



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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KANSAS
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November 8, 2018

Sent via email to: XXXXX@nebraska.edu

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

Re: Nebraska College of Technical Agriculture
OCR Case Number: 07-18-2073

Dear Ms. XXXXX:

On March 29, 2018, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Nebraska College of Technical Agriculture (College), Curtis, Nebraska, alleging discrimination on the basis of XXXXX. The Complainant alleged that the College discriminated against her on the basis of XXXXX by failing to adequately respond to her reports of XXXXX harassment at the College. This letter is to confirm that the College has voluntarily submitted a Resolution Agreement (Agreement) to resolve the complaint.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title IV), 42 United States Code (U.S.C.) § 2000d, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 100. Title VI prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance (FFA).

Additional information about the civil rights statutes OCR enforces is available at <http://www.ed.gov/ocr>.

The College is a recipient of FFA from the Department. Consequently, OCR has jurisdiction to investigate and resolve this complaint pursuant to Article III of OCR's *Case Processing Manual* (CPM).¹

OCR investigated whether the College discriminated against the Complainant on the basis of race (XXXXX XXXXX) by failing to adequately respond to her reports of a XXXXX hostile environment in a reasonable, timely and effective manner, in violation of 34 C.F.R. § 100.3(a) and (b)(1)(i)(ii) and (iv).

¹ The CPM is available on OCR's website at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

On May 14, 2018, OCR sent notification letters to the parties, including a data request to the College. On June 29, 2018, the College provided data responsive to OCR's data request.

Prior to the completion of OCR's investigation, the College requested to resolve this complaint pursuant to Section 302 of OCR's CPM, which states: “[a]llegations and issues under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation.”

On November 8, 2018, the College signed an Agreement (copy attached) that, when fully implemented, will resolve the allegation in this investigation. The College agreed to ensure that it continues to implement requirements for documenting, investigating, maintaining, and tracking complaints and incidents of harassment on the bases of race, color, or national origin and provide training to its staff who respond to and investigate allegations of discrimination and harassment.² Please review the Agreement for further details.

OCR considers this complaint resolved effective the date of this letter and will monitor the College's implementation of the Agreement. When OCR concludes the College has fully implemented the terms of the Agreement, OCR will close the complaint. If the College fails to carry out the Agreement, OCR may resume the investigation.

The College 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, please be advised that 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.

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.

² The Complainant no longer attends the College; therefore, the Agreement does not include individual remedies.

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