



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

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

OCT 26 2010

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

Re: Complaint No. 01-09-2070

Dear President Bacow:

We are writing to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), is opening the above-referenced complaint that was filed against Tufts University (University) on (b)(6); (b)(7)(C).

In her complaint, the Complainant alleged that the University discriminated against her on the basis of sex by failing to respond appropriately to her complaints of sexual harassment and assault, which she raised between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). This allegation falls under the jurisdiction of Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs or activities that receive Federal financial assistance. The University is subject to the requirements of Title IX because it operates programs and activities that receive Federal financial assistance from the Department.

To be considered timely, an OCR complaint must be filed within 180 days of the alleged discrimination. OCR has determined that the portions of this complaint pertaining to the concerns she expressed to the University in (b)(6); (b)(7)(C) are timely, and we have decided to open the timely aspects of this complaint for investigation.

Please note that opening a complaint for investigation in no way implies that OCR has made a determination with regard to the merits of the allegation(s) raised. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the University, 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 its *Case Processing Manual*, which can be found online at: <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>. A copy of "Information about OCR's Case Resolution Procedures" is enclosed with this letter.

Based on the allegation raised, OCR will investigate the following legal issue:

- Whether the University failed to take immediate and appropriate steps to investigate and promptly and effectively respond to notice of possible sexual harassment, in violation of 34 C.F.R. Sections 106.8 and 106.31.

To assist us in determining the facts surrounding this complaint, OCR will be following up with the University to request relevant information. We appreciate your attention to this matter. If you have any questions regarding this letter or OCR's complaint processing procedures, please feel free to contact Civil Rights Attorneys Trina Ingelfinger, at (617) 289-0004 or Trina.Ingelfinger@ed.gov, or Anthony Cruthird, at (617) 389-0037 or Anthony.Cruthird@ed.gov. You may also contact Donna L. Russell, Team Leader/Civil Rights Attorney, at (617) 289-0019 or me at (617) 289-0111.

Sincerely,

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

Thomas J. Hibino
Regional Director

Enclosure