



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475  
CHICAGO, IL 60661-4544

REGION V  
ILLINOIS  
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MINNESOTA  
NORTH DAKOTA  
WISCONSIN

May 22, 2013

Dr. Sue DeWine  
President  
Hanover College  
484 Ball Drive  
Hanover, Indiana 47243

Re: OCR #05-13-2112

Dear Dr. DeWine:

This is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), has received and evaluated the above-referenced complaint filed with OCR on February 21, 2013, against Hanover College (College) alleging retaliation. We conducted the evaluation in accordance with OCR's *Case Processing Manual* to determine whether to open the complaint for investigation. We have determined that we have the authority to investigate this complaint.

The complaint alleges that in (b)(6); (b)(7)(C) the College subjected a female student (Student A) to retaliation for filing a sexual harassment grievance with the College when (a) it refused to provide Student A a copy of its investigative file concerning her grievance and (b) it denied Student A (b)(6); (b)(7)(C)

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits retaliation and discrimination based upon sex in any educational program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the College is subject to this law. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov.ocr>.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening the allegation for investigation. Please note that opening the allegation for investigation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of the *Case Processing Manual*.

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)

OCR offers, when appropriate, an Early Complaint Resolution (ECR) process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation. Some information about the ECR process is in the enclosure to this letter.

In addition, when appropriate, a complaint may be resolved before the conclusion of an investigation when the recipient expresses an interest to resolve the complaint. In such cases, a resolution must be aligned with the complaint allegation or the information obtained during the investigation and it must be consistent with applicable regulations. Information about this is in the enclosure to this letter.

Please read the enclosed document entitled "OCR Complaint Processing Procedures," which includes information about:

- OCR's complaint processing procedures, including the availability of ECR;
- Regulatory prohibitions against retaliation and intimidation of persons who file complaints with OCR or participate in an OCR investigation; and
- Application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to a compliance determination. This requirement is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.71. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, OCR requests that you provide the following information to us within fifteen (15) calendar days. Wherever possible, please provide the requested information in electronic format. If responsive data are available through the Internet, provide the link to the data.

1. A narrative response to the complaint allegation.
2. A copy of the College's policies prohibiting retaliation for filing a grievance or for participating in an investigation.
3. A copy of the College's policy for provision of investigative files to parties in a student grievance.
4. A copy of all requests by Student A for a copy of the investigative file concerning her grievance, the College's response to each request, and, if the College denied any requests by Student A for the file, the reason(s) why.

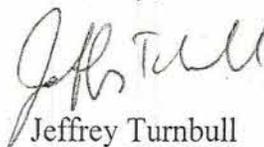
5. A narrative statement indicating whether the College provided the investigative file in Student A's grievance to the male student she alleged assaulted her and, if so, the reason(s) why.
6. A copy of the College's policies and procedures for assigning (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) including any guidelines for determining student eligibility for such (b)(6); (b)(7)(C)
7. The name and contact information of the College's staff or administration responsible for determining (b)(6); (b)(7)(C) eligibility, and for assigning students to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)
8. If Student A was denied (b)(6); (b)(7)(C) for (b)(6); (b)(7)(C) the reason(s) why she was denied (b)(6); (b)(7)(C) the name(s) of the individual(s) who denied her (b)(6); (b)(7)(C) and a copy of any policies and procedures applicable to this denial, if not included in the response to item #6.
9. A list of all undergraduate students in the 2012-2013 academic year who were denied (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) for the same reason(s) as Student A, and an indication of whether any of these students had previously filed a grievance with the College.
10. If not included in the response to the above items, all other documents in the College's possession relevant to the allegation in this complaint.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is necessary, we will work to schedule a mutually convenient time for the visit.

Please notify OCR of the name, address, and telephone number of the person who will serve as the College's contact person during the processing of this complaint. We would like to talk with this person as soon as possible to discuss the processing of this complaint and we will, at that time, identify Student A.

OCR is committed to prompt and effective services. If you have any questions, please contact TiShaunda McPherson, Civil Rights Attorney, at (312) 730-1633 or by email at [TiShaunda.McPherson@ed.gov](mailto:TiShaunda.McPherson@ed.gov).

Sincerely,



Jeffrey Turnbull  
Team Leader

Enclosure