



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

March 21, 2019

Mr. Angel Cabrera
President
George Mason University
4400 University Drive
Fairfax, Virginia 22030

RE: OCR Complaint No. 11-18-2333
Resolution Letter

Dear President Cabrera:

This letter is to advise you of the outcome of the complaint that you filed on August 23, 2018 with the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) against George Mason University (the University). The Complainant alleges that in or about XXX, the University retaliated against her when professors and administrators refused to serve as her doctoral advisor or help her find an advisor after XXX

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance from the Department. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, assists, or participates in a proceeding under these laws. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title VI.

During the investigation, OCR interviewed the Complainant and reviewed documents provided by the Complainant and the University. Before OCR completed its investigation, on December 21, 2018, the University expressed a willingness to resolve the complaint pursuant to Section 302 of OCR's *Case Processing Manual*, which states that allegations may be resolved prior to OCR making a determination if the university expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified issues that can be addressed through a resolution agreement. The following is a summary of the evidence obtained by OCR during the investigation to date.

Facts

Since XXX, the Complainant has pursued a doctoral degree in the XXX. The program requires students to secure an advisor to supervise their dissertation research. The parties agree that the Complainant experienced difficulties with XXX. On XXX, the Complainant filed XXX. In an XXX, a CDE staff member informed the Complainant that the University's informal investigation XXX.

Following the filing of XXX, the Complainant attempted to secure a new advisor by approaching multiple professors XXX, but the professors all refused. In an interview, the Complainant informed OCR that she met with the XXX at the time, and he told her that XXX. The Complainant ultimately obtained an advisor in XXX, but the advisor is not a member of the XXX.

The University claims that the Complainant's difficulties in connection with finding an advisor are "in no way retaliation" for her XXX complaint, and asserts that "it was [the Complainant's] own actions which served as the prevailing factor for any 'challenges' she may have experienced securing an advisor before and after XXX."

OCR reviewed internal email correspondence on XXX. A dissertation advisor is a required component of the doctoral program, without which a doctoral candidate cannot receive a Ph.D.

Resolution

On March 20, 2019, the University signed the enclosed Resolution Agreement which, when fully implemented, will address the allegation investigated. The provisions of the Agreement are aligned with the allegation and the information obtained during OCR's investigation, and are consistent with applicable law and regulation. The Agreement requires the University to offer the Complainant assistance in securing a dissertation advisor aligned with her field of study and undergo mandatory training concerning Title VI and retaliation. Please review the enclosed Agreement for further details. OCR will monitor the University's implementation of the Agreement until the University has fulfilled the terms of the Agreement.

This concludes OCR's investigation of the complaint. This letter 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. 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.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

We appreciate the University's cooperation in the resolution of this complaint. If you have any questions, please contact Kathryne Love, the OCR attorney assigned to this complaint, at 202-453-6948 or Kathryne.Love@ed.gov, or Tracey Solomon, the OCR investigator assigned to this complaint, at 202-453-5930 or Tracey.Solomon@ed.gov.

Sincerely,

David Hensel
Team Leader, Team III
District of Columbia Office
Office for Civil Rights

cc: Brian E. Walther, Esq.

Enclosure