



U.S. DEPARTMENT OF EDUCATION

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OFFICE FOR CIVIL RIGHTS
SOUTHERN DIVISION

DISTRICT OF COLUMBIA OFFICE
District of Columbia, North Carolina, South Carolina, Virginia

August 31, 2011

Dr. Steven Knapp
President
George Washington University
2121 I Street, N.W.
Washington, D.C. 20052

Re: OCR Complaint No. 11-11-2079
Resolution Letter

Dear President Knapp:

This letter is to inform you of the disposition of the complaint that was filed with the District of Columbia Office for Civil Rights (OCR), within the U.S. Department of Education (the Department), on March 4, 2011, against The George Washington University (the University). The complaint was filed on behalf of an undergraduate student at the University (the Student). The complaint alleges that the University discriminated against the Student based on sex when it failed to respond in an equitable manner to her complaint that she was sexually assaulted by another undergraduate student.

OCR initiated an investigation of the complaint under its authority to enforce Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving federal financial assistance. The University receives federal financial assistance from the Department and therefore is subject to the provisions of Title IX and its implementing regulation.

Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Sexual harassment is unwelcome conduct of a sexual nature. If sexual harassment of a student is sufficiently serious (severe, persistent or pervasive) that it interferes with or limits a student's ability to participate in or benefit from the university's program, it creates a hostile environment and may be prohibited by Title IX. If a school knows or reasonably should know about student-on-student sexual harassment that creates a hostile environment, Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. Schools are required to adopt and publish grievance procedures providing for prompt and equitable resolution of sex discrimination complaints, including complaints of sexual harassment, and to disseminate a policy against sex discrimination.

Our mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

During OCR's investigation of this complaint, the University expressed a willingness to resolve the complaint. Pursuant to Section 302 of OCR's Case Processing Manual, OCR discussed resolution options with the University. On August 31, 2011, the University signed the enclosed agreement which, when fully implemented, will resolve the concerns identified regarding this complaint. The University also has affirmed in the agreement its commitment to more broadly fulfilling its legal obligations under Title IX, particularly with regard to sexual violence. The provisions of the agreement are aligned with the issue raised by the Complainant, information obtained during the course of OCR's investigation, and are consistent with the applicable regulations. The University understands that this agreement does not foreclose OCR from revisiting the University's procedures for addressing complaints of sexual violence against faculty at a future time, as necessary. OCR will monitor implementation of the agreement.

OCR reminds the University that it may not harass, coerce, intimidate, or discriminate against any individual because that individual filed a complaint or participated in the complaint resolution process. If this happens, an individual may file another complaint alleging such treatment. Also, 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, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

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.

We sincerely appreciate the courtesy, cooperation, and professionalism extended by the University, particularly Senior Counsel Thomas Smith, throughout the resolution of this complaint. If you have any questions, please feel free to contact Sara Clash-Drexler at (202) 453-5906 or Sara.Clash-Drexler@ed.gov.

Sincerely,

/s/

Olabisi L. Okubadejo
Team Leader
District of Columbia Office
Office for Civil Rights

Enclosure