



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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REGION IV
ALABAMA
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TENNESSEE

February 19, 2015

President X
Jacksonville State University
700 Pelham Road North
Jacksonville, Alabama 36265-1602

Re: OCR Complaint #04-14-2086
Letter of Resolution

Dear President X:

This letter is to notify you of the determination of the U.S. Department of Education (Department), Office for Civil Rights (OCR), regarding the resolution of the above-referenced complaint filed with our office on December 19, 2013 against Jacksonville State University (University), alleging discrimination on the basis of sex and retaliation. The Complainant alleged that the Provost/Vice President for Academic and Student Affairs (Provost) failed to rule on the appeal of her Title IX complaint, which has been pending since September 17, 2013. The Complainant also alleged that the Provost's failure to rule on the appeal of her Title IX complaint was in retaliation for her previous complaints to the Provost and other administrators beginning in March or April 2013 regarding discrimination on the basis of sex by two of her professors.

As a recipient of Federal financial assistance from the Department, the University is subject to the provisions of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Sections 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit recipients of Federal financial assistance from discriminating on the basis of sex. Accordingly, OCR had jurisdiction to investigate this complaint.

OCR investigated the following two legal issues:

1. Whether the University discriminated against the Complainant on the basis of sex by failing to rule on the appeal of her Title IX complaint, in non-compliance with the Title IX implementing regulation at 34 C.F.R. § 106.8.
2. Whether the University retaliated against the Complainant for her previous sex discrimination advocacy by failing to rule on the appeal of her Title IX complaint, in non-compliance with the Title IX implementing regulation at 34 C.F.R. § 106.71, which incorporates by reference the anti-retaliation prohibitions of Title VI of the Civil Rights Act of 1964 (Title VI) at 34 C.F.R. § 100.7(e).

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During its investigation, OCR reviewed extensive documents provided by both the Complainant and the University. OCR also interviewed the Complainant and the Provost. In reaching a determination, OCR reviewed the evidence under a preponderance of the evidence standard. Under a preponderance of the evidence standard, OCR evaluates evidence obtained during an investigation to determine whether the greater weight of the evidence is sufficient to support a conclusion that the University failed to comply with a law or regulation enforced by OCR or whether the evidence is insufficient to support such a conclusion.

After a thorough review of all of the available evidence, OCR has determined, by a preponderance of the evidence, that the University is in non-compliance with Title IX with respect to both issues investigated. The applicable legal standards, the facts gathered during our investigation, and the basis for OCR's determination are discussed below.

I. Legal Standards

The Title IX implementing regulation at 34 C.F.R. § 106.8(a) requires each educational institution receiving Federal financial assistance from the Department to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX, including any investigation of any complaint communicated to such recipient alleging its non-compliance with Title IX or alleging any actions which would be prohibited by Title IX. The recipient must notify all of its students and employees of the name, office address, and telephone number of the Title IX Coordinator(s). In addition, the Title IX implementing regulation at 34 C.F.R. § 106.8(b) requires each recipient to adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by Title IX. In evaluating whether an institution's grievance procedures satisfy this requirement, OCR reviews the following elements:

1. Notice to students and employees of the grievance procedures, including where complaints may be filed;
2. Application of the grievance procedures to complaints filed by students or on their behalf alleging gender discrimination carried out by employees, other students, or third parties;
3. Provisions for adequate, reliable, and impartial investigation of complaints, including an opportunity for the parties to present witnesses and supporting evidence;
4. Designated and reasonably prompt timeframes for the major stages of the grievance process;
5. Written notice to the parties of the outcome of both the complaint and any appeal; and
6. Assurance that the institution will take steps to prevent the recurrence of any Title IX violation and remedy the discriminatory effects on the complainant and others, if appropriate.

If procedures are used to address reports of sexual harassment or violence,¹ in order to ensure that students and employees have a clear understanding of what constitutes sexual misconduct,

¹ When evaluating procedures that apply to reports of sexual harassment or violence, OCR determines whether the procedures include additional elements needed to ensure that students and employees have a clear understanding of what constitutes sexual violence, the potential consequences for such conduct, and how the educational institution processes complaints. In this case, the Complainant did not allege sexual harassment or violence. However, the

the potential consequences for such conduct, and how the educational institution processes complaints, the institution's written Title IX grievance procedures should include (in addition to the elements discussed in the legal standards above) the following: a statement of the institution's jurisdiction over Title IX complaints; adequate definitions of sexual assault and an explanation as to when such conduct creates a hostile environment; reporting policies and protocols, including provisions for confidential reporting; identification of the employee or employees responsible for evaluating requests for confidentiality; notice that Title IX prohibits retaliation; notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously; notice of available interim measures that may be taken to protect the student in the educational setting; the evidentiary standard that must be used in resolving a complaint (preponderance of the evidence); notice of potential remedies for students; notice of potential sanctions against perpetrators; and sources of counseling, advocacy, and support.

The Title IX implementing regulation at 34 C.F.R. § 106.71 also incorporates by reference the anti-retaliation prohibitions of Title VI at 34 C.F.R. § 100.7(e). This Title VI implementing regulation prohibits a recipient or other person from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title VI or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VI.

II. Factual Findings

A. Background

The Complainant enrolled in the University's X Program (Program) during the Fall 20XX semester. She withdrew due to her X but returned to the Program in May 20XX. On October 31, 2012, the University notified the Complainant of its intention to remove her from the Program because of numerous violations, such as inappropriate and unprofessional interchanges with clinical staff, "attitudinal issues" with peers and faculty during class, class disruptions, failure to attend class with appropriate required materials, failure to attend a remediation meeting with faculty, and an inappropriate dual relationship² with a clinical supervisor. On the same day, the Complainant submitted an email to the University with an attached letter notifying the University of her decision to appeal. On November 27, 2012, an appeal hearing was held to permit the Complainant to present to the Admissions Committee (Committee) the reasons justifying her continued enrollment in the Program. In a letter dated December 4, 2012, the University informed the Complainant that the Committee had rescinded its decision to remove her from the Program, contingent upon the requirements that she schedule an appointment with University Career Services for a general career assessment profile, write a summary of the basic attending skills that every X needs to master, read two books and write a two-page summary of

University reportedly processed her internal complaint pursuant to sexual misconduct procedures; accordingly, OCR discusses those procedures and the additional elements required under OCR standards in a discussion of an unalleged violation with respect to the sexual misconduct procedures.

² A dual relationship occurs when a professional assumes two or more roles simultaneously or sequentially with a person seeking his or her assistance. In this case, the University informed the Complainant that she had engaged in an inappropriate and unprofessional dual relationship by enlisting a clinical supervisor with whom she had a previous client relationship.

each book, and develop a treatment plan for a X experiencing common life challenges.

On July 15, 2013, the Complainant filed a complaint with the University's Title IX Coordinator. The complaint alleged that the administrators and faculty discriminated against her on the basis of her status as a single mother who had undergone a custody battle by mistreating her in the Program. The examples cited in the complaint included a requirement that the Complainant receive counseling for her personal problems in order to continue in the Program, the issuance of lower grades to the Complainant because of her X, her dismissal from the Program due to false statements from faculty, her readmission with such unreasonable conditions as writing a counseling treatment plan for her personal problems, and her difficulty in obtaining letters of recommendation from faculty.

In response to the Complainant's complaint, the Title IX Coordinator conducted an investigation, which consisted of interviewing the Complainant, the Department Head of X (Department Head), and three student witnesses identified by the Complainant. During the time period of the Title IX Coordinator's investigation, the Complainant completed the Program and obtained her X degree on August 2, 2013.

On August 9, 2013, the Title IX Coordinator issued a decision letter to the Complainant finding no evidence of false allegations by faculty which resulted in the Complainant's dismissal from the Program. The Title IX Coordinator concluded that the faculty had the right and duty to remedy the Complainant's deficiencies in the Program and that, despite her removal from the Program, she was given an opportunity to re-enter the Program shortly thereafter. The Title IX Coordinator also determined that faculty members were willing to write recommendation letters for the Complainant if she followed the accepted procedure for requesting recommendation letters. The letter advised the Complainant that if she disagreed with the Title IX Coordinator's findings, she could appeal the decision to the Provost.

On September 5, 2013, the Complainant met with the Provost and complained that the Title IX Coordinator had failed to rule on the Title IX issues raised in her Title IX complaint. On September 10, 2013, the Provost issued a letter to the Title IX Coordinator requesting that he address the Title IX allegations raised in the Complainant's Title IX complaint. In response, the Title IX Coordinator issued a second letter to the Complainant dated September 12, 2013, concluding that he had found no evidence to substantiate her Title IX allegations and informing her of her right to appeal the decision to the Provost.

On September 17, 2013, the Complainant sent an email to the Provost appealing the Title IX Coordinator's decision on her Title IX complaint. In an email dated September 18, 2013, the Provost confirmed receipt of the Complainant's email and informed her that she was "replying to confirm that your appeal remains under review." The Provost's email further stated that "[o]nce that review is complete, I will notify you in writing of the outcome."

On November 8, 2013, the Provost emailed the Complainant to inquire whether she had received a copy of the Title IX Coordinator's follow-up investigation (*i.e.*, his second letter of findings dated September 12, 2013). On the same day, the Complainant responded to the Provost via email that she had received it and that she had appealed the Title IX Coordinator's decision to

the Provost after her receipt. The Complainant's email also stated that she would "resend the copy of the email, as [the Provost] stated it was under review." On September 17, 2014, the Complainant informed OCR that the Provost had yet to rule on her appeal. It was not until February 17, 2015, after the University agreed to resolve the compliance issues in this case with the enclosed signed Resolution Agreement (Agreement), that the Provost issued a decision on the Complainant's appeal.

B. University's Grievance Procedures

The University has a written sexual misconduct policy that delineates the informal dispute resolution steps and formal grievance process for students who are victims of sexual misconduct. The policy lists four examples of "sexual misconduct offenses": (1) sexual harassment; (2) non-consensual sexual contact; (3) non-consensual sexual intercourse; and (4) sexual exploitation. The foregoing policy makes no reference to gender-based discrimination that does not involve sexual misconduct. Moreover, the University does not have a broader Title IX policy that outlines the grievance process for students who wish to file gender discrimination complaints that do not involve sexual misconduct. According to the Title IX Coordinator³, in practice, if a student files a complaint of gender discrimination that does not involve sexual misconduct, the University applies the sexual misconduct grievance procedure. In this case, the sexual misconduct grievance procedure was reportedly applied to the Complainant's Title IX complaint.

The written sexual misconduct grievance procedure, which was reportedly applied to the Complainant's grievance, states that a student may file a formal grievance with the Title IX Coordinator, who will open a formal case file, coordinate any interim actions necessary for the alleged victim, conduct an investigation, and share the findings with the complainant and the accused individual. If the accused individual rejects the Title IX Coordinator's findings in part or entirely, the Title IX Coordinator will forward the case to the Judicial Coordinator, who will convene a hearing to determine whether the accused individual is in violation of the sexual misconduct policy. If the accused individual disagrees with the Judicial Coordinator's decision or the sanctions imposed, he or she may appeal the decision to the Provost. If the accused individual disagrees with the Provost's decision, he or she may appeal to the President, whose decision is final. The University's sexual misconduct grievance procedure does not establish any timeframes for the issuance of a decision by the Title IX Coordinator, Judicial Coordinator, Provost, or President.⁴

III. Legal Analysis and Conclusion

Issue 1: Title IX Discrimination

The Complainant alleged that the University discriminated against her on the basis of sex by

³ On July 3, 2013, the Complainant and the Title IX Coordinator exchanged email correspondence in which the Complainant inquired about the University's Title IX complaint filing procedures and described the Title IX issues about which she wished to file. The Title IX Coordinator directed the Complainant to the University's online sexual misconduct policy.

⁴ In addition to the appeal process, which relates to the Complainant's allegation, the sexual misconduct procedures contain other elements that are discussed below in Section III.

failing to rule on the appeal of her Title IX complaint.

Published Grievance Procedures

The University does not have a published Title IX grievance procedure applicable to complaints of discrimination that do not involve sexual misconduct. While the University informed OCR that the sexual misconduct procedures are applied to allegations of general Title IX discrimination, the University does not have a published procedure that puts students on notice of the applicability of these procedures to claims of general discrimination based on sex and contains the remaining elements set forth in the applicable legal standards. Thus, the University's existing Title IX grievance procedures are in non-compliance with the Title IX implementing regulation.

Processing of Complainant's Internal Complaint

According to the Title IX Coordinator, the University processed the Complainant's complaint under the procedures set forth in the sexual misconduct policy. Those procedures include an appeal to the Provost. OCR finds that the Complainant appealed the Title IX Coordinator's decision on her Title IX complaint to the Provost on September 17, 2013. On September 18, 2013, the Provost emailed the Complainant to state that she had received the Complainant's email, that the appeal was under review, and that she would notify the Complainant in writing of the outcome once the review was complete.

On November 8, 2013, the Provost emailed the Complainant to inquire whether she had received a copy of the Title IX Coordinator's follow-up investigation regarding her Title IX complaint. On the same day, the Complainant responded to the Provost via email that she had received it and that she had appealed the Title IX Coordinator's decision to the Provost. The Complainant's email also stated that she would resend the copy of the email, as the Provost stated that it was under review.

During her OCR interview, the Provost stated that it was not until November 8, 2013 that she realized that the Complainant had filed an appeal. The Provost acknowledged to OCR that she did not rule on the Complainant's Title IX appeal. She explained to OCR that she had investigated the Complainant's Title IX appeal for five to six weeks and was within days of completion when she terminated her investigation during the second week of January 2014 because of the Complainant's OCR complaint filing. The Provost finally issued a decision on the Complainant's Title IX appeal on February 17, 2015, after the University agreed to resolve the compliance issues in this case with the enclosed signed Agreement.

Appeal opportunities afforded in an educational institution's grievance procedures must be available to both parties. Also, Title IX requires the parties to be notified in writing of the outcome of both the Title IX complaint and any appeal. Based on the above, OCR finds that the University is in non-compliance with the Title IX implementing regulation at 34 C.F.R. § 106.8 by failing to promptly issue a written decision on the Complainant's Title IX appeal.

Unalleged Concern

While it has no written grievance procedures that specify that they apply to general allegations of sex discrimination, the University responds to general allegations of sex discrimination under the same procedures that apply to reports of sexual misconduct.⁵ The University's procedures define sexual misconduct to include sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation. In addition to the components discussed in Section II(B) above, these procedures also explain the various types of sexual harassment that may occur and when the unwelcome behavior may constitute a hostile environment. The University's procedures notify students of the University's jurisdiction over Title IX complaints and identify its Title IX Coordinator as the individual charged with handling such complaints. The University's procedures also notify students of the option of filing a formal Title IX complaint with OCR.

Besides the protocol for filing formal complaints and grievances discussed in Section II(B) above, the procedures also encourage students to speak to officials of the University, such as the President, Vice Presidents, Associate Vice Presidents, Deans, Judicial Coordinator, University Police, Athletic Director, and Human Resources, to make formal reports of sexual misconduct incidents. The procedures inform students that notice to these individuals constitutes official notice to the University. The procedures also state that the University uses the preponderance of the evidence standard to resolve sexual misconduct complaints and grievances.

The procedures assure students of the confidentiality of their reports and state that only individuals with a need to know will be informed and that the information would be shared only as necessary with investigators, witnesses, and the accused individual. The procedures further state that violations of the privacy of the complainant or the accused individual may lead to conduct action by the University.

The University's procedures notify students of the available interim measures that may be taken to protect the rights and personal safety of victims of sexual misconduct, such as modification of living arrangements, interim suspension of the accused individual from campus pending a hearing, and reporting the matter to University Police. The procedures state that any student found responsible for violating the University's sexual misconduct policy may receive sanctions ranging from a warning to expulsion, depending on the severity of the incident and the existence of any previous campus conduct code violations by the accused individual.

The procedures also notify students of the potential remedies for victims of sexual misconduct, which include housing relocation, dissolution of a housing contract, rescheduling of examinations and assignments, course incompletes, class section transfers, temporary withdrawal, other alternative course completion options, and a campus no-contact order against

⁵ Under Title IX, a university may use student disciplinary procedures, general Title IX grievance procedures, sexual harassment procedures, or separate procedures to resolve sexual violence complaints. However, any procedures used for sexual violence complaints, including disciplinary procedures, must meet the Title IX requirement of affording a complainant a prompt and equitable resolution consistent with the legal standards noted in the legal standards discussed above.

the accused individual. Finally, the procedures state that victims of sexual misconduct have the right to be notified of available counseling, mental health, or student services, both on campus and in the community.

However, OCR finds that the University's procedures do not contain all of the required elements for Title IX grievance procedures applicable to reports of sexual harassment and violence. As noted in the discussion in Section II(B) above, the procedures do not establish reasonably prompt timeframes for the major stages of the grievance process. Further, while the decision-maker is required to share the outcome of the investigation with the parties, there is no specific requirement that the decision be provided in writing. Finally, the procedures do not include notices of Title IX's prohibition against retaliation and a student's right to file simultaneous criminal and Title IX complaints.

The enclosed signed Agreement contains action items to remedy the above alleged and unalleged non-compliance issues and, when fully implemented, will resolve this first issue of the complaint.

Issue 2: Retaliation

The Complainant alleged that the Provost's failure to rule on her Title IX appeal was in retaliation for her previous complaints to the Provost and other administrators regarding sex discrimination by two of her professors.

In order to determine whether unlawful retaliation has occurred, OCR examines whether: (1) the person has engaged in a protected activity; (2) the recipient was aware of the protected activity; (3) the recipient took adverse action against the person contemporaneous with or subsequent to the protected activity; and (4) there is a causal connection between the adverse action and the protected activity. If all of these elements are established, OCR then considers whether the recipient can show a legitimate, non-discriminatory reason for its action, and whether the reason is a mere pretext for discrimination.

a. Protected Activity/Knowledge of Protected Activity

OCR first determines whether the individual allegedly retaliated against engaged in a protected activity. An individual engages in a protected activity if he or she opposes any act or policy that is believed to be discriminatory or unlawful under one of the civil rights laws that OCR enforces. The protected activity can also take the form of making a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing conducted under any of the civil rights laws that OCR enforces.

The evidence in this case shows that the Complainant emailed the Dean of X (Dean) on January 17, 2013 to complain about the University's discrimination against her on the bases of her sex and marital status during her enrollment, dismissal, and reinstatement to the Program. The evidence also shows that the Dean subsequently disseminated the email to the Department Head and University's counsel. During her interview, the Provost advised OCR that on May 20, 2013, the Complainant sent her a copy of the email chains that she had exchanged with the Dean

relating to her mistreatment and sex discrimination in the Program. Accordingly, OCR finds that the Complainant engaged in a protected activity and that the University had knowledge of that activity.

b. Adverse Action

In order to determine whether an action is adverse, OCR must determine whether the recipient's action significantly disadvantaged the complainant or student in his or her ability to gain the benefits of the recipient's program. Even if the challenged action did not meet this standard because it did not objectively or substantially restrict an individual's educational opportunities, the action could be considered to be retaliatory if the challenged action could reasonably be considered to have acted as a deterrent to further protected activity, or if the individual was, because of the challenged action, precluded from pursuing his or her discrimination claims.

OCR finds that, even though the Complainant had already graduated from the Program in August 2013, she was nevertheless subjected to an adverse action. The failure of an educational institution to promptly rule on a student's Title IX appeal can reasonably act as a deterrent to further protected activity and preclude him or her from pursuing his or her discrimination claims. OCR also finds that the University's adverse action of failing to rule on the Complainant's Title IX appeal occurred subsequently to the Complainant's protected activity.

c. Causal Connection

Having established the first three elements of a claim of retaliation, OCR then looks for evidence of a causal connection between the adverse action and the protected activity. There are several types of evidence relevant to proof of a causal connection, including: (1) closeness in time between the University's knowledge of the protected activity and the adverse action; (2) change in treatment of the individual after the University had knowledge of the protected activity; (3) different treatment of the individual from similarly-situated persons who did not engage in the protected activity; (4) deviation from the University's established practice or procedure; and (5) statements by University personnel suggesting retaliatory intent.

The Complainant's filing of her September 17, 2013 Title IX appeal, for which she failed to receive a ruling, occurred approximately four months after her May 20, 2013 protected activity. Therefore, OCR concludes that there is closeness in time, and therefore, evidence of a causal connection, between the Complainant's protected activity and the adverse action.

d. Reasons for the University's Actions

OCR next considered the University's reasons for its failure to rule on the Complainant's Title IX appeal. During her September 3, 2014 interview, the Provost informed OCR that she did not consider the Complainant's September 17, 2013 email to her to be an appeal, even though the following day, she emailed the Complainant to confirm receipt of the email and to advise her that her appeal remained under review and that she would notify the Complainant in writing of the outcome upon the completion of the review. According to the Provost, she did not realize that the Complainant had filed an appeal until November 8, 2013, when she received an email from

the Complainant again mentioning the pending appeal, promising to resend a copy of the appeal email, and reminding the Provost that she had stated that it was under review.

During her OCR interview, the Provost acknowledged that she did not rule on the Complainant's Title IX appeal. She explained to OCR that she had investigated the Complainant's Title IX appeal for five to six weeks. The Provost stated that her investigation consisted of requesting a copy of the Title IX Coordinator's investigation and speaking with the Department Head, the Dean, the Associate Dean, and one of the Complainant's professors. According to the Provost, she terminated her investigation during the second week of January 2014 because the Complainant had filed an OCR complaint.⁶ The Provost explained that the only remaining tasks in her investigation were to summarize the information and send a letter to the Complainant advising her that there was no evidence to support the appeal. The Provost denied retaliating against the Complainant by failing to rule on her Title IX appeal. She explained that she was taking the time necessary to investigate the appeal and that the investigation took longer than she had expected.

During the Complainant's rebuttal call, she informed OCR that she did not believe that the Provost had conducted an investigation into her Title IX appeal because the Provost had informed her during their July 3, 2013 meeting that she had already met with the entire faculty and staff regarding the Complainant's allegations. According to the Complainant, this would have included the Department Head, the Dean, and the professor at issue. The Complainant also informed OCR that the Provost would have had no reason to interview the Associate Dean because he was not one of her faculty members.

OCR finds that, despite the Provost's assertions to the contrary, the documentary evidence indisputably shows that the Provost acknowledged receipt of the Complainant's Title IX appeal on September 18, 2013; confirmed that the appeal remained under review; and advised the Complainant that she would receive a written notification of the outcome upon the completion of the review. OCR also notes that, although the University submitted voluminous documentation to OCR regarding this case, it did not submit a copy of the Provost's Title IX appeal investigation file, including, but not limited to, notes of her interviews with the four administrators and faculty members.

Based on the preponderance of the evidence, OCR determines that the University has not presented a legitimate, non-discriminatory reason, which is not a mere pretext for discrimination, for its failure to rule on the Complainant's Title IX appeal. In the absence of such a reason, OCR finds that, with respect to this second issue, the University is in non-compliance with the Title IX implementing regulation at 34 C.F.R. § 106.71, which incorporates by reference the anti-retaliation prohibitions of Title VI at 34 C.F.R. § 100.7(e). The enclosed signed Agreement contains action items to remedy this non-compliance and, when fully implemented, will resolve this issue.

⁶ OCR reminds the University that the Complainant's OCR complaint constitutes a protected activity that falls within the protection of Title IX for purposes of this regulation's retaliation prohibition.

OCR will monitor the University's implementation of this Agreement to ensure that it is fully implemented. If the University fails to fully implement this Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Title IX.

The Complainant may file a private suit in federal court whether or not OCR found a violation.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. 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.

Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint with OCR alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If we receive such a request, we 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.

OCR is committed to a high-quality resolution of every case. If you have any questions regarding this letter, please contact Vahn Wagner, Senior Attorney, at (404) 974-9392 or Virgil Hollis, Compliance Team Leader, at (404) 974-9366.

Sincerely,

Deborah Floyd
Acting Regional Director

Enclosure (Resolution Agreement)

cc: X, Esq. (w/ encl.)