



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
THE WANAMAKER BUILDING, SUITE 515  
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PHILADELPHIA, PA 19107-3323

REGION III  
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November 18, 2015

**IN RESPONSE, PLEASE REFER TO: 03152387**

Dr. Richard A. Creehan, President  
Alderson Broaddus University  
101 College Park Drive  
Philippi, WV 26416

Dear Dr. Creehan:

This is to notify you of the resolution of the complaint filed against Alderson Broaddus University (the University) alleging discrimination on the basis of race. The Complainant, XXX, alleges that the University discriminated against XX—Redacted—XX.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations, at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to these laws.

**LEGAL STANDARD:**

Under the Title VI regulation at 34 C.F.R. § 100.3(a), no individual may be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination on the ground of race, color, or national origin under any program or activity that receives Federal funds. The Title VI regulation at 34 C.F.R. § 100.3(b)(1)(i)-(iv) and (vi) specifically provides that a recipient shall not, on the basis of race, color, or national origin deny an individual any service; provide any service to an individual which is different or is provided in a different manner from that provided to others; subject an individual to segregation or separate treatment in any matter related to the receipt of service; restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others; or deny an individual an opportunity to participate in the program or afford an opportunity to do so which is different from that afforded to others under the program.

Racial harassment is a form of discrimination prohibited by Title VI. To establish a violation of Title VI under the hostile environment theory, OCR must find that: (1) a racially hostile environment existed; (2) the recipient had actual or constructive notice of the racially hostile environment; and (3) the recipient failed to respond adequately to redress the racially hostile environment. Whether conduct constitutes a hostile environment must be determined from the totality of the circumstances. Once a recipient has notice of a racially hostile environment, the recipient has a legal duty to take reasonable steps to eliminate it. Thus, if OCR finds that the recipient took responsive action, OCR will evaluate the appropriateness of the responsive action by examining reasonableness, timeliness, and effectiveness. The appropriate response to a racially hostile environment must be tailored to redress fully the specific problems experienced at the institution as a result of the harassment. In addition, the responsive action must be

reasonably calculated to prevent recurrence and to ensure that participants in the educational program are not restricted in their participation or benefits as a result of a racially hostile environment created by students or non-employees.

**FACTUAL SUMMARY:**

The Student was enrolled in the University during the 2014-15 school year XX—Redacted--XX.

XX—Paragraphs Redacted—XX.

**RESOLUTION:**

Under OCR procedures, a complaint may be resolved before the conclusion of an investigation if a recipient asks to resolve the complaint by signing a voluntary resolution agreement. The provisions of the agreement must be aligned with the complaint allegations, the issues investigated, and be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of a recipient, nor does it constitute a determination by OCR of any violation of our regulations.

Consistent with OCR's procedures, the University requested to resolve the complaint allegations through a voluntary resolution agreement (the Agreement) which was executed on November 12, 2015. Accordingly, OCR is concluding its investigation of this complaint. A copy of the signed agreement is enclosed. As is our standard practice, OCR will monitor the University's implementation of the Agreement.

This letter is not intended, nor should it be construed, to cover any other issues regarding the University's compliance with Title VI and its implementing regulation that may exist and are not discussed herein.

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, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, you may contact Robert Ford of our staff, at 215-656-8537 or by email [Robert.ford@ed.gov](mailto:Robert.ford@ed.gov).

Sincerely,

/s/

Beth Gellman-Beer  
Team Leader

Enclosure