in the mainland United States in the REDACTED of REDACTED. Of these REDACTED students, the Complainant (REDACTED), student B (REDACTED), and student C (REDACTED) were denied the opportunity to be placed in an alternate rotation in the mainland United States.⁴ The remaining REDACTED students received approval for a visiting rotation in the mainland United States. Of these REDACTED students, REDACTED are REDACTED; REDACTED is REDACTED; REDACTED are REDACTED; REDACTED is REDACTED; REDACTED is REDACTED; REDACTED are REDACTED; REDACTED is REDACTED; REDACTED is REDACTED; and REDACTED is REDACTED. Each of these REDACTED students had taken and passed the REDACTED exam between REDACTED, 2017, and REDACTED, 2017; provided proof of REDACTED exam completion to the School on or before REDACTED, 2017; and was promoted to the REDACTED to begin rotations.

Based on the foregoing, OCR determined that, contrary to the Complainant's allegation, REDACTED 1 responded to the Complainant's requests, made on REDACTED and REDACTED, 2017, for assistance to obtain an alternate rotation placement. Further, the School proffered a legitimate, non-discriminatory reason for denying the Complainant's request to obtain an alternate rotation in the mainland United States: she was not eligible to do so according to the AAMC

⁴ The School informed OCR that although Student B took the REDACTED exam on REDACTED, 2017, and Student C took the REDACTED exam on REDACTED, 2017, both students failed to provide the required proof to the School by REDACTED, 2017, the AAMC's deadline to begin a visiting rotation in the mainland United States.

because she had not passed the REDACTED exam by REDACTED, 2017. OCR determined that the proffered reason was not a pretext for discrimination because the Complainant had not successfully passed the REDACTED exam by REDACTED, 2017, and she had not met the conditions to return from her REDACTED and begin rotations. OCR determined that the AAMC, not the School, established the limited time period for students to participate in visiting rotations in the mainland United States. OCR also determined that the School imposed this requirement on all REDACTED students prior to beginning rotations, including REDACTED students, and permitted other students of REDACTED who met the requirements to complete rotations in the mainland United States. Accordingly, OCR is closing Allegation 1.

Allegation 2

The Complainant alleged that REDACTED 1 discriminated against her on the bases of her race/national origin and sex by failing to implement an order of protection that she obtained against Student A, a REDACTED male student. The Complainant asserted that Student A was not permitted to attend the School because the order of protection stated that he should REDACTED the school that REDACTED. The Complainant encountered Student A on campus on REDACTED, 2018, and REDACTED, 2018, and believed that he had violated the order. The Complainant alleged that REDACTED 1 “defended” Student A REDACTED and during a REDACTED regarding his alleged failure to comply with the protective order. Specifically, the Complainant alleged that REDACTED 1 failed to take action to address Student A’s violation of the order because she is of REDACTED and female, and Student A is REDACTED and male.

OCR determined that the School took immediate steps to implement the order, which did include the language quoted above. On REDACTED, 2018, the Complainant presented a copy of a REDACTED order of protection she had obtained against Student A to a REDACTED at the School. The REDACTED immediately contacted REDACTED 1, and the two of them met with the Complainant that day to discuss how the School would implement the order. REDACTED 1 told OCR that the School had decided to arrange the schedules of the Complainant and Student A to avoid their being present on campus at the same time and to REDACTED a REDACTED to Student A to REDACTED him REDACTED and REDACTED while REDACTED. REDACTED 1 also informed OCR that she told the Complainant to notify School staff if she arrived at School on a different date or time from what had been scheduled.

On REDACTED, 2018, REDACTED 1 met with Student A to discuss the order and the School’s plan to address the order, and Student A signed a certification agreeing to notify the School when he planned to be on campus and take other steps to limit his non-academic activities on campus. Thereafter, administrators created schedules for the Complainant and Student A that permitted them to continue to participate in their educational activities while avoiding contact with each other.

Incident on REDACTED, 2018

OCR determined that on REDACTED, 2018, the Complainant went to the School’s library to study for a didactic session, but she had not REDACTED the School that she would be coming to campus early that day. The REDACTED Student A had REDACTED him REDACTED the REDACTED for his class and planned to REDACTED Student A REDACTED Student A’s REDACTED.

While Student A was in class, the Complainant walked past the classroom in the library where Student A was seated and saw him through a glass wall in the classroom. The Complainant and Student A did not have any other contact.

After seeing Student A in the library, the Complainant REDACTED the REDACTED to REDACTED that Student A had violated the order by being on campus while she was also on campus. After campus REDACTED notified REDACTED 1 that the Complainant was on campus, REDACTED 1 met with the Complainant and explained that Student A was on campus for his scheduled class, and he would be REDACTED by a REDACTED at the end of his class. During this conversation, REDACTED 1 reiterated that it was important for the Complainant to keep the School apprised of when she expected to be on campus so that the School could comply with the order and ensure her safety.

Shortly after this meeting, two REDACTED at the School and requested that the Complainant, Student A, and a representative from the School REDACTED them to the REDACTED. The REDACTED who REDACTED to the Complainant's REDACTED about the alleged violation of the order had the Complainant submit a REDACTED, which a REDACTED reviewed. At the REDACTED held on REDACTED, 2018, the REDACTED determined that Student A had not violated the order. REDACTED 1 informed OCR that REDACTED the REDACTED at the request of the REDACTED; REDACTED did not do so on behalf of Student A.

Incident on REDACTED, 2018

With respect to the alleged violation of the order of protection on REDACTED, 2018, the Complainant asserted that on REDACTED, 2018, she received an email from REDACTED 1 notifying her that Student A would be on campus the following day. She responded to REDACTED 1's email by stating that she would also be on campus on REDACTED, 2018.

OCR determined that the Complainant was not originally scheduled to be on campus on REDACTED, 2018, and the School had scheduled Student A's REDACTED examination for that date. The Complainant did not respond to REDACTED 1's email until approximately 1:30 a.m. on REDACTED, 2018. REDACTED 1 stated that REDACTED did not see the Complainant's email stating that she would also be on campus; as a result, REDACTED 1 was unaware that the Complainant planned to be on campus on REDACTED, 2018.

When the Complainant unexpectedly arrived on campus, School REDACTED contacted REDACTED 1 to inform REDACTED that the Complainant was on campus the same day that Student A was scheduled to be there. When REDACTED 1 learned from REDACTED that the Complainant was on campus, REDACTED had REDACTED contact Student A to inform him that he should not come to campus and that his examination would be rescheduled for another day. Student A never arrived on campus that day, and the Complainant did not have any contact with him.

Based on the foregoing, OCR determined that REDACTED 1 undertook specific action to address the requirements of the order of protection, and that on both dates the Complainant raised, Student A was scheduled to be on campus, not the Complainant. OCR also determined that REDACTED 1 went to the REDACTED and REDACTED because the REDACTED requested that a

representative of the School REDACTED. Based on its investigation, OCR determined that there was insufficient evidence to substantiate the Complainant's allegation that REDACTED 1 discriminated against her on the basis of her race/national origin or sex by failing to comply with an order of protection that she obtained against Student A, a REDACTED male student. Accordingly, OCR is closing Allegation 2.

Allegation 3

The Complainant alleged that REDACTED 2 discriminated against her on the basis of her race/national origin and/or sex by failing to address her complaint regarding REDACTED 1's alleged failure to comply with the order of protection.⁵ Specifically, the Complainant asserted that REDACTED 2 did not respond to her report on REDACTED, 2018, that REDACTED 1 had discriminated against her on the basis of her sex and national origin by permitting Student A, who is a REDACTED male, to violate the order of protection.

OCR determined that, during a meeting on REDACTED, 2018, the Complainant reported to REDACTED 2 that she believed that REDACTED 1 had discriminated against her by failing to REDACTED the order of protection and by "defending" Student A because he is a REDACTED male. REDACTED 2 met with the Complainant to discuss the complaint on REDACTED, 2018. On REDACTED, 2018, REDACTED 2 referred the matter to an ad hoc committee consisting of faculty and staff to investigate the allegations.

According to the School, the ad hoc committee's investigation of the complaint was delayed for four months due to the REDACTED of REDACTED, which REDACTED Puerto Rico in REDACTED 2017. As a result, the ad hoc committee did not interview REDACTED 1, REDACTED 2, and the REDACTED until REDACTED, 2018. On REDACTED, 2018, the ad hoc committee met again to review available documentation about the Complainant's interactions with REDACTED 1 in REDACTED and REDACTED 2018 related to the School's attempts to address the order of protection. According to the meeting minutes, the ad hoc committee concluded that it could not substantiate that REDACTED 1 discriminated against or otherwise mistreated the Complainant based on this information. However, OCR determined that as of REDACTED, 2018, the ad hoc committee had not yet attempted to interview the Complainant as part of its investigation of her complaint against 1.

By email on REDACTED, 2018, the ad hoc committee requested to schedule a time to interview the Complainant. The Complainant responded by email on REDACTED, 2018, in which she inquired about the purpose of the interview, who would attend the interview, and the date for the interview. By email dated REDACTED, 2018, a committee member explained that the purpose of the interview was to obtain information from the Complainant regarding her complaint against REDACTED 1. After receiving no response from the Complainant, the ad hoc committee then contacted the Office of the Dean of Students on REDACTED, 2018, and was advised that the AAMC had recently notified the School that the Complainant had REDACTED. The ad hoc committee sent another email to the Complainant dated REDACTED, 2018, scheduling an interview with the Complainant for REDACTED, 2018, and including a telephone number where

⁵ The Complainant also alleged that REDACTED 1 failed to take action to address Student A's violation of the order because the Complainant is female and Student A is male.

the Complainant could reach the ad hoc committee. The Complainant did not respond to the committee member's email sent on REDACTED, 2018, or otherwise confirm her availability for an interview on REDACTED, 2018. Nonetheless, on REDACTED, 2018, the ad hoc committee convened to interview the Complainant by telephone, but the Complainant did not contact the ad hoc committee at the telephone number provided.

By letter to the School President on REDACTED, 2018, the ad hoc committee stated that it had evaluated the documentation it gathered related to the Complainant's allegation against REDACTED 1 and conducted interviews of School staff. The letter also noted the ad hoc committee's efforts to interview the Complainant and that she had REDACTED. The letter set forth the ad hoc committee's determination that the Complainant's allegation that REDACTED 1 discriminated against the Complainant on the basis of her race/national origin by failing to comply with the requirements of the order was unfounded. The letter did not address the Complainant's allegation that REDACTED 1 also discriminated against her because she is female and Student A is male. The School provided a copy of an undated letter it asserted it sent to the Complainant via certified mail on REDACTED, 2018, notifying her that it had determined that there was "no cause for the complaint submitted." The School also provided a copy of a tracking receipt indicating that a letter was delivered to the Complainant's address on REDACTED, 2018. However, the Complainant denied that she ever received the letter or that the School otherwise notified her of the outcome of its investigation. The Complainant further informed OCR that after responding to the ad hoc committee via email dated REDACTED, 2018, REDACTED. OCR determined that the ad hoc committee did not attempt to contact the Complainant using her private email address or by telephone at any time.

OCR did not substantiate the Complainant's allegation that REDACTED 1 had discriminated against her on the basis of her race/national origin or sex; however, OCR identified concerns regarding the promptness of the School's investigation. Whether OCR considers an investigation to be prompt as required by Title IX will vary depending on the complexity of the investigation and the severity and extent of the alleged conduct. In this instance, OCR determined that more than seven months passed between the date the Complainant filed her complaint with the School and the date on which the ad hoc committee issued a written determination of its investigation. Even taking into account the REDACTED of REDACTED on the School's operations and the potential availability of the ad hoc committee members, the complaint was filed approximately five months *after* the School REDACTED, and the Complainant's allegation was not unusually complex. In addition, the ad hoc committee did not attempt to contact the Complainant until more than six months after she filed her complaint.

OCR also identified concerns regarding the equity of the School's investigation. Meeting minutes of the ad hoc committee dated REDACTED and REDACTED, 2018, indicate that the committee had already determined that REDACTED 1 had not engaged in discrimination based on race/national origin before the committee contacted the Complainant to schedule an interview. OCR recognizes that the ad hoc committee sent three emails to the Complainant in REDACTED 2018 attempting to schedule an interview, and that she did not respond to the last two emails. According to the meeting minutes, the ad hoc committee interpreted the Complainant's failure to respond to mean that she did not want to participate in the investigation. Though the ad hoc committee knew that the Complainant REDACTED, the committee does not appear to have considered this as a possible explanation for her silence. Further, the documentation the School

provided does not indicate that the ad hoc committee investigated the Complainant's allegation that REDACTED 1 discriminated against her on the basis of her sex. In addition, using the ad hoc committee to investigate the Complainant's allegations of race/national origin discrimination against REDACTED 1 was inconsistent with the School's procedures for investigating complaints of discrimination; these procedures state that complaints of discrimination should be referred to the Title IX Coordinator, who would refer the complaint to one or more trained investigators for investigation.

Prior to OCR's completing the investigation of Allegation 3, on April 29, 2019, the School requested to resolve this allegation without further investigation, pursuant to Section 302 of OCR's *CPM*, and OCR determined that it was appropriate to do so. On May 17, 2022, the School signed the enclosed resolution agreement (the Agreement), which will resolve OCR's concerns that: the School did not promptly investigate the Complainant's complaint; the ad hoc committee initially concluded its investigation prior to providing the Complainant with the opportunity to offer testimony, other evidence, or witnesses; the School may not have notified the Complainant of the investigation's outcome; and the School may not have used trained investigators to investigate the Complainant's complaint against REDACTED 1 as its policy required.

Allegation 4

The Complainant alleged that the School discriminated against her on the basis of her sex by failing to respond appropriately to her report to REDACTED 1, made in REDACTED 2018, that Student A had sexually assaulted her. Specifically, the Complainant alleged that: (a) the School did not complete an investigation of her report of the sexual assault (Allegation 4(a)); and (b) the School failed to provide her interim measures by not assisting her in rescheduling her examinations as an interim measure and by "pushing" her to take an REDACTED from the School after she received grades of "incomplete" (Allegation 4(b)).

Allegation 4(a)

The Complainant told OCR that, in REDACTED 2017, she and Student A were off campus REDACTED. She alleges that Student A became physically violent after she REDACTED his REDACTED, and then he raped her. OCR determined that the Complainant did not file a written complaint with the School, but she orally notified the School of the rape. REDACTED 1 confirmed to OCR that while REDACTED was speaking with the Complainant on REDACTED, 2018, regarding the School's efforts to address the order of protection, the Complainant provided details about the incident.

REDACTED 2 informed OCR that, during a meeting on REDACTED, 2018, which REDACTED attended with the Complainant, REDACTED 1, and the REDACTED, the Complainant asked what was being done to "punish" Student A. In response, REDACTED 2 asserted that he told the Complainant that there was an ongoing process, but they could not share any details with her. Thereafter, via an email dated REDACTED, 2018, to the REDACTED, REDACTED 1 and 2, the REDACTED, and the School's President, the Complainant stated that she did not feel safe going to the campus since the School continued to support Student A.

According to the School's notes from a telephone call on REDACTED, 2018, the Complainant asked REDACTED 2 how the School would manage the Complainant's and Student A's being on campus at the same time and stated that she was worried for her safety. According to the School's notes from a telephone call on REDACTED, 2018, the Complainant expressed to REDACTED 2 that she felt "ignored," that the School was discriminating against her, and that Student A should not be allowed at the School. During the same telephone call on REDACTED, 2018, the Complainant stated that she was worried about the consequences that the School would assign to Student A. Further, via an email to the School's REDACTED dated REDACTED, 2018, the Complainant stated that she had been anxious about REDACTED a REDACTED the School on that same day because the School had not sent confirmation that Student A would not be present on campus. Once again, the Complainant expressed that she felt unsafe since Student A had caused her "so much harm" and the School permitted Student A to be on campus.

During an interview with OCR in August 2018, REDACTED 1 acknowledged that the School did not investigate the Complainant's allegation of sexual assault. According to REDACTED 1, the School determined that it should wait until the state's investigation was complete.⁶ Based on its investigation of Case No. 02-18-2181, OCR determined that the School had not investigated the Complainant's report of an alleged sexual assault by Student A as of April 29, 2019, when the School expressed an interest in resolving that complaint with a resolution agreement pursuant to Section 302 of OCR's *CPM*. When OCR began investigating the second complaint and asked the School for information about Allegations 4 and 6 in May 2019, the School did not produce any information indicating that it had investigated the alleged sexual assault, and the Complainant told OCR in July 2019, that the School had not contacted her with any information about such an investigation. When OCR checked with the Complainant on March 11, 2022, she confirmed that the School had not provided her with a response to her report to date.

Based on the foregoing, OCR determined that, to date, the School has not investigated the Complainant's report of an alleged sexual assault by Student A, which she made REDACTED years ago.

Allegation 4(b)

The Complainant alleged that the School failed to provide her with interim measures by not rescheduling her examinations and by "pushing" her to take an REDACTED from the School. According to the School, it provided several interim measures to the Complainant. These included: ensuring that Student A and the Complainant were not REDACTED with REDACTED; making adjustments to Student A's academic schedule and participation in extracurricular activities as necessary to ensure Student A REDACTED to REDACTED the Complainant; making any necessary adjustments to the Complainant's academic schedule, including rescheduling or retaking

⁶ The School provided a copy of a certification signed by Student A dated REDACTED, 2018, stating that he understood the School would initiate its own investigation of the underlying incident leading to the issuance of the order of protection. The School did not provide any documentation to OCR indicating that it did so. Separately, the Complainant informed OCR that she filed a complaint of sexual assault against Student A in or around REDACTED 2018 with the REDACTED. The Complainant stated that she was told by a REDACTED that she had to be present for any proceedings in order to testify. Because she planned to move REDACTED shortly thereafter, the Complainant stated that she would pursue the case at a later time and had no further contact with the REDACTED after REDACTED 2018.

exams and coursework; providing the Complainant with additional REDACTED by REDACTED a REDACTED to REDACTED the Complainant while REDACTED at her request; ensuring that Student A was REDACTED by REDACTED while REDACTED for the safety of the Complainant and other students; and providing counseling and other academic support services for the Complainant, as needed. The School additionally asserted that these supports were put in place immediately upon the Complainant's notifying the School of the order and remained in place from REDACTED, 2018, through REDACTED, 2018, when the Complainant informed the School that she was REDACTED.

According to the Complainant, she asked the School to reschedule final examinations for two courses (class 1 and class 2), which were set for REDACTED, 2018 (exam 1), and REDACTED, 2018 (exam 2), respectively. With respect to exam 1, the Complainant asserted that the School gave her permission to reschedule exam 1 because the School was not implementing the order of protection, and she was trying to resolve that issue on that date. With respect to exam 2, the Complainant asserted that Student A was REDACTED on REDACTED, 2018, when she was REDACTED to complete exam 2. The Complainant stated that she became upset when she saw Student A and discussed this incident with REDACTED 2 on that date. The Complainant asserted that during this conversation, REDACTED 2 stated that she was excused from exam 2 that day, and she would not be "impacted academically." However, the Complainant asserted that School staff needed to reschedule exams 1 and 2 for her, but they never did so.

According to the School, staff granted the Complainant's requests "without penalty." The School stated that the Complainant never specified when she would complete exams 1 and 2, and thereafter did not take either exam.⁷ The School further stated that, according to School policy, the School will issue a grade of "incomplete" for any course in which a student still has outstanding assignments to complete; thereafter, the student has four weeks to complete the outstanding assignments or will receive a failing grade in the course. The School stated that it made an exception to this policy for the Complainant, and although she never completed exam 1 or exam 2, the School did not assign her a failing grade for either of the classes. The School also provided a copy of an email the REDACTED (REDACTED) sent to the Complainant on REDACTED, 2018, stating that he would reschedule exams 1 and 2 for the Complainant at the end of REDACTED 2018, after she had completed a scheduled medical rotation.

OCR reviewed the Complainant's transcript and determined that the Complainant received grades of "incomplete" for classes 1 and 2, and she did not complete exams 1 and 2. The Complainant informed OCR that, after REDACTED, she was required to repeat class 2, which she passed during the spring 2019 semester and was required to repeat class 1 during the fall 2019 semester.

The School asserted to OCR that REDACTED 2 met with the Complainant on REDACTED, 2018, to discuss her outstanding exams, other academic work and activities, and alternative options for her to accomplish her academic goals. During this meeting, REDACTED 2 presented the Complainant with various options to continue her education given that her REDACTED year was scheduled to begin on REDACTED, 2018, and the Complainant still had not rescheduled several exams and academic activities. During the meeting, REDACTED 2 also granted the Complainant's request to reschedule another exam (exam 3), which was originally set for

⁷ The School noted, however, that the Complainant had rescheduled other academic elements.

REDACTED, 2018, because Student A was also scheduled to be REDACTED that day, and the Complainant received an “incomplete” for class 3. The Complainant later contacted the School to schedule exam 3 and completed exam 3 on REDACTED, 2018.

The School further asserted that the Complainant arrived at the meeting with her medical file on REDACTED, 2018, and explained that she was REDACTED as evidence justifying her excuse from the previous exams. Given this, REDACTED 2 noted that the Complainant might consider a REDACTED because it would not affect her grades and would provide her time to recover from the effects of the sexual assault.⁸ Additionally, the School stated that given the number of outstanding exams and amount of academic work to be completed, it would be challenging for the Complainant to satisfactorily complete all coursework prior to beginning her medical rotation on REDACTED, REDACTED. Therefore, REDACTED 2 advised the Complainant that an REDACTED was her best option; however, the School reiterated that REDACTED 2 and the REDACTED presented all available options to the Complainant.

OCR reviewed a copy of minutes from the meeting held on REDACTED, REDACTED. The minutes stated that REDACTED 2 informed the Complainant that she could begin her medical rotation on REDACTED, REDACTED, if she wished to do so, or that she could consider a REDACTED. The minutes reflected that the Complainant stated that she would consider a REDACTED. OCR determined that the Complainant ultimately did not REDACTED a REDACTED and REDACTED to REDACTED in or around REDACTED.

Based on its investigation to date, OCR did not find sufficient evidence to substantiate the Complainant’s allegation that the School failed to provide her with appropriate interim measures regarding exam 3. Rather, OCR determined that the School permitted the Complainant to reschedule exam 3, which she successfully completed on REDACTED, 2018. In addition, OCR concluded that there was insufficient evidence to support that the School pushed the Complainant to REDACTED a REDACTED from the School after she received grades of “incomplete.” OCR found that the School gave the Complainant the option to REDACTED a REDACTED (among others) when she explained that she was having difficulty completing required coursework prior to starting her REDACTED rotation.

As for exams 1 and 2, OCR found that the Complainant was not able to complete them before she and received grades of “incomplete” for classes 1 and 2. The Complainant informed OCR that her decision to in REDACTED was directly related to the School’s failure to investigate her report of sexual assault made in REDACTED 2018. In addition, OCR has concerns that she had to repeat classes 1 and 2 after she REDACTED.

On May 17, 2022, the School signed the Agreement to resolve Allegation 4(a) pertaining to the School’s failure to investigate the Complainant’s report of sexual assault, pursuant to Section 303(b) of OCR’s *CPM*, and to resolve OCR’s concerns about the portion of Allegation 4(b) relating to exams 1 and 2 without further investigation pursuant to Section 302 of OCR’s *CPM*.

⁸ According to REDACTED 2, REDACTED stated REDACTED told the Complainant that a REDACTED would also preserve her access to student loans under the applicable federal regulations.

Allegation 5

The Complainant alleged that REDACTED 1 retaliated against her for reporting the sexual assault by releasing confidential information about the REDACTED to School staff without her consent, including a (a) School REDACTED; (b) two professors (Professors 2 and 3); (c) the REDACTED; and (d) REDACTED 1's REDACTED.

OCR determined that, after receiving the REDACTED on REDACTED, REDACTED, REDACTED 1 informed the Complainant that REDACTED 1 would need to notify certain staff at the School about it because they were responsible for taking action to address the requirements of the order. The Complainant did not object to this plan. OCR determined that on REDACTED, 2018, REDACTED 1 informed several School staff about the existence of the order, including the School's President; the REDACTED (REDACTED 3); the REDACTED (REDACTED 4); the REDACTED; and two REDACTED (REDACTED 1 and 2).⁹

In support of Allegation 5(a), the Complainant stated that she observed a School REDACTED talking to Student A and making a "demeaning comment" about her. The Complainant did not identify the School REDACTED to OCR, did not indicate what the REDACTED specifically said that was allegedly demeaning, and indicated to OCR only that the alleged incident occurred on or about REDACTED, 2018. As stated previously, OCR determined that REDACTED 1 notified REDACTED 1 and 2 of the order because they were responsible for REDACTED Student A REDACTED and ensuring the Complainant's safety.

The Complainant also asserted that REDACTED 1 retaliated against her by releasing confidential information about the order to Professor 2 (Allegation 5(b)). The Complainant asserted that Professor 2 then made "damaging comments" about her to Professor 3. The Complainant did not indicate what Professor 2 allegedly stated to Professor 3 that she considered "damaging," or when this incident allegedly occurred. The School denied that REDACTED 1 had notified Professors 2 or 3 of the order; and OCR did not find, nor did the Complainant provide, any information to indicate that REDACTED 1 had done so.

The Complainant asserted that REDACTED 1 retaliated against her by releasing confidential information about the order to the REDACTED (Allegation 5(c)). OCR determined that the Complainant, not REDACTED 1, informed the REDACTED about the order on or about REDACTED, 2018, when the REDACTED saw her crying in the lobby of the school and the REDACTED attempted to assist her. The REDACTED informed OCR that the Complainant told her she was having a problem with her ex-boyfriend; that she had obtained an order of protection; and the Complainant was currently handling a situation involving him. The REDACTED REDACTED then asked the Complainant what had occurred, and when it had occurred, because REDACTED was trying to determine whether the Complainant was in immediate danger.

The Complainant asserted that REDACTED 1 retaliated against her by releasing confidential information about the order to REDACTED 1's REDACTED (Allegation 5(d)). OCR determined that REDACTED 1 notified REDACTED about the order when she requested the REDACTED

⁹ The School stated that REDACTED 1 also notified other staff and administrators, on an as needed basis.

assistance to address the requirements of the order after learning that the Complainant had REDACTED while Student A was REDACTED to REDACTED on REDACTED, 2018.

Based on the foregoing, OCR determined that there was insufficient evidence to substantiate that REDACTED 1 notified Professors 2 and 3, and the REDACTED, of the order of protection. Absent an adverse action, OCR need not proceed further with the analysis of alleged retaliation. Nevertheless, OCR determined that REDACTED 1 had a legitimate, non-retaliatory reason for notifying REDACTED 1 and 2 of the existence of the REDACTED; specifically, they were responsible for ensuring that Student A was not REDACTED when the Complainant was REDACTED.¹⁰ Similarly, REDACTED 1 had a legitimate, non-retaliatory reason for notifying REDACTED of the order: REDACTED 1 needed to request the REDACTED assistance to address the requirements of the order. OCR did not find the proffered legitimate, non-retaliatory reasons to be a pretext for retaliation, because OCR confirmed that REDACTED 1 and 2, and REDACTED 1's REDACTED needed the information to implement the order. Accordingly, OCR is closing Allegation 5.

Allegation 6

The Complainant alleged that on REDACTED, 2018, REDACTED 2 discriminated against her on the basis of her sex by not permitting her to begin her REDACTED medical rotation because she had received grades of “incomplete.” Specifically, the Complainant asserted that she received “incompletes” as a result of the School’s alleged failure to implement the order of protection, which she alleged was based on her sex. The Complainant asserted that the School’s decision not to permit her to begin REDACTED medical rotation was a continuation of the School’s allegedly discriminatory failure to the order of protection.

The School stated that, during a telephone call on REDACTED, 2018, REDACTED 2 informed the Complainant that she would not be permitted to begin REDACTED rotation scheduled REDACTED, 2018, because she needed to complete outstanding coursework and examinations from the REDACTED semester so that the grades of “incomplete” could be removed from her transcript.¹¹ In addition, the School stated that, pursuant to School policy, students are not permitted to begin their REDACTED semester rotations with grades of “incomplete” on their transcript from the REDACTED semester, and that no student was permitted to do so in academic year REDACTED or REDACTED. The School provided documentation to OCR indicating that, during academic year REDACTED, the School also did not permit a male student to begin his next scheduled clinical rotation due to three grades of “incomplete” for previous outstanding examinations.

OCR determined that as of REDACTED, 2018, the Complainant had not completed her REDACTED for class 1, class 2, or class 3, because she had not completed exams 1, 2, or 3. As discussed previously, the School had permitted the Complainant to be excused from the originally

¹⁰ OCR was unable to confirm whether the REDACTED the Complainant identified was REDACTED 1 or REDACTED 2.

¹¹ The School provided notes from the telephone conversation between the Complainant, REDACTED 2, and the REDACTED, which state that REDACTED 2 explained that under Title IV of applicable federal regulations governing financial aid, the Complainant must complete all educational activities, including removing the grades of incompletes, before enrolling in the upcoming academic rotation.

scheduled exams 1, 2, and 3; and as a result, she received grades of “incomplete” for these courses. Therefore, the Complainant was not eligible to advance to her REDACTED semester rotations. Nevertheless, documentation the School provided to OCR indicated that, via email dated REDACTED, 2018, the REDACTED informed the Complainant that she would be permitted to continue her enrollment at the School after passing exam 3 on REDACTED, 2018. The Complainant passed exam 3 on REDACTED, 2018 and the REDACTED notified the Complainant, via email dated REDACTED, 2018, that she was authorized to participate in a REDACTED rotation scheduled to begin REDACTED, REDACTED. Via email dated REDACTED, REDACTED, the Complainant notified the REDACTED after meeting with REDACTED 2 and the REDACTED earlier that day, she had decided to REDACTED her REDACTED rotation. Thereafter, the Complainant began the process of REDACTED. In or around REDACTED 2018, the Complainant REDACTED.

Based on the foregoing, OCR determined that other students who had grades of “incomplete” due to outstanding coursework from previous rotations, including a male student, were also prohibited from advancing to their REDACTED semester rotations in accordance with the School’s policy. Further, OCR determined that the School ultimately made an exception to this policy for the Complainant, when, on REDACTED, 2018, the REDACTED authorized the Complainant to begin her REDACTED semester rotations with two outstanding grades of “incomplete” in classes 1 and 2.

Therefore, OCR determined that there was insufficient evidence to substantiate the Complainant’s allegation that on REDACTED, 2018, REDACTED 2 discriminated against her on the basis of her sex by not permitting her to begin REDACTED medical rotation because she had received grades of “incomplete,” but permitting male students with grades of “incomplete” to participate in their REDACTED semester medical rotations. Accordingly, OCR is closing Allegation 6.

Resolution of Allegations 3, 4(a), and 4(b)

As stated previously, on May 17, 2022, the School signed the enclosed Agreement to resolve (1) OCR’s finding that the School failed to investigate the reported sexual assault in violation of Title IX, as Allegation 4(a) maintained, (2) OCR’s concerns about Allegation 3, and (3) the portion of Allegation 4(b) relating to exams 1 and 2 without further investigation. Specifically, the Agreement will require the School to provide to OCR documentation indicating that it investigated the Complainant’s report of sexual assault made to REDACTED 1 on REDACTED, 2018, and notified the parties of the outcome of its investigation. The Agreement also will require the School to offer to reimburse the Complainant for tuition she paid for classes 1 and 2, for which the Complainant received grades of incomplete and subsequently had to retake upon REDACTED.

During OCR’s investigation, OCR also noted that the School’s policies and procedures for resolving complaints arising under Title IX do not meet the requirements of the Amendments to the Title IX regulation that went into effect on August 14, 2020. Therefore, the Agreement will also require the School to revise its policies and procedures to ensure they conform with Title IX. To resolve OCR’s concerns about Allegation 3, the Agreement further requires the School to provide training about Title IX and Title VI to School employees or third parties directly involved in receiving, processing, investigating, adjudicating and/or resolving complaints of sexual harassment and discrimination based on race and national origin. The training will include

instruction on the School's procedures applicable to such complaints and how to conduct timely and complete investigations of such complaints. Further, the Agreement will require the School to provide documentation to OCR demonstrating that it has responded promptly and equitably to complaints of sexual harassment, including sexual assault, and discrimination based on race and national origin received by the School for 2022 and 2023.

OCR will monitor the School's implementation of the Agreement. Upon the School's compliance with the terms of the Agreement, with Title VI and its implementing regulations at 34 C.F.R. Part 100, and Title IX and its implementing regulations at 34 C.F.R. Part 106, which were at issue in this case, OCR will close the case.

This letter should not be interpreted to address the School's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the School must not harass, coerce, intimidate, discriminate, or otherwise retaliate against any individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint against the School with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Within 60 calendar days of the date indicated on this letter, the Complainant has a right to appeal OCR's determination regarding Allegations 1, 2, 5, 6, and 4(b) as it pertains to the School's alleged failure to provide interim measures by not rescheduling exam 3 and by "pushing" her to REDACTED from the School. In the appeal, the Complainant must explain why the factual information was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied; and, how correction of any error(s) would change the outcome of the case. Failure to do so may result in dismissal of the appeal. If the Complainant appeals OCR's determination, OCR will forward a copy of the appeal form or written statement to the recipient. The recipient has the option to submit, to OCR, a response to the appeal. The recipient must submit any response within 14 calendar days of the date that OCR forwarded a copy of the appeal to the recipient.

If you have any questions regarding this matter, please contact Joy M. Purcell, Senior Compliance Team Attorney, at (646) 428-3766 or Joy.Purcell@ed.gov; Jessica Daye, Compliance Team Investigator, at (646) 428-3812 or Jessica.Daye@ed.gov; or Felice Bowen, Compliance Team Leader, at (646) 428-3806 or Felice.Bowen@ed.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rachel Pomerantz".

Rachel Pomerantz

Enclosure

cc: Luis R. Pérez Giusti, Esq. (via email)