



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

500 WEST MADISON ST., SUITE 1475  
CHICAGO, IL 60661-4544

**REGION V**  
ILLINOIS  
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MINNESOTA  
NORTH DAKOTA  
WISCONSIN

August 28, 2018

Dr. Andrew Manion  
President  
Marian University  
45 South National Avenue  
Fond du Lac, Wisconsin 54935

OCR Case No. 05-18-2134

Dear Dr. Manion:

The U.S. Department of Education (Education), Office for Civil Rights (OCR), has completed its complaint resolution efforts with regard to the above-referenced complaint against Marian University (University). The Complainant alleges that the University discriminated against her on the basis of sex by failing to provide her with a prompt and equitable response to her October 30, 2017, report of sexual assault by another student.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681–1688, and Title IX’s implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the University is subject to the requirements of Title IX.

During its investigation, OCR reviewed information provided by the Complainant and the University. OCR also interviewed the Complainant and a University staff member. OCR identified several potential compliance concerns, including the University providing the Respondent a pre-decision opportunity, in the University’s complaint investigation process, to speak with the Title IX Coordinator about the complaint, an opportunity not extended to the Complainant. Additional compliance concerns included the University’s use of confusing and inconsistent Title IX policies, the University’s process to consider all relevant evidence, and concerns about identifying possible retaliatory harassment.

However, prior to OCR issuing a final investigation determination, the University expressed an interest in resolving the complaint. On August 24, 2018, the University signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegation in the complaint as well as the concerns noted above. OCR will monitor the implementation of the Resolution Agreement.

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 individual may file another complaint alleging such treatment.

The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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.

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

OCR would like to thank the University for the courtesy and cooperation extended to OCR during this investigation. If you have any questions, please contact Ms. Catherine Martin, Equal Opportunity Specialist, at 312-730-1560 or [catherine.martin@ed.gov](mailto:catherine.martin@ed.gov).

Sincerely,

Dawn R. Matthias  
Team Leader

Enclosure

cc: Mr. Matt Parmentier  
Attorney for the District