

# U.S. Department of Education Finds Tufts University in Massachusetts in Violation of Title IX for Its Handling of Sexual Assault and Harassment Complaints

APRIL 28, 2014

**Contact:** Press Office, (202) 401-1576, [press@ed.gov](mailto:press@ed.gov)

The U.S. Department of Education announced today that its Office for Civil Rights (OCR) has found that Tufts University has failed to comply with Title IX of the Education Amendments of 1972 to address sexual assault and harassment issues.

Although Tufts had entered into an agreement to remedy its violation on April 17, the university informed OCR on April 26 that it was “revoking” the agreement. This action constitutes a breach of the agreement. Under federal civil rights regulations, OCR may move to initiate proceedings to terminate federal funding of Tufts or to enforce the agreement. The office stands ready to confer with Tufts on how to come into compliance speedily.

“The facts of this investigation underscore the continuing imperative to address sexual assault and harassment on our nation’s campuses and to promote safe, secure environments for students,” said Catherine E. Lhamon, assistant secretary for civil rights. “Our federal civil rights laws demand that students not be denied their ability to participate fully in education because of sexual assault and harassment. OCR will take actions necessary to ensure that the agreement is fully and effectively implemented. I was so impressed with Tufts President Monaco’s leadership, and I hope and expect that Tufts will return to productive progress for its students in the coming days.”

OCR recognizes that during the course of its comprehensive investigation, Tufts made a number of important improvements to its policies, procedures and practices for handling sexual assault and harassment of complaints. However, more changes are necessary to ensure the safety of more than 10,000 students at Tufts’ three campuses in Medford, Boston and Grafton, Mass.

The office concluded that the university failed to provide prompt and equitable responses to student complaints of sexual assault and harassment, as required by Title IX. Tufts did not investigate alleged sexual assaults when notified unless the allegations were part of a written complaint. The university did not have a permanent Title IX coordinator for more than a year and a half during the 2009-10 and 2010-11 academic years. The institution failed to ensure equal access to its education programs and activities and to protect complainants as necessary, including by taking effective interim measures before the final outcome of an investigation. OCR also determined that Tufts’ current policies and procedures do not comply with the applicable Title IX requirements.

In addition, the office determined that for the student filing the complaint with the Education Department, the university allowed for the continuation of a hostile environment and denied the student’s access to educational opportunities at the university. Arrangements made by the university to separate the student and the accused disproportionately burdened the student.

The agreement signed by the university requires Tufts to address sexual assault and harassment on its campuses in a comprehensive manner that includes clarifying applicable processes for

responding swiftly and effectively. It also requires the university to assess the effectiveness of the steps it takes and, with OCR review and approval, to take additional steps that may be necessary to ensure that students are not subjected to a sexually hostile climate. Specifically, Tufts committed to:

- Ensure students and staff are aware of Title IX's prohibition against sex discrimination, including how to recognize it when it occurs, and how to report incidents.
- Revise its policies, procedures and investigative practices to provide a grievance procedure that ensures prompt and equitable resolution of sexual assault and harassment allegations.
- Provide timely and effective interim relief for complainants, including academic adjustments and housing changes as necessary.
- Seek input from the campus community and conduct periodic assessments of the campus climate in order to evaluate and improve the effectiveness of the university's implementation of its sexual assault and harassment policies and procedures and to enhance its efforts to provide a safe environment for students.
- Report on recommendations made by the university's Sexual Misconduct Prevention Task Force and, following OCR review and approval, on the actions taken to implement the recommendations.
- Provide regular and mandatory training on issues related to sexual assault and harassment and on the requirements of Title IX to all members of the university community – including students, faculty, administrators and other staff.
- Report annually to OCR on the steps taken by the Title IX coordinator to prevent and respond to sexual assault and harassment.
- Provide monetary compensation to the student who filed the OCR complaint.
- Review all sexual assault and harassment complaints filed during and since academic year 2011-2012 to assess whether these complaints were handled appropriately under Title IX. Based on its review and following OCR review and approval, the university will take action to address any concerns identified, including providing appropriate remedies that are still needed to the complainants in these cases.