



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
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TEXAS

January 12, 2017

VIA MAIL AND EMAIL

Michael K. Young, President
Texas A&M University
1246 TAMU
College Station, TX 77843
PresidentYoung@tamu.edu

Re: OCR Complaint No. 06-17-2183

Dear President Young:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint for resolution. The complaint was received in our office on May 2, 2017, and filed against the Texas A&M University (TAMU or University) in College Station, Texas. The complainant alleged that TAMU discriminated against the Student the basis of sex. The complainant also alleged retaliation.

OCR is responsible for determining whether 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 of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination based on sex. Title IX also contains a provision against retaliation, at 34 C.F.R. § 106.71. OCR has confirmed that TAMU is a recipient of Federal financial assistance from the Department. Therefore, OCR had jurisdiction to investigate this complaint under Title IX.

Based on the complainant's allegations, OCR opened for investigation the following legal issues:

1. Whether TAMU discriminated against the Student on the basis of sex by failing to take prompt and effective responsive action to address sexually harassing conduct by another student, which was sufficient to constitute a hostile environment, of which it had or should have had notice during the 2016-2017 school year, in violation of Title IX, at 34 C.F.R. § 106.31; and
2. Whether TAMU retaliated against the Student by [XX phrase redacted XX] because the Student filed a sexual harassment complaint against another student during the 2016-2017 school year, in violation of Title IX, at 34 C.F.R. § 106.71.

During the investigation of this complaint, OCR reviewed information and data provided by the complainant and the University. Prior to the conclusion of the investigation, the University informed OCR that it was interested in resolving the complaint through a voluntary resolution agreement. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving

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the allegation. The provisions of the resulting voluntary resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations. OCR approved the University's request to resolve this complaint prior to the conclusion of the investigation.

The University voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance the University will fulfill its obligations under Title IX with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the University's implementation of the Agreement. Please be advised that if the University fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This letter sets forth OCR's determination in the individual OCR case identified above. 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 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 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.

Thank you for the cooperation extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Stephanie Inman, the attorney assigned to the matter, at (214) 661-9651 or stephanie.inman@ed.gov. You may also contact me at (214) 661-9600.

Sincerely,

Melissa Huling Malonson
Supervisory Attorney/ Team Leader
Office for Civil Rights
Dallas Office

CC Via Email: XXXX