



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

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

APR 10 2013

President Richard Gurnon
Massachusetts Maritime Academy
101 Academy Drive
Buzzards Bay, Massachusetts 02532

Re: Complaint No. 01-13-2008

Dear President Gurnon:

The U.S. Department of Education's Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaint filed against the Massachusetts Maritime Academy (Academy). The Complainant alleged the Academy failed to appropriately respond to his daughter's report of a sexual assault by an Academy cadet in the fall of 2012. Based on the information presented, OCR proceeded to investigate whether the Academy failed to respond to the alleged victim's report of sexual assault in a prompt and equitable manner, in violation of 34 C.F.R. Section 106.8(b) and 106.31. As explained below, prior to OCR completing its investigation and drawing any conclusions regarding this matter, the Academy expressed an interest in resolving the complaint and signed a resolution agreement (Agreement). A copy of the signed Agreement is enclosed.

OCR accepted this complaint for investigation because the allegations are within OCR's jurisdiction under 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 by recipients of Federal financial assistance from the U.S. Department of Education. The Academy disagreed that OCR has jurisdiction pursuant to 34 C.F.R. 106.13, but agreed to resolve this matter prior to the conclusion of the investigation and a finding on this matter in order to comply with the spirit of Title IX and its implementing regulations. Entering this agreement is not, however, an admission by the Academy that it is required by law to comply with Title IX or its implementing regulations.

During the investigation, OCR reviewed documentation from the Academy regarding its Title IX Coordinator, published sexual harassment grievance procedure, and responses to complaints of sexual harassment and assault, including its response to the Complainant's grievance. Before OCR made any findings based on the information gathered, the Academy expressed an interest in resolving the complaint. The Academy agreed to take actions set forth in the enclosed Agreement.

The Agreement is aligned with the complaint allegation and the information OCR had obtained when the Academy proposed to resolve the complaint. Moreover, the Agreement is consistent with the requirements of Title IX. With regard to Section II of the Agreement, Student-specific Actions, OCR understands that the Academy will make every reasonable effort to meet with the Complainant and his daughter. However, if the Complainant and his daughter no longer wish to participate in a meeting, then that decision should be documented by the Academy and provided to OCR pursuant to Section III(E) of the reporting provisions. Accordingly, we are closing the investigative phase of the complaint as of the date of this letter and, consistent with our usual practice, will monitor the Academy's implementation of the Agreement. The matters addressed in this letter are not intended and should not be construed to cover any other issues regarding the Academy's compliance with Title IX or any other laws enforced by OCR that may exist but are not discussed here.

If you have any questions about the information contained in this letter, please contact Civil Rights Investigator Molly O'Halloran at (617) 289-0058 or Molly.O'Halloran@ed.gov; Civil Rights Attorney Phil Catanzano at (617) 289-0038 or Philip.Catanzano@ed.gov; or me at (617) 289-0111.

Sincerely,

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

Thomas J. Hibino
Regional Director

Enclosure

Cc: (b)(6)