UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
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REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

May 4, 2020

IN RESPONSE, PLEASE REFER TO: 03-20-2001

Rev. John Ryan
President
King's College
133 North River Street
Wilkes-Barre, PA 18702

By email only at: JackRyan@kings.edu

Dear Rev. Ryan:

This letter is to advise you of the outcome of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received on October 1, 2019 against King's College (the College). The Complainant filed the complaint on behalf of XXXXXXXXXXX (the Student), a student at the College. The complaint alleges that the College discriminated against the Student XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX

Under Title IX, recipients that receive federal financial assistance are responsible for providing students with a nondiscriminatory educational environment. 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.

OCR considers a variety of related factors to determine if sex discrimination exists and considers the conduct in question from both an objective and a subjective perspective. Factors examined include the degree to which the misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; 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 school, location of the incidents, and the context in which they occurred; and other incidents at the school.

Once a recipient knows of possible sexual harassment, it must take immediate and appropriate action to investigate or otherwise determine what occurred. A recipient must take prompt and effective steps reasonably calculated to end the harassment, prevent the harassment from recurring and, as appropriate, remedy its effects. It may be appropriate for a school to take interim measures prior to or during the investigation of the 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, restrictions on contact between the parties, increased security and monitoring of certain areas of the school, and other similar accommodations.

XX – Paragraphs Redacted – XX

Preliminary Analysis

The College's response was prompt. XXXX

allegation and issues raised by the Complainant and the information discussed above that was obtained during OCR's investigation, and are consistent with applicable law and regulation. When fully implemented, the resolution agreement will address all of the allegations investigated. As is our usual practice, OCR will monitor the College's implementation of the Agreement.

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.

We appreciate the College's cooperation in the resolution of this complaint. If you have any questions, please contact Catherine Deneke, the OCR attorney assigned to this complaint, at 215-656-5964 or Catherine.Deneke@ed.gov.

Sincerely,

/s/

Christina Haviland
Supervisory Attorney

Enclosure

cc: Lars Anderson, landerson@hkqlaw.com