



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
KANSAS
MISSOURI
NEBRASKA
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May 4, 2018

Sent via email to: XXXXXX@nebraska.edu

XXXXXX XXXXX, Associate General Counsel
University of Nebraska
3835 Holdrege Street
Lincoln, Nebraska 68583

Re: University of Nebraska at Kearney
OCR Case Number: 07-15-2233

Dear Ms. XXXXX:

On June 9, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of sex by your client, the University of Nebraska at Kearney (University) Kearney, Nebraska. This letter is to confirm that the University has voluntarily entered into an agreement to resolve this complaint.

Specifically, the Complainant alleged that the University created a sexually hostile environment when it violated the terms of its written determination regarding a sexual assault reported to University officials.

OCR is responsible for enforcing Title IX of the Education Amendments Act of 1972 (Title IX), 20 United States Code (U.S.C.), § 1681, and its implementing regulations, at 34 Code of Federal Regulations (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 (FFA).

As a recipient of FFA from the Department and a public entity, the University is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

On August 20, 2015, OCR sent notification letters to the Complainant and the University, including a data request to the University. On September 18, 2015, the University provided OCR with responses to OCR's data requests. On April 6, 2016, the University expressed an interest in engaging in OCR's negotiations process pursuant to Section 302 of OCR's *Case Processing Manual*.¹

¹ OCR's *Case Processing Manual* is online at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

On May 3, 2018, prior to the completion of OCR's investigation, the University submitted a signed Agreement (copy attached) that, when fully implemented, will address the allegations of this complaint. The Agreement provides that the University will: a) provide OCR with its plan for the Office of Equity and Compliance, b) provide training to staff, c) coordinate with law enforcement, and d) assess and remedy the effects of the sexual assault on the Complainant. OCR considers the allegations of this complaint resolved effective the date of this letter and will monitor the University's implementation of the enclosed Agreement. When OCR concludes the University has fully implemented the terms of this Agreement, OCR will close the complaint. If the University fails to carry out the Agreement, OCR may resume its investigation.

OCR is also closing the systemic allegation as to whether the University failed to promptly and equitably respond to complaints, reports, and/or incidents of sexual harassment and sexual violence which it had notice, and as a result, students were subjected to a sexually hostile environment. OCR has not obtained sufficient evidence to support an individual or systemic finding. OCR is closing the systemic issue pursuant to CPM Section 110(o) because there are no current allegations appropriate for further investigation and resolution.

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 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, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

J. Earlene Gordon
Supervisory Attorney

Attachment