



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

REGION X  
ALASKA  
AMERICAN SAMOA  
GUAM  
HAWAII  
IDAHO  
MONTANA  
NEVADA  
NORTHERN MARIANA  
ISLANDS  
OREGON  
WASHINGTON

April 9, 2018

Seth Bodnar  
President  
Office of the President  
University of Montana Missoula  
32 Campus Drive  
Missoula, Montana 59812-2522

Re: University of Montana Missoula  
OCR Reference No. 10182006

Dear President Bodnar:

The U.S. Department of Education (Department), Office for Civil Rights (OCR) is concluding its investigation of the above-referenced complaint against the University of Montana Missoula (university) as a result of the signed enclosed Voluntary Resolution Agreement (Agreement). The complaint alleged that the university discriminated against a student on the basis of sex when:

1. the university failed to respond appropriately to incidents of sexual violence reported by the student during the 2016-2017 academic year; and
2. the university failed to respond appropriately to incidents of retaliation reported by the student during the 2016-2017 academic year.

As explained below, prior to completing OCR's investigation, the university requested to resolve the complaint and signed the enclosed Agreement to address all of the complaint allegations.

OCR initiated its investigation of the complaint under the authority of Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations. Title IX prohibits discrimination on the basis of sex in educational programs and activities receiving federal financial assistance. The university is a recipient of federal financial assistance from this Department and is, therefore, required to comply with Title IX.

Before the conclusion of OCR's investigation, the university expressed an interest in voluntarily resolving the complaint. OCR's investigation to date identified a concern regarding whether the investigation of the complainant's report of sexual violence was equitable with respect to parties' opportunities to review evidence. OCR's investigation to date also identified a concern regarding whether the university's response to the complainant's reports of retaliation was effective. In

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

[www.ed.gov](http://www.ed.gov)

accordance with Section 302 of the OCR's *Case Processing Manual*, a complaint may be resolved at any time when, prior to the point OCR issues a final determination, a university expresses an interest in resolving the complaint allegations, and OCR determines that it is appropriate to resolve the complaint allegations with a voluntary resolution agreement. OCR determined that a voluntary resolution agreement was appropriate in this case. Subsequent discussions with the university resulted in the university signing the Agreement, which when fully implemented, will resolve the allegations in the complaint. OCR will monitor the implementation of the Agreement until the university fulfills the terms of the Agreement.

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

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 occurs, the individual may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related records upon request. In the event that OCR receives such a request, OCR 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 in resolving this complaint. If you have any questions about this letter, you may contact Mark Farr, Senior Equal Opportunity Specialist, by telephone at (206) 607-1607, or by e-mail at [mark.farr@ed.gov](mailto:mark.farr@ed.gov), or Tina Sohaili, Attorney, by telephone at (206) 607-1634, or by e-mail at [tina.sohaili@ed.gov](mailto:tina.sohaili@ed.gov).

Sincerely,

Paul Goodwin  
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement