



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

October 23, 2020

Via E-mail Only to [redacted]

Patrick R. Sturdy, Esq.
Cummings, McClorey, Davis & Acho, P.L.C.
17436 College Parkway
Livonia, Michigan 48152

Re: OCR Docket No. 15-17-2014

Dear Mr. Sturdy:

This letter is to notify you of the disposition of the above-referenced complaint filed on October 24, 2016, with the U.S. Department of Education (Department), Office for Civil Rights (OCR), against Schoolcraft College (the College). The complaint alleged that the College failed to adopt and apply grievance procedures that govern the resolution of complaints alleging discrimination on the basis of sex.

OCR enforces 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 106,¹ which prohibit discrimination on the basis of sex in any program or activity operated by a recipient of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the College is subject to this law.

Based on the complaint allegation, OCR opened an investigation of the following legal issue: whether the College failed to adopt grievance procedures in accordance with the requirements of the Title IX implementing regulation at 34 C.F.R. § 106.8(b).

Legal Standards

The regulation implementing Title IX, at 34 C.F.R. § 106.31(a), states as follows: “Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance.”

¹ An amended Title IX regulation went into effect on August 14, 2020 and can be viewed [here](#). However, the Title IX regulation in effect at the time of the underlying events associated with the above-referenced complaint serves as the basis for OCR’s determination in this matter, which is available [here](#). For more information about Title IX, including the new Title IX regulation and related resources, visit OCR’s website at <https://www2.ed.gov/policy/rights/guid/ocr/sexoverview.html>.

The Title IX regulation contains a number of procedural requirements, including a requirement that recipients adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any actions prohibited by Title IX and its implementing regulation. *See* 34 C.F.R. § 106.9(a); *see also* 34 C.F.R. § 106.8(b).

OCR's Investigation

During its investigation to date, OCR reviewed documents provided by the Complainant and the College and information publicly available on the College's website, and interviewed the Complainant and spoke to you about the College's response to the complaint.

The Complainant alleged that the College does not have a published procedure for handling Title IX complaints involving employees, although it does have a published procedure for how to handle Title IX complaints between students. [sentences redacted]

OCR reviewed the College's website and has concerns that the College provided only summaries of the College Policy and Procedures. In addition, OCR has concerns that the summary descriptions of covered conduct on the web page only apply to students and not employees. OCR reviewed a copy of the Policies and Procedures that cover student and employee complaints provided by the College and also has concerns that the Policies and Procedures do not provide for an appropriate response to the resolution of complaints.

Pursuant to Section 302 of OCR's *Case Processing Manual*, the College expressed an interest in resolving the allegation prior to the conclusion of OCR's investigation and OCR determined resolution was appropriate. On October 20, 2020, the College signed the enclosed Resolution Agreement, which, when fully implemented, will address the complaint allegation. OCR will monitor the implementation of the Resolution Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address the College'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.

Please be advised that the College 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 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, 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.

The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

OCR looks forward to receiving the College's first monitoring report by November 19, 2020. For questions about implementation of the Agreement, please contact OCR attorney Kimberly Kilby. Ms. Kilby will be overseeing the monitoring and can be reached by telephone at (216) 522-2574 or by e-mail at Kimberly.Kilby@ed.gov. If you have questions about this letter, please contact me by telephone at (216) 522-7634. When contacting OCR about this complaint, please refer to Schoolcraft College, Docket No. 15-17-2014.

Sincerely,

/s/

Donald S. Yarab
Supervisory Attorney/Team Leader

Enclosure