



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

5 POST OFFICE SQUARE, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109-3921

SEP 23 2010

Lawrence S. Bacow
President
Tufts University
Office of the President
Ballou Hall, 2nd Floor
Medford, MA 02155

Re: Complaint Number 01-10-2089

Dear President Bacow:

On September 22, 2010, the Office for Civil Rights (OCR) of the U.S. Department of Education, received the above-referenced complaint filed against Tufts University (University) by the (b)(6); (b)(7)(C) on behalf of their client. This letter is to notify you that OCR is opening the complaint for investigation.

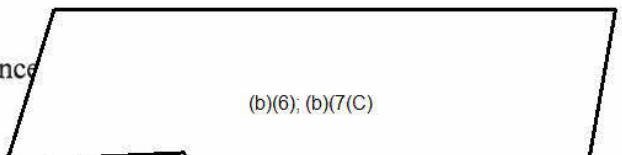
The complaint specifically alleges that the University discriminated against (b)(6); (b)(7)(C) client on the basis of sex by failing to take immediate and appropriate steps to investigate her complaint; by failing to take prompt and effective steps reasonably calculated to eliminate a hostile environment; by subjecting her to a continued hostile environment through its actions and inactions; by failing to promptly and equitably resolve her complaint; and by retaliating against her by requiring her to attend weekly meetings at which the alleged assailant is also present, and by threatening to remove her from (b)(6); (b)(7)(C) should she not attend these weekly meetings.

OCR has accepted these allegations for investigation because they fall under the jurisdiction of Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which prohibit discrimination on the basis of sex. Sexual harassment is a form of sex discrimination prohibited by Title IX. The University is subject to Title IX because it receives Federal financial assistance from the U.S. Department of Education. The Title IX regulation, at 34 C.F.R. Section 106.71, also incorporates 34 C.F.R. Section 100.7(e) of the regulation implementing Title VI of the Civil Rights Act of 1964, and prohibits recipients from intimidating, coercing, or retaliating against individuals because they engage in activities protected by Title IX.

By agreement of both the Complainant and the University, the parties may choose to resolve this complaint through OCR's Early Complaint Resolution (ECR) process. ECR is a process through which OCR provides the parties an opportunity, with the aid of a facilitator, to resolve the allegation(s) that prompted the complaint. ECR is a voluntary process, in which OCR assists the parties in working towards a resolution. If the parties voluntarily reach an agreement through ECR, OCR will close the complaint.

We are obligated to advise the institution against whom a complaint is filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceedings or hearing held in connection with a complaint.

If you have any questions concerning this letter, please contact Attorney Naomi Mann at (617) 289-0123 or by electronic mail at Naomi.Mann@ed.gov or Attorney Amy Hunter at (617) 289-0057, or by electronic mail at Amy.Hunter@ed.gov. You may also contact me directly at (617) 289-0019. Please refer to the complaint number noted above (01-10-2089) in any future telephone or written contact with OCR. Thank you in advance for your assistance and cooperation with this matter.

Since  (b)(6); (b)(7)(C)

Donna L. Russell
Team Leader/Civil Rights Attorney

Enclosure