



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD  
DIRECTOR  
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August 21, 2020

Sent via email only to: [Michael.Best@liu.edu](mailto:Michael.Best@liu.edu)

Dr. Kimberly R. Cline  
President  
Long Island University

c/o Michael Best, Esq.  
University Counsel  
University Center  
700 Northern Boulevard  
Brookville, New York 11548

Re: Case No. 02-20-2248  
Long Island University

Dear Dr. Cline:

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 complaint filed against Long Island University (the University). The Complainant alleged that the University discriminated against her, on the basis of her race (XXXX), with respect to registration for the XXXX campus XXXX program (the Program) in XXXX, by: (a) refusing to waive its requirement of a minimum grade of XXXX for Program prerequisites for her, although it has previously done so for students of other races; and (b) denying her request to take a prerequisite course for admission to the Program while simultaneously taking Program courses in XXXX, although it has previously allowed students of other races to do so (Allegation 1). The Complainant also alleged that the Dean and an employee from the Program subjected her to racial harassment on XXXX, by making comments to the effect that “[her] people” did not belong in the Program, in response to her inquiries about registration for the Program (Allegation 2).

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 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 financial assistance from the U.S. Department of Education (the Department). The University is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title VI.

OCR interviewed the Complainant during the course of its investigation. OCR also reviewed information that the Complainant submitted, and information from the University's website. OCR made the following determinations.

With respect to Allegation 1, the Complainant alleged that the University discriminated against her, on the basis of her race, with respect to registration for Program in XXXX, by: (a) refusing to waive its requirement of a minimum grade of XXXX for Program prerequisites for her, although it has previously done so for students of other races; and (b) denying her request to take a prerequisite course for admission to the Program while simultaneously taking Program courses in XXXX, although it has previously allowed students of other races to do so. The regulation implementing Title VI, at 34 C.F.R. § 100.3(a), states that no person in the United States shall, on the ground 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 to which the regulation applies.

OCR determined that the Complainant was enrolled in the University as an undergraduate student in the University's XXXX program. The Complainant asserted that after consulting with a University administrator (Administrator 1), as of XXXX, she had been approved to transfer to the Program, starting in XXXX. The Complainant acknowledged that in order to transfer into the Program, a student must have a XXXX in all XXXX prerequisite courses taken at the University and a XXXX overall GPA.<sup>1</sup> The Complainant further acknowledged that she received a XXXX in a prerequisite course, (the Course), but asserted that in XXXX, Administrator 1 told her that she would still be allowed to enter the Program in XXXX as long as she earned a minimum grade of XXXX in her remaining prerequisite courses. According to the Complainant, on XXXX, a different University administrator (Administrator 2) advised her that she needed to retake the Course in order to be eligible for the Program; and indicated that she would not be allowed to take XXXX courses in XXXX while simultaneously retaking the Course. The Complainant asserted that there are other students who earned XXXX in prerequisite courses but were not required to retake those courses before proceeding in the Program; and that other students were permitted to take XXXX classes while completing Program prerequisites.

With respect to Allegation 2, the Complainant alleged that the Dean and Administrator 2 subjected her to racial harassment on XXXX by making comments to the effect that "[her] people" did not belong in the Program, in response to her inquiries about registration for the Program. Racial harassment that creates a hostile environment is a form of discrimination prohibited by Title VI and its implementing regulation. Harassing conduct can include oral, written, graphic, physical or other conduct by an employee, a student, or a third party; as well as conduct that is physically threatening, harmful or humiliating. Harassment can create a hostile environment if it is sufficiently serious so as to interfere with or deny a student's participation in, or receipt of benefits, services or opportunities in, the recipient's program. If OCR determines that harassing conduct occurred, OCR will examine additional factors to make a determination as to whether a hostile environment existed and whether the University took prompt and effective action that was reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects. In determining whether the responsive action was reasonable, OCR will consider,

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<sup>1</sup> According to the University's website, the prerequisite courses for transfer students are: XXXX. <https://liu.edu/XXXXXXX/> (site last visited on August 18, 2020).

among other things, whether the responsive action was consistent with any established institutional policies or with responsive action taken with respect to similar incidents.

As discussed above with respect to Allegation 1, the Complainant stated that she met with Administrator 2 on XXXX, to discuss her registration for the Program starting in XXXX. The Complainant said that in the course of that conversation, Administrator 2 made derogatory statements in reference to her race, such as “you have this entitlement and your education is not your own or for your people to take”; “You people clearly cannot comprehend or you wouldn't still be here asking me any questions, I need you to tell me you're capable of comprehension, tell me yes”; and “Speaking to me like this will definitely not get you in this program. Education is not for you and your people.” The Complainant stated that Administrator 2's tone was condescending and nasty (particularly in contrast to her tone with a XXXX student who was in her office just before the Complainant), and that she understood Administrator 2 to be using the term “your people” to refer to XXXX. The Complainant also alleged that, during the course of this conversation, Administrator 2 put her hands in the Complainant's face which made her uncomfortable. The Complainant stated that when she went to speak with the Dean about her concerns following the meeting with Administrator 2, the Dean stated that “[t]he [Program] is not for your people in this system.” The Complainant also alleged that the Dean made another discouraging statement regarding her prospects for success as XXXX. The Complainant asserted that the Dean's statements were based on her race.

On August 18, 2020, the University signed the attached resolution agreement (Agreement) to voluntarily resolve the Complainant's allegations without further investigation, pursuant to Section 302 of OCR's *Case Processing Manual*. OCR will monitor the implementation of the Agreement.

This letter should not be interpreted to address the University'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 University may not harass, coerce, intimidate, or discriminate against any individual because the individual has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that 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.

If you have any questions, please contact William Poorten, OCR Senior Attorney, at (646) 428-3829 or [william.poorten@ed.gov](mailto:william.poorten@ed.gov); Erin Greene, OCR Compliance Team Attorney, at (646) 428-

3870 or [erin.greene@ed.gov](mailto:erin.greene@ed.gov); or Félice A. Bowen, Compliance Team Leader, at (646) 428-3806 or [felice.bowen@ed.gov](mailto:felice.bowen@ed.gov).

Sincerely,

/s/

Timothy C. J. Blanchard

Attachment