



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

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March 11, 2014

Robert S. Badal, Ph. D.
President
Jamestown College
6000 College Lane
Jamestown, North Dakota 58405

Re: OCR Docket # 05-13-2001

Dear Dr. Badal:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) has completed its investigation of the referenced complaint filed with OCR filed against Jamestown College on October 1, 2012. The Complaint alleged that Jamestown College (College) discriminated against six former students based on race (African American) when:

1. From August 2012 through September 2012, white students racially harassed the six students and College staff was aware of the harassment but failed to respond effectively.
2. In September 2012, the six students were falsely accused by College staff of (a) vandalizing a College building, (b) being members of a gang, and (c) fighting with a white student, for which the College contacted local law enforcement.
3. In September 2012, the College (a) expelled the six students from the College and the football team without any disciplinary proceedings, and (b) physically escorted the six students from campus forcing them to immediately leave campus without packing their personal belongings.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §2000d, and its implementing regulation at 34 C.F.R. Part 100. Title VI prohibits a recipient of Federal financial assistance from excluding a person in the United States from participation in, denying the person the benefits of, or otherwise subjecting the person to discrimination under any of the recipient's programs on the basis of race, color or national origin. As a recipient of Federal financial assistance from the Department, the District is subject to these laws. Accordingly, OCR has jurisdiction over the complaint.

On December 20, 2013, during the Early Complaint Resolution process, you reached a separate agreement with each of the six students wherein the College would take specific steps in order to

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resolve some issues of the complaint. Copies of the Early Complaint Resolution agreements are enclosed.

OCR appreciates your willingness to mediate these issues with the six students, and is pleased that OCR was able to help you resolve these matters. Please note that OCR is not a party to the Early Complaint Resolution agreements and will not monitor them. If the College fails to implement the Early Complaint Resolution agreements, the students may file a new complaint with OCR. Consistent with our complaint procedures, OCR would address the complaint allegation(s), not the alleged breach of the agreements. To be considered timely, the new complaint must be filed either within 180 days of the date of the alleged discrimination or within 60 days of the date the complainant obtains information that a breach occurred, whichever date is later.

As to the remaining issues raised by the allegations, the College requested to resolve them prior to the conclusion of OCR's investigation. In accordance with Section 302 of OCR's *Case Processing Manual*, subsequent discussions with the College resulted in you signing the Resolution Agreement on March 6, 2014 (copy enclosed). Implementation of the Resolution Agreement will resolve the remaining complaint allegations. OCR looks forward to receiving the College's first report on **April 1, 2014**, in response to Items #11 and # 12 of the Resolution Agreement.

Please be advised that the College 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 individual may file a complaint alleging such treatment.

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, 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.

This 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.

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If you have any questions or concerns, you may contact Ms. Emily Martin or me at (312) 730 – 1560.

Sincerely,

Ann Cook- Graver
Supervisory Attorney

cc: Sarah Herman
Dorsey & Whitney, LLP

Enclosures