



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

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

NOV 30 2012

President Richard Gurnan
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 opening for investigation the above-referenced complaint filed on (b)(6); (b)(7)(C). In his complaint, (b)(6); (b)(7)(C) (Complainant) alleged that the Massachusetts Maritime Academy (Academy) failed to promptly and equitably respond to his daughter's report of a sexual assault in the fall of 2012. The Complainant's daughter is not a student of the Academy, but her alleged assailant is a student and the Complainant claimed to have brought his concerns both to you and your Title IX coordinator on separate occasions to no avail. He alleged that, once local law enforcement became involved in the matter, the Academy stopped responding to his concerns.

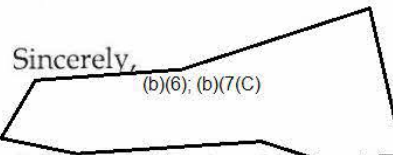
OCR is charged with ensuring institutional compliance with Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX). Title IX prohibits discrimination on the basis of sex. The Academy is subject to the requirements of Title IX because it receives Federal financial assistance from the U.S. Department of Education.

Based on the information presented, OCR will 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.

Please note that opening this complaint for investigation in no way implies that OCR has made a determination with regard to the merits of the allegations. 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 dispositive of the allegations, in accordance with the provisions of OCR's *Case Processing Manual*, which can be found online at: <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>. For your information, we have also included an explanation of OCR's complaint processing procedures.

In order to assist us in the resolution of this complaint, we ask that the Academy submit a response to the enclosed data request within fifteen (15) calendar days from the date of this letter. OCR's authority to gather information and conduct an investigation is set forth at 34 C.F.R. Sections 100.6(b) and (c) and 100.7(c) of the regulation implementing Title VI of the Civil Rights Act of 1964, which is incorporated by reference into the Title IX regulation at 34 C.F.R. Section 106.71.

If you have any questions regarding this letter, please contact Civil Rights Investigator Molly O'Halloran at (617) 289-0058 or Molly.O'Halloran@ed.gov, or Civil Rights Attorney Phil Catanzano at (617) 289-0038 or Philip.Catanzano@ed.gov. You may also contact me at (617) 289-0044.

Sincerely,

(b)(6); (b)(7)(C)
Ralph B. D'Amico, Jr.
Compliance Team Leader

Enclosures

DATA REQUEST

MASSACHUSETTS MARITIME ACADEMY OCR COMPLAINT NO. 01-13-2008

Please submit the following information to OCR within fifteen (15) calendar days of the date of this letter. OCR accepts submissions in electronic format by email or on CD. Should you prefer to submit a hard copy, OCR requests that you refrain from the use of staples, if possible, to facilitate the photocopying and processing of your information. You can send the information to the attention of Molly O'Halloran at the address enclosed in the letter, at the fax number (617) 289-0150, or at the email address molly.o'halloran@ed.gov.

- 1.) The name and contact information of the Academy's:
 - a. Title IX coordinator(s);
 - b. Contact person for this complaint; and
 - c. The person authorized to resolve this complaint.

- 2.) Information about how students, staff and other interested parties are notified of the Academy's Title IX coordinator(s). Please include copies of any hard-copy and electronic documentation providing such notice.

- 3.) A detailed description of any training regarding sex discrimination provided to the Academy's Title IX Coordinator(s) and/or other Academy staff. For any training, please include the date(s) the training was provided and copies of any materials distributed at the training.

- 4.) Copy of the Academy's grievance procedure for responding to complaints of sex discrimination. Please include any accompanying internal guidance or protocols for Academy staff responsible for investigating the complaints.

- 5.) Information about how students, staff and other interested parties are notified of the Academy's Title IX grievance procedures. Please include copies of any hard-copy and electronic documentation providing such notice.

- 6.) Any and all documentation related to complaints/reports of alleged sexual assault, sexual harassment, or any claims of a sexual nature involving the alleged assailant¹, including, but not limited to, complaints, notes, letters, emails, telephone logs, meeting notes, witness interviews and investigation reports.

¹ In an effort to avoid releasing personally identifiable information, please contact Investigator Molly O'Halloran or one of the OCR staff referenced in the letter accompanying this request to provide the names of the students in question and any additional information that may assist in compiling a response.

- 7.) If not provided in response to item 6, above, copies of any and all internal communication between Academy personnel or external communication between the alleged assailant or his representative(s) and Academy personnel regarding the allegations of sexual assault, sexual harassment, or any other conduct of a sexual nature during the 2011-2012 and 2012-13 school years.
- 8.) Copies of any complaints filed with the Academy during the 2010-2011, 2011-2012, and 2012-13 involving sexual assault, sexual harassment, or any other conduct of a sexual nature. Please include any relevant documentation including notice of the final determination.
- 9.) Any other information that the Academy believes may be useful in the resolution of this complaint.