



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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August 15, 2017

Dr. Joseph D. Womack
President
Northwest Christian University
828 East 11th Street
Eugene, Oregon 97401

Re: Northwest Christian University
OCR Reference No. 10172115

Dear Dr. Womack:

This is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced discrimination complaint against Northwest Christian University (university). As explained below, prior to completion of OCR's investigation, the university expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegation.

The complaint filed with OCR alleged that the university discriminated against a student on the basis of sex by failing to provide a prompt and equitable response following a complaint of sexual harassment filed against the student with the university.

OCR accepted this complaint for resolution under the authority of Title IX of the Education Amendments of 1972 and its implementing regulation. This statute prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance. The university is a recipient of federal financial assistance from this Department, and is therefore subject to this civil rights law.

Title IX at 34 C.F.R. § 106.31(a) requires that a recipient may not, on the basis of sex, exclude anyone from participation in, deny anyone the benefits of, or subject anyone to discrimination under any educational programs or activities operated by the recipient. In order to meet the requirements of this regulation, recipients must provide a prompt and equitable grievance process for investigating complaints of sex discrimination, including sexual harassment.

OCR's review of the university's submitted documents raised concerns about the equity and thoroughness of the university's response to the complaint against the student. The

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information reviewed by OCR thus far indicates that: the student may not have been provided sufficient information about the complaint allegations to fully respond; the interview questions asked by the university to the student and each of the witnesses did not appear sufficient to obtain necessary information about the alleged sexual harassment; the investigation may not have involved interviewing all witnesses present at the time of the alleged sexual harassment; the student may not have been informed that he could present witnesses or additional evidence; the investigative report did not include information essential for a thorough investigation and an equitable determination, such as the date the incident occurred; the university may not have investigated an allegation against the student regarding subsequent interactions with the person alleging the sexual harassment; and the investigation appears to have included information about the student's other conduct issues that were unrelated to the allegations of sexual harassment, which may have factored in to the university's determination regarding the sexual harassment allegations against the student.

In accordance with Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved at any time when, before the conclusion of an investigation, the institution expresses an interest in resolving the complaint and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. Before OCR completed its investigation with respect to the allegation, the university expressed an interest in voluntarily resolving this case. In light of the university's willingness to address the concern identified by OCR comprehensively without further investigation, OCR determined entering into a voluntary resolution agreement was appropriate.

The actions the university will take under the agreement include:

- reviewing and revising its policies, procedures, and/or practices that address complaints of sex discrimination, including sexual harassment, to ensure that they provide complainants and respondents with a prompt and equitable grievance process;
- providing training to all Title IX coordinators and other employees involved in processing, investigating, adjudicating, and/or resolving complaints of sex discrimination, including sexual harassment; and
- identifying an impartial individual to conduct an independent investigation of the Title IX complaint that was the subject of this complaint.

OCR will monitor the implementation of the agreement and will close the complaints when OCR determines that the terms of the agreement have been satisfied. The first report under the agreement is due by **September 29, 2017**.

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.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

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 complainant 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.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Mark Farr, Senior Equal Opportunity Specialist, by telephone at (206) 607-1607 or by e-mail at mark.farr@ed.gov.

Sincerely,

Paul Goodwin
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement