

November 23, 2011

Dr. John M. Rudley, President
Texas Southern University
3100 Cleburne Street
Houston, Texas 77004

Reference No. 06112045

Dear Dr. Rudley:

This letter is to inform you of the determination of the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, regarding the resolution of the above-referenced complaint filed against Texas Southern University (TSU), Houston, Texas, which was received in our office on XXXXX XXXXX XXXX. The complainant alleged that TSU discriminated against XXXXX on the basis of sex. Specifically, XXXXX alleged that TSU failed to take prompt and effective action to address sexual harassment aimed at her by a XXXXX XXXXX, which was sufficient to constitute a hostile environment, and that TSU conditioned provision of an educational decision or benefit on XXXXX submission to unwelcome sexual conduct by the same XXXXX XXXXX, in violation of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulations at 34 C.F.R. Part 106.

This agency is responsible for determining whether organizations or entities that receive or benefit from Federal financial assistance, either from the Department or from an agency that has delegated investigative authority to the Department, are in compliance with Title IX and its implementing regulations, which prohibit discrimination on the basis of sex. TSU is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to investigate this complaint under Title IX.

OCR opened this complaint for investigation because we determined that the complainant's allegations, if proven true, would constitute sex discrimination (i.e., XXXXX and XXXXX sexual harassment) in violation of Title IX. After the investigation began, but before OCR reached an investigative compliance determination, TSU expressed a desire to voluntarily resolve the complaint. TSU submitted the enclosed Resolution Agreement (Agreement) dated November 21, 2011, to memorialize the steps that it will take to resolve the identified compliance issues raised by the complaint allegations. OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance issues raised by the complaint allegations. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor TSU's efforts to implement the Agreement. Please be advised that if TSU fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

In light of the foregoing, OCR considers this complaint closed as of the date of this letter. The complainant has been notified of this action. This letter is not intended, nor should it be construed, to cover any matters that are not specifically discussed herein.

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.

Under OCR procedures, we are obligated to advise the complainant and the institution against which the complaint is filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing held in connection with a complaint.

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, it 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.

Thank you for the cooperation you and your staff extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Justin T. Evans, Supervisory Attorney/Team Leader, at (214) 661-9600.

Sincerely,

Taylor D. August
Director
U.S. Department of Education
Office for Civil Rights, Dallas Office

Enclosure