



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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July 17, 2014

Dr. Frank Ayers, Chancellor
Embry-Riddle Aeronautical University
3700 Willow Creek Road
Prescott, Arizona 86301-3720

Re: Embry-Riddle Aeronautical University
Case Number: 08-13-2197

Dear Chancellor Ayers:

On August 5, 2013, we received a complaint alleging Embry-Riddle Aeronautical University discriminated on the basis of sex. Specifically, the Complainant alleged that the University failed to provide a prompt and equitable resolution to her daughter's complaint of sexual harassment by her XXXXX coach.

We began investigating the complaint pursuant to Title IX of the Education Amendments of 1972 and its implementing regulation at 34 Code of Federal Regulations Part 106, which prohibit discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the U.S. Department of Education. As a recipient of Federal financial assistance from the Department, the University is subject to Title IX and its implementing regulation.

During the course of processing this complaint, the University indicated its desire to voluntarily enter into an agreement to resolve the allegations raised pursuant to Section 302 of the *Case Processing Manual*. We reviewed this request and determined that it justified entering into an agreement without completing a full investigation.

On July 16, 2014, we received the signed Resolution Agreement, a copy of which is enclosed. When the Agreement is fully implemented, the allegations and compliance concerns will be resolved consistent with the requirements of Title IX and its implementing regulation. OCR will monitor implementation of the Agreement through periodic reports demonstrating the terms of the Agreement have been fulfilled. We will provide written notice of any deficiencies regarding the implementation of the terms of the Agreement and will promptly require actions to address such deficiencies. If the University fails to implement the Agreement, we will take appropriate action, as described in the Agreement.

We thank the University for voluntarily entering into an Agreement to resolve the issues raised in this complaint. This concludes OCR's investigation of the complaint and 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. The case is now in the monitoring phase. The monitoring phase of the case will be completed when OCR determines that the

University has fulfilled all of the terms of the Agreement. When the monitoring phase of the case is complete, OCR will close Case Number 08-13-2197 and will send a letter to the University, copied to the Complainant, stating that the case is closed.

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, the individual may file a complaint alleging such treatment.

Please also note 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.

Thank you for the courtesy and cooperation you and your staff extended to us during the investigation of this case. If you have any questions, you may contact me at (303) 844-4506.

Sincerely,

/s/

Thomas E. Ciapusci
Supervisory Team Leader

Enclosure – Resolution Agreement

cc: Liz Higgins Frost, M.Ed.
Associate Dean of Students & Title IX Coordinator