



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

April 26, 2019

Dr. Trey Berry, President  
Southern Arkansas University  
100 East University  
Magnolia, AR 71753-5000

RE: OCR Complaint #06-18-2044  
Southern Arkansas University

Dear President Berry,

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, filed on November 16, 2018, against Southern Arkansas University (the University). The Complainant alleged that the University retaliated against [XXXX] because [XXXX] previously made a complaint alleging sexual harassment.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department, or an agency that has delegated investigative authority to this Department, are in compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by such recipients. Title IX also prohibits retaliation.

The University is a recipient of Federal financial assistance from the Department and is a public educational institution. Therefore, OCR has jurisdiction to process this complaint filed under Title IX.

OCR opened the following issue for investigation:

Whether the University retaliated against the Complainant during the 2018-2019 school year by denying [XXXX] access to an [XXXX], because [XXXX] had previously made complaints alleging sexual harassment and retaliation because of having filed a sexual harassment complaint, in violation of Title IX, at 34 C.F.R. § 106.71

During the investigation, OCR received information from both the Complainant and the University. Information received from the Complainant reflected that, at the beginning of the 2018-2019 school year, in the Fall 2018 semester, the Complainant filed a formal complaint

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

alleging that one of the professors in the University's [XXXX] Department (Professor 1) sexually harassed [XXXX] (e.g., made lewd comments). During the Fall 2018 semester, the Complainant learned that another professor in the [XXXX] Department (Professor 2) stated [XXXX] refusal to [X---redacted until end of sentence---X]. The Complainant alleged that Professor 2 had made this decision because Professor 2 [X---redacted until end of sentence---X]. The Complainant was unable to find another University employee to [XXXX XXXX XXXX XXXX] for [XXXX] and subsequently enrolled at a neighboring college for the Spring 2019 school year, so that [XXXX] could access an [XXXX] for [XXXX] coursework and examinations. Based on documentation received by OCR, OCR determined that the Complainant incurred costs related to [XXXX] enrollment [X---phrase redacted---X] in Spring 2019.

Information received from the University confirmed the Complainant filed a sexual harassment complaint, which the University investigated; confirmed Professor 2 refused to [XXXX] with the Complainant as [XXXX XXXX]; and confirmed the Complainant had enrolled at another university related to [XXXX] alleged inability to obtain an [XXXX] at the University.

Prior to the conclusion of OCR's investigation, on March 25, 2019, the University informed OCR that it was interested in resolving all complaint allegations. Section 302 of OCR's Case Processing Manual (CPM) provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. On April 1, 2019, OCR determined that a resolution under Section 302 of the CPM was appropriate.

On April 25, 2019, the University voluntarily signed and submitted to OCR a Resolution Agreement (Agreement) to resolve the complaint allegation. A copy of the Agreement is enclosed. OCR determined that the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance that the University will fulfill its obligations under Title IX with respect to the complaint allegation. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor the University's implementation of the Agreement.

Effective the date of this letter, OCR is closing the investigation of this complaint. 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. An individual may have the right to file a private suit in Federal court whether or not OCR finds a violation.

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, an individual 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.

If you have any questions about this letter, please contact Kyle Gruber, the attorney assigned to investigate this complaint, at (214) 661-9613 or [Kyle.Gruber@ed.gov](mailto:Kyle.Gruber@ed.gov). You may also contact me at (214) 661-9638 or [Lori.Bringas@ed.gov](mailto:Lori.Bringas@ed.gov).

Sincerely,

Lori Bringas  
Supervisory Attorney/Team Leader  
Dallas Office

Enclosure:  
Resolution Agreement