



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

February 14, 2022

VIA EMAIL ONLY

Dr. Tuajuanda Jordan, President
St. Mary's College of Maryland
47645 College Drive
St. Mary's City, MD 20686

Re: OCR Docket No. 03-14-2405

Dear Dr. Jordan:

The U.S. Department of Education's Office for Civil Rights (OCR) has completed its investigation of the above-referenced complaint filed against St. Mary's College of Maryland, which we will refer to as the College, alleging sex discrimination. The Complainant alleged that the College discriminated against her on the basis of sex when it failed to promptly and equitably respond to her complaint that she was sexually assaulted on XXXXXXXX, and as a result, she continued to be subjected to a sexually hostile environment. We apologize for the delay in completing our investigation of this complaint.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 – 1688, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex under any education program or activity receiving Federal financial assistance.¹ As a recipient of Federal financial assistance from the Department, the College is subject to Title IX and its implementing regulation.

In reaching a determination, OCR reviewed documents provided by the Complainant and the College. After carefully considering all the information obtained during the investigation, OCR has concluded that the College did not comply with the requirements of Title IX in responding to the complaint of sexual assault. Specifically, OCR concludes that the College did not conduct a prompt investigation of the Complainant's reports, failed to adequately document its investigation, failed to provide appropriate interim measures to end the hostile environment and

¹ Amendments to the Title IX regulation went into effect on August 14, 2020, and can be viewed [here](#). However, OCR is evaluating this complaint based on the prior Title IX regulation that was in effect at the time when the alleged acts occurred. 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>.

prevent its recurrence, and failed to provide the Complainant with appropriate interim measures to remedy the effects of the hostile environment. A more detailed explanation of OCR's findings is below.

FACTUAL SUMMARY

Background

OCR investigated and resolved a systemic Title IX sexual harassment complaint against the College, OCR Docket XXXXXXXX, in 2013. Specifically, by letter dated June 24, 2013, OCR completed its findings and concluded that the College's Title IX policies and procedures did not comply with the requirements of Title IX, the College failed to provide for the prompt and equitable resolution of that complainant's complaint, and the College failed to effectively end the harassment and prevent its recurrence when the College President reduced the sanction for the respondent in that matter. The College signed a Resolution Agreement to address OCR's findings in June 2013. The Agreement required that the College develop and publish an anti-harassment statement; revise, adopt and publish Sex Discrimination/Sex Harassment grievance procedures; provide training for the Title IX Coordinator and College personnel; develop an ongoing Title IX training program for College staff and new students; and conduct annual student climate checks. By letter dated February 25, 2021, OCR advised the College that it had completed all the requirements of the Resolution Agreement, no further monitoring was necessary, and OCR closed the complaint file.

During this same timeframe, OCR received another Title IX sexual harassment complaint against the College (OCR Docket XXXXXXXX). By letter dated August 27, 2018, OCR completed its findings and concluded that the College failed to conduct a prompt and equitable investigation of that complainant's report of sexual assault. OCR specifically noted a significant delay in the resolution of the complaint, and that the Interim Dean inappropriately, unilaterally altered the respondent's sanctions. Last, OCR concluded that the College failed to provide the complainant in that case with appropriate measures to remedy the effects of the hostile environment. The College signed a Resolution Agreement to address OCR's findings in August 2018. The Agreement required that the College acknowledge its obligations under Title IX; ensure that employees are informed of whether they are considered a responsible employee and provide training regarding these responsibilities; provide training to the Dean of Students; and provide individual remedies to the complainant.

OCR notes that the alleged assault involving the Complainant in this case occurred approximately one month prior to OCR issuing its findings and the College signing the Resolution Agreement for OCR Docket 03-12-2100. The College informed OCR that it worked throughout the following academic year to implement the requirements of the Resolution Agreement. In reviewing several different sources in this case and in other cases from this time period, showing that the staff members who were in place in 2013 were not handling sexual misconduct cases appropriately, the College made staffing changes in the positions of Title IX Coordinator, Public Safety Director, and Student Affairs personnel. The Title IX Coordinator was replaced in February 2014; the new Title IX Coordinator then left as well. OCR's investigation of the other complaints against the College have revealed that the Public Safety Director was criticized for his inactivity in several investigations, and he left the College in February 2014. He was replaced by an interim director in March 2014 who has also since left the

College. Further, the Interim President of the College for the 2013-2014 year left the College in 2014.

The documentation maintained by the new Title IX Coordinator, who took over on February 17, 2014 until her departure, provided OCR with valuable information on how the case that is the subject of this complaint and several others were handled. Interviews with College personnel were not possible, however, due to staff turnover.

The Incident

On XXXXXXXXXXXX, the Complainant made a report of sexual assault to the College's Public Safety Office; according to the documentation, the assault occurred on XXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX. There is also evidence that on XXXXXXXX, two different students (Students A and B) had reported to Public Safety that the Respondent possessed a knife of greater size than what was allowed by College rules, and he had pulled it out on another female student. Further, the evidence demonstrates that the day before the Complainant made her report, her friend (Student C) reported that she had been sexually assaulted by the Respondent on XXX XXXX. Last, in late XXXXXXXX, a third sexual assault report was filed against the same Respondent.

Before the Complainant reported the incident to Public Safety, she had reported the sexual assault incident to a school counselor in XXXXXXXX, and the counselor informed her of her reporting options. At that time, the Complainant decided to file an anonymous complaint because she was aware of other complaints filed against the same Respondent, and she hoped that some action would be taken. To the Complainant's knowledge, the College did not take any action as a result of her anonymous complaint.

OCR obtained a copy of the anonymous reporting form, dated XXXXXXXXXXXX, in which the reporter (presumably the Complainant) provided details about the XXXXXXXX incident. In it, the Complainant identifies the Respondent by name and physical description, and she describes a physical assault, sexual assault, unwanted touching, and use of a weapon (belt) as part of the incident. The Complainant also noted in her anonymous complaint that she believed there was a threat to others on the campus, stating "there have been several other incidents before and after this specific incident in which he has acted in a violent or threatening manner." As part of the anonymous reporting form, the Complainant noted that she was already in contact or utilizing the services of the Sexual Assault/Wellness Advocate. She also noted that she did not desire any additional information about any additional services available from the College.

The College reported to OCR that its policies and procedures at the time required it to handle anonymous complaints by providing a report of the incident (without identifying details) to the Sexual Assault/Wellness Advocate and the Title IX Coordinator. The need for a timely warning would be assessed and the incident might be included in the Clery report and campus crime statistics. Nonetheless, the College reported that there is no record of action it took in response to the anonymous reporting form, including the issuance of a timely warning.

Once the Complainant made her official report to Public Safety on XXXXXXXXXXXX, she was interviewed by two Public Safety Officers. At that time, they informed her that they were required by law to have someone from the local sheriff's office interview her. The Complainant

asserts that she was treated very poorly by the officer, which was confirmed by the College, when it described the officer as “callous” in his interview with the Complainant.

Public Safety interviewed the Respondent on XXXXXXXXXXXX, and immediately issued a no-contact order. Due to staffing changes and winter break, the College’s investigation was delayed. The Complainant was contacted over winter break by the College and was told she needed to meet with Public Safety again. The Complainant said that this consisted of two meetings in XXXXXXXX, both lasting over two hours; the College does not have documentation of these meetings. The Complainant stated that she again had to describe the assault in intimate detail, and it was traumatic for her to have to continually re-tell the story and see nothing happen in response.

On XXXXXXXXXXXX, the College’s new Title IX Coordinator began her employment. According to the College, the new Title IX Coordinator quickly discovered that the investigations of the two complaints against the Respondent were still pending. According to notes from her review of the two complaint files, she was surprised to see that the two complaints, the Complainant’s and Student C’s, were not treated as separate and unrelated assaults but rather the Complainant’s assault was characterized and treated as a supplement to Student C’s complaint. The notes reflect that the new Title IX Coordinator inquired as to the status of the investigation, but no one could respond with the status or an explanation of why it was still pending. The notes further reflect that she inquired in-person with the Director of Public Safety and requested that he provide her with all the documentation on these two cases, including documentation of the XXXXXXXX interviews. The Director of Public Safety stated he would do so, but he then resigned and never provided the requested documents.

In late XXXXXXXX, a third report of sexual assault was filed against the Respondent. At that point, the new Title IX Coordinator suggested that interim restrictions on the Respondent should be put into place. It is unclear what was done with the third complaint, or if further restrictions were ever placed on the Respondent; as noted above, the staff involved has since left the College, and the monitoring reports we received from the College in OCR Docket XXXXXXXX do not include the Respondent. OCR’s investigation in OCR Docket XXXXXXXX (involving a different respondent) revealed that the Respondent was present on campus at social events following this third sexual assault allegation.

In the early weeks of XXXXXXXX, documentation indicates that the new Title IX Coordinator and others on the Title IX team met with the Interim Director of Public Safety, who had previously served in the capacity of Director of Public Safety at the College. The Interim Director believed that the investigation that had already been conducted was sufficient; the Title IX team disagreed and explained why the investigation was not sufficient. The team further explained that the lack of an effective and thorough investigation created problems for conduct boards, and the Title IX team wanted to prevent a hearing board from having insufficient information in which to make an informed decision. In response, the Interim Director said that he was very short-staffed and felt that what the Title IX team was asking him to do was unreasonable and deviated from the College’s practice that had been in place when he last served as Director. In the debate as to what still needed to be done for the investigation, the new Title IX Coordinator insisted that a thorough investigation was needed because it “had previously been mismanaged and neglected.”

Records from the College indicate that Interim Director of Public Safety interviewed both parties again. The Respondent was interviewed by the Department of Public Safety on XXXXXXXXXX; the Complainant was interviewed on XXXXXXXXXX. The Complainant told OCR that this was very upsetting and traumatic to have to retell the story of what happened yet again.

On XXXXXXXXXX, the Complainant's parents wrote to the College to complain about the handling of her complaint. The parents noted that the multiple interviews and re-telling of the assault was burdensome on the Complainant because staff at the College kept changing, and notes and records of interviews and meetings had not been maintained. The parents wrote, "XX
XXX
XXX
XXX"
The parents also notified the College in this email that the Complainant would be applying for a leave of absence from the College for the remainder of the XXXXXXX semester as well as the XXXXXXX semester.

[Redacted Signature]

On XXXXXXXX, the Complainant met with the new Title IX Coordinator and expressed her frustration with the way her complaint had been handled and that she was confused as to what would happen next. During this conversation, the Complainant reiterated her desire to take a leave of absence for the remainder of the semester so she could attend to her mental health, but she stated that she would like to remain on campus until the hearing process was concluded. The Complainant also requested a tuition reimbursement due to the academic troubles she experienced since she reported the incident. The new Title IX Coordinator said she would inquire about these requests.

On XXXXXXXX, in response to an email from the Complainant's parents, the College's Interim President wrote and informed them that a hearing on the XXXXXXXX assault would take place the week of XXXXXXXX. The Interim President acknowledged, "This case has taken far too long, and we have had a number of meetings to ensure that our processes are being properly followed and that timely responses will occur in the future." The parents also requested that the College refund the Student's full tuition, room, and board for the XXXXXXXX semester. The Interim President instructed the parents to see the Academic Dean regarding the withdrawal, and after that the Interim President would discuss "financial issues" surrounding her withdrawal with them.

On XXXXXXXX, the Respondent was notified of the charge against him and that the case would be heard before the Sexual Misconduct Hearing Board on XXXXXXXX. The evidence reflects that both parties were provided notice of the allegations, the right to an advisor, copies of evidence and documentation prior to the hearing, and a detailed explanation of the hearing process. As a result of the hearing, the Respondent was found responsible for non-consensual sexual intercourse, in violation of the College's Sexual Misconduct Policy. The Respondent received a three-semester suspension, beginning at the end of the XXXXXXXXXXXX. Additional requirements and restrictions would apply if the Respondent tried to return to the College after the suspension, including submission of proof of completion of an assessment with an appropriate counselor, as well as any recommended treatment; revocation of the Respondent's housing contract and restrictions from entering any residential facility without advanced permission; and to research and prepare a presentation on sexual misconduct. The parties were both notified by email of the outcome on XXXXXXXX, and both were notified of their right to an appeal. There was no appeal of the outcome, and the decision was considered final.

The Complainant found these sanctions to be unsatisfactory, as she believed the Respondent was dangerous, and there were other incidents the College knew about that involved the Respondent. Nevertheless, the Complainant did not appeal the sanctions because she had heard of sanctions being overturned during appeal. The Complainant was afraid the Interim Dean would take away all of the sanctions rather than consider expelling the Respondent. OCR notes that this did, in fact, take place in prior OCR complaints XXXXXXXXXXXXXXXX.

On XXXXXXXX, the Complainant took a leave of absence and moved out of her residence hall. The Complainant's parents emailed the Interim President on XXXXXXXX, reiterating their request for reimbursement for the Complainant's tuition, room, and board for the XXXXXXXX semester. Although OCR requested information about how the College responded to the request for a reimbursement of the Complainant's tuition, it is unclear if the College ever did so in writing. The College provided evidence to OCR showing that the Complainant was given a partial refund for her meal plan. After other charges and credits were processed (which appears to include charges for the used portion of the Complainant's meal plan), the Complainant received a final refund of XXXXXX, which was processed on XXXXXXXX. According to the College, a request for a refund of tuition typically would be submitted to the bursar's office; however, the bursar does not have any record of a request for a tuition refund or an appeal of the meal plan refund was processed. The College also referred OCR to its refund policy, which indicates that tuition refunds are not provided after the fifth week of classes. No time limits are attached to board refunds, and the policy states that such refunds are based on weekly meal use.

The Complainant informed OCR that she took the leave of absence in the XXXXXXXX. The Complainant withdrew from all three courses she attempted in XXXXXXX at the College. At the time that she left the College, the Complainant had XXXXXXXXXXXXXXXXXXXXXXXX, earning credits at the College in two of her four semesters of attendance.

for resolving such complaints, an undue delay occurred in the resolution of the Complainant's XXXXXXXXX sexual assault complaint. Since then, and as part of the Resolution Agreement the College signed on June 24, 2013 to resolve OCR complaint XXXXXXXX, it has revised its procedures to include timeframes, specifically that complaints will be resolved within 60 days.

LEGAL STANDARD

In conducting this investigation and evaluating the College's compliance with Title IX, OCR applied the Title IX regulation in effect during the 2013-2014 academic year. Citations in this section are to this prior regulation, and the legal standards discussed below were in effect during the academic years subject to this investigation.

The Title IX regulation contains a number of procedural requirements, including a requirement that recipients designate at least one employee to coordinate the recipient's efforts to comply with Title IX, including the investigation of any complaint communicated to such recipient alleging its noncompliance with Title IX or any actions that Title IX would prohibit, 34 C.F.R. 106.8(a). In addition, the Title IX regulation requires recipients to publish a notice of nondiscrimination covering Title IX, and 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 postsecondary institutions 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 determining whether sexual harassment exists and has created a hostile environment based on sex for students, OCR looks at the totality of the circumstances, and considers a variety of factors, including whether the conduct was unwelcome to the student(s), the degree to which the conduct affected one or more students' education; the type, frequency, and duration of the conduct; the identity of and relationship between the alleged harasser and the subject or subjects of the harassment; the number of individuals involved; the age and sex of the alleged harasser and the subject of the harassment; the size of the postsecondary institution, location of the incidents, and the context in which they occurred; other incidents at the postsecondary institution; and whether there were also incidents of gender-based but non-sexual harassment. OCR examines the conduct from an objective perspective and a subjective perspective.

Under the Title IX regulation in effect for the time period reviewed in this investigation, when the recipient had 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 postsecondary institution 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 postsecondary institution may decide to place the students immediately in separate classes, pending the results of its investigation. Similarly, if the alleged harasser is a teacher, allowing the student to transfer to a different class may be appropriate.

If a postsecondary institution's investigation or other appropriate steps to determine what occurred identify staff-on-student sexual harassment or student-on-student harassment that creates a hostile environment, institutions are responsible for taking prompt and effective action to stop the harassment and prevent its recurrence. A postsecondary institution also may be responsible for remedying the effects of the harassment on the student or employee who was harassed.

Once charged with notice of sexual harassment, a postsecondary institution 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 institution'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 postsecondary institution 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.

LEGAL ANALYSIS

A preponderance of the evidence in this case demonstrates that the College did not comply with the requirements of Title IX when it failed to respond promptly and equitably to the Complainant's report of sexual assault. OCR also finds that the Complainant was subjected to a hostile environment that limited her ability to participate in or benefit from the College's program.

Specifically, the evidence shows that inappropriate interim measures were taken regarding the Respondent student. When the Complainant made her initial anonymous complaint in XXXXXX XXXX, the Respondent had already been reported for possessing a contraband knife, and he had pulled that knife on another female student. When the Complainant made her official complaint to public safety in XXXXXXXXXXXX, the Respondent had been accused by another student of sexual assault just one day prior. The only interim measure that appears to have been taken is a no contact order between the Respondent and the affected students. There is no evidence that the College considered other interim measures to apply to the Respondent in XXXXXXXXXXXX (i.e. restrictions on student activities, restrictions on entering residence halls, interim suspension). He was accused of a third sexual assault in XXXXXXXXXXXX. OCR finds that the College did not appropriately respond to the reports that it received from four different students regarding the Respondent. In sum, the evidence reflects that the College failed to take effective steps to end the hostile environment or prevent its recurrence with regard to the Respondent's alleged conduct.

OCR also concludes that the College failed to conduct a prompt and equitable investigation of the Complainant's complaint. First, there is no evidence that the College took any actions to investigate the Complainant's XXXXXXXXXXXX anonymous report. Given that several incidents had already been reported involving the Respondent, by the time the Complainant filed her anonymous report, the College was on sufficient notice of a potential continuing hostile environment, of which it had an obligation to investigate. Specifically, prior to the Complainant's anonymous complaint, the College had received two reports of incidents involving the Respondent's possession of a knife, and another incident of sexual misconduct. According to the Complainant, it did not appear that any action was taken in response to her anonymous complaint and the College did not provide any information demonstrating that it responded. In its data response, the College acknowledged that there was no record of action taken by the College in response to the anonymous reporting form received on XXXXXXXXXXX XXX.

OCR further notes that the Complainant was interviewed multiple times about the alleged assault, which was traumatic for her and negatively impacted her academic performance. This appears to have occurred due to a lack of adequate record-keeping and changing personnel handling her complaint as well as other complaints. Had the College maintained adequate documentation of its investigation, repeated interviews of the Complainant would not have been necessary, and staff turnover would not have delayed the continued investigation of her complaint.

There is also sufficient evidence to show that the College failed to take appropriate steps to correct the discriminatory effects of the incident on the Complainant. The evidence shows that inadequate interim measures were offered to the Complainant in the form of a no-contact order between her and the Respondent and counseling through the College's counseling center. However, the documentary record reflects that the Complainant suffered academically during the processing of her complaint, and the College was aware of the Complainant's plans to withdraw from classes due to the hardship imposed by the undue delay in her hearing. Notwithstanding, however, the Interim President was unresponsive to requests by the Complainant's parents for tuition refunds, relying instead on a tuition reimbursement procedure that clearly did not contemplate circumstances such as these. As a result, the Complainant ended the semester with no credits earned and did not return to the College.

Last, OCR concludes that the investigation and resolution of the Complainant's complaint was delayed, which was acknowledged by the College. Specifically, the College's investigative and hearing process took over 4 months from the date of the formal complaint filed by the Complainant, which is not in accordance with the College's procedures, in effect at that time, which indicated investigations would conclude within 60 days. Although OCR does not require a specific time frame within which such investigations must be concluded, OCR finds that the 4-month time frame in this case did not meet a promptness standard and was inequitable because delays were caused by the College's inadequate record-keeping and changing personnel.

Based on a totality of circumstances, OCR has determined that there is sufficient evidence to support a conclusion that the Complainant was subjected to a sexually hostile environment as a result of the College's actions and inactions after it was on notice of her complaint. The College's failure to respond promptly and equitably to the Complainant's complaint subjected her to a sexually hostile environment and deprived the Complainant of the benefits of the College's programs and activities.

RESOLUTION AGREEMENT

On February 11, 2022, the College signed a Resolution Agreement with OCR to resolve the concerns identified in our investigation. OCR acknowledges that the College addressed concerns with its procedures that addressed the undue delay in case processing in this matter, and record-keeping procedures for Title IX complaints, pursuant to the Resolution Agreement reached in OCR Docket XXXXXXXX. Further, pursuant to the monitoring of that Resolution Agreement, additional staff training has occurred since that time. As a result, OCR concluded its monitoring of the XXXXXXXX Resolution Agreement on February 25, 2021.

Notwithstanding, the current Resolution Agreement requires that the College ensure that the Title IX Coordinator, Deputy Title IX Coordinator, any Title IX investigative staff and any Title IX hearing decision-makers, complete additional Title IX training since August 14, 2020. The training will address the College's obligation to respond to incidents of sexual harassment, including supportive measures available to the parties, the applicable timeframes for resolving formal and informal complaints of sexual harassment under the College's current procedures, and possible sanctions for a finding of responsibility.

In addition to training, the Resolution Agreement requires that the College provide individual remedies to the Complainant to remedy the hostile environment caused by the College's failure to conduct a prompt and equitable investigation and resolution of her complaint. The individual

remedies include offers of tuition reimbursement, room and board reimbursement, modification of the Complainant's official transcript, additional counseling services, assistance with re-enrollment, and academic support services and information about the College's accommodations and services for students with disabilities, should the Complainant re-enroll.

A copy of the signed Agreement is enclosed. As is our standard practice, OCR will monitor the implementation of the Agreement.

CONCLUSION

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the College'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 College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint 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, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions regarding this letter, please contact Andrea DelMonte, Team Attorney, at 215-656-8554 or via email at andrea.delmonte@ed.gov.

Sincerely,

/s/

Melissa M. Corbin
Team Leader

Enclosure

cc: Allison Boyle, Esquire (via email only)