



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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September 18, 2019

Sent via email @ president@temple.edu

Dr. Richard M. Englert
President
Temple University
Second Floor, Sullivan Hall
1330 Polett Walk
Philadelphia, PA 19122

Re: OCR Complaint No. 03-19-2130

Dear Dr. Englert:

This letter is to advise you of the resolution of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received against Temple University (the University). The Complainant alleges that the University discriminated against her on the bases of race and sex and retaliated against her. XX

XX – Paragraphs Redacted – XX

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Department. OCR also enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Both Title VI and Title IX prohibit retaliation. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title VI and Title IX.

Before OCR completed its investigation, the University expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement. The following is a discussion of the relevant legal standards and information obtained by OCR during the investigation that informed the development of the Resolution Agreement.

Legal Standards

The regulations implementing Title VI, at 34 C.F.R. Section 100.3, and Title IX, at 34 C.F.R. Sections 106.31(a) and (b), prohibit recipients of federal financial assistance from treating individuals differently on the bases of race and sex respectively. When investigating an allegation of different treatment based on race or sex, OCR first determines whether there is sufficient evidence to

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establish an initial prima facie case of discrimination. Specifically, OCR determines whether the recipient treated the complainant less favorably than similarly situated students of another race and/or sex. If so, OCR then determines whether the recipient had a legitimate nondiscriminatory reason for the different treatment. Finally, OCR determines whether the reason given by the recipient is a pretext, or excuse, for unlawful discrimination.

Factual Background

XX – Paragraphs Redacted – XX

Conclusion

On July 23, 2019, the University requested to resolve the complaint through a voluntary resolution agreement while the investigation was pending. Pursuant to Section 302 of OCR's *Case Processing Manual*, the University signed the enclosed Resolution Agreement on September 17, 2019 which, when fully implemented, will resolve the allegations raised in this complaint. The provisions of the Agreement are aligned with the allegations and issues raised by the Complainant and the information discussed above that was obtained during OCR's investigation, and are consistent with applicable laws and regulations. OCR will monitor the University's implementation of the Agreement until the University is in compliance with the statutes and regulations at issue in the case.

This concludes OCR's investigation of the complaint. 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 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.

We appreciate the University's cooperation in the resolution of this complaint. If you have any questions, please contact Linda Thomas, the OCR investigator assigned to this complaint, at 215-656-8553 or via email at Linda.Thomas@ed.gov.

Sincerely,

/s/

Melissa M. Corbin
Team Leader
Philadelphia Regional Office
Office for Civil Rights

Enclosure

cc: Cameron Etezeady, Associate University Counsel