

File



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS-- REGION VI

April 2, 2010

Reference: 06102069

Dr. Daniel Jones, Chancellor  
University of Mississippi – Oxford  
1848 University Circle, Lyceum 123  
University, MS 38677

Dr. Jones:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, received a complaint on March 8, 2010, which was filed against the University of Mississippi (UM), University, MS. The complainant alleged that UM discriminated and retaliated against a female student on the basis of her sex (female), in violation of Title IX of the Education Amendments Act of 1972 (Title IX) 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106.

Specifically, the complaint alleges that UM discriminated against a student when it failed to investigate or respond to a notification that she was sexually harassed (sexual assault) (b)(6),(b)(7)(A),(b)(7)(C); and retaliated against the student for notifying UM about the alleged sexual harassment, when it (b)(6),(b)(7)(A),(b)(7)(C) (b)(6),(b)(7)(A),(b)(7)(C), in contravention to UM' published policy. Based on the allegations raised in the complaint, OCR will investigate the following issues:

1. Whether UM discriminated against the student on the basis of sex (female), by failing to respond in a prompt and effective manner to notification that the student was sexually harassed (sexual assault) (b)(6),(b)(7)(A),(b)(7)(C) in violation of 34 C.F.R. §106.8 (b) and §106.31; and
2. Whether UM intimidated or retaliated against the student for notifying university officials of the alleged sexual harassment, which occurred (b)(6),(b)(7)(A),(b)(7)(C) when UM (b)(6),(b)(7)(A),(b)(7)(C) (b)(6),(b)(7)(A),(b)(7)(C) (b)(6),(b)(7)(A),(b)(7)(C) in violation of C.F.R. §106.71.

OCR is responsible for determining whether recipients of Federal financial assistance from the U.S. Department are in compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, at 34 C.F.R. §Part 106 (2009). Title IX prohibits discrimination on the basis of sex.

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Title IX incorporates, by reference, the anti-retaliation provision of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. Part 100 (2009), which states 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 section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this part.

UM is a recipient of Federal financial assistance from the Department, and as such, OCR has jurisdiction to process this complaint for resolution under The Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening this allegation. Please note that opening this allegation for investigation in no way implies that OCR has made a determination with regard to their merits. 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 is dispositive of the allegations, in accordance with the provisions of Article III of the *Case Processing Manual*.

Please find enclosed, "*OCR Complaint Processing Procedures*," to provide you with an overview of our complaint evaluation and resolution process. Section 100.6(c) of Title 34 of the Code of Federal Regulations stipulates that each recipient of Federal financial assistance shall permit access to pertinent sources of information to responsible Department officials or designees. Therefore, we have enclosed an initial request for information that is needed for the investigation of this complaint. Please submit the requested information to me within **15 calendar days** of the date of this letter. This information may be supplemented through additional data requests, interviews with personnel and, if necessary, an on-site visit.

Under OCR procedures we are obligated to advise the institution against which the 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.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this document and other related correspondence and records upon request. In the event we receive such a request, we will seek to protect, to the extent provided by law, personally identifiable information which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

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If you have any questions, please feel free to contact me by telephone at 214.661.9637 or by e-mail at: [Melissa.malonson@ed.gov](mailto:Melissa.malonson@ed.gov).

Sincerely,

A handwritten signature in black ink that reads "Melissa Huling Malonson". The signature is written in a cursive style with a large initial "M".

Melissa Huling Malonson  
Senior Attorney  
Office for Civil Rights  
Dallas Office

Enclosures

**Data Request**  
**University of Mississippi (UM)**  
**OCR Reference: 06102069**

To facilitate the resolution of the above-referenced complaint, it is requested that UM provide OCR with the following information and/or documentation within fifteen (15) calendar days of the date of the attached letter, or **April 19, 2010**. Unless otherwise indicated, please provide data for the (b)(6),(b)(7)(A),(b)(7)(C) school year.

1. A copy of UM's policies and procedures, which prohibit discrimination based on sex, to include sexual harassment and/or sexual assault.
2. Name and contact information for the person(s) designated to coordinate UM's efforts to comply with Title IX (i.e., Title IX Coordinator). Please describe how this information is disseminated to students, faculty, staff and the public.
3. A copy of UM's policies and procedures students and employees are to utilize to file a complaint based on sex. Please describe how this information is disseminated and where it is located.
4. Please include any and all documentation regarding the investigation conducted by UM, upon notification by the student (b)(6),(b)(7)(A),(b)(7)(C) that she was sexually harassed (alleged sexual assault (b)(6),(b)(7)(A),(b)(7)(C), (b)(6),(b)(7)(A),(b)(7)(C)). Please include, but do not limit your response to the following: i.e. notes; witness statements; interim and final reports; etc.
5. Please include any and all documentation regarding the investigation conducted by UM's (b)(6),(b)(7)(A),(b)(7)(C) that is associated with the alleged sexual harassment that occurred (b)(6),(b)(7)(A),(b)(7)(C) which involved the student. Please include, but do not limit your response to the following: i.e. notes; witness statements; interim and final reports; etc.
6. Please provide the name, position and contact information for all UM employees who were involved in any part of an investigation into the sexual harassment reported by the student. Please also include employees involved in the (b)(6),(b)(7)(A),(b)(7)(C) investigation.
7. A copy of any policies and/or procedures that discuss how UM responds to complaints of sexual assault.

8. Copies of any and all documentation of formal and/or informal investigations of discrimination based on sex, including sexual harassment and/or sexual assault for the 2006-2007, 2007-2008, 2008-2009 and 2009-2010 school years. Please include, but do not limit your response to the following, i.e. notes, witness statements, interim and final reports, etc.
9. Any additional information that UM believes would assist this office in resolving the complaint allegation.

If you have any questions or concerns regarding this request, please contact Melissa Malonson, Senior OCR Attorney, at 214.661.9637 or via electronic mail at [Melissa.malonson@ed.gov](mailto:Melissa.malonson@ed.gov).