



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
ARKANSAS
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NEBRASKA
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SOUTH DAKOTA

February 19, 2020

Sent via email only to XXXXX@XXXXX.com

XXXXX XXXXX XXXXX, Attorney at Law
XXXXX XXXXX, XXXXX
XXXX XXXXX XXXXX,
XXXX XXXXX
XXXXX XXXXX XXXXX
XXXXX, XXXXX XXXXX

Re: Webster University
OCR Case Number: 07-19-2073

Dear XXXXX XXXXX:

On April 16, 2019, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint against your client, the Webster University (University), St. Louis, Missouri, alleging discrimination on the basis of sex. The Complainant (the Student) alleged the University failed to respond promptly to her allegation that a professor (the Respondent) sexually harassed her. This letter is to confirm the University has voluntarily submitted a Resolution Agreement (Agreement) to OCR to resolve the complaint.

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, prohibit discrimination on the basis of sex in any program or activity receiving federal financial assistance (FFA). Under Title IX, OCR has enforcement jurisdiction over recipients of FFA from the Department. As a recipient of FFA from the Department, the University is subject to Title IX and to OCR's jurisdiction. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR investigated whether the University failed to respond promptly and equitably to the Student's complaint of sexual harassment in violation of Title IX.

An analysis of the evidence obtained to date is set forth below. To protect individuals' privacy, the names of employees, witnesses, and other parties were not used in the letter.

Legal Standard

The Title IX regulation, at 34 C.F.R. § 106.31(a), states that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination

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

witness questions to the Title IX Coordinator. The University's records reflect that the University instructed the Respondent on at least two occasions to have no contact with the Complainant, but the records did not document that the University also instructed the Complainant to have no contact with the Respondent. Finally, the records demonstrate that the Title IX Coordinator often appears to have communicated or taken action only in response to periodic inquiries from the Complainant.

When the Complainant filed with OCR, XXXXX XXXXX XXXXX XXXXX XXXXX Title IX complaint with the University, she still had received no determination from the University. During OCR's investigation, the University released the Title IX Coordinator from his responsibilities under Title IX and designated an individual to serve as the Interim Title IX Coordinator until the position could be filled permanently. The University also hired a private firm to complete the investigation of the Complainant's Title IX complaint; the private firm completed the investigation, including interviewing and providing a credibility assessment of both parties and witnesses with relevant information. The firm submitted its written findings to the University on XXXXX XX, XXXX. On XXXXX XX, XXXX, the University informed the Complainant and the Respondent, based on the findings of the private firm, that the complaint allegation did not constitute sexual harassment in violation of University policy or Title IX.

Resolution

Prior to the completion of OCR's investigation into this complaint, the University indicated its interest in entering into a voluntary resolution agreement with OCR pursuant to Section 302 of OCR's *Case Processing Manual*. OCR determined that such a resolution would be appropriate based on issues identified during the investigation. The University signed an Agreement (copy enclosed) on XXXXX XX, XXXX, which, when fully implemented, resolves OCR's concerns. The Agreement requires the University to develop and implement a record-keeping system and procedures that adequately and accurately document all complaints of sexual harassment, and the University's investigations of and responses to reports of sexual harassment. In addition, the Agreement requires the University to ensure the individual designated to serve as the Title IX Coordinator is trained and qualified to fulfill the obligations of the position. For more information, please consult the Agreement.

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

Recipients of Federal funds are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by federal civil rights law. Complaints alleging such retaliation may be filed with OCR. 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 that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

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. Complainants may have the right to file a private suit in federal court whether or not OCR finds a violation.

If you have questions concerning this letter, please contact Linda White, attorney, at (816) 268-0581 (voice) or (877) 521-2172 (telecommunications device for the deaf), or by e-mail at linda.white@ed.gov.

Sincerely,

Kelli Douglas
Supervisory Attorney

Enclosure