



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

600 SUPERIOR AVENUE EAST, SUITE 750  
CLEVELAND, OH 44114-2611

REGION XV  
MICHIGAN  
OHIO

DEC 08 2011

(b)(6),(b)(7)(C)

Re: OCR Docket #15-12-2018

Dear (b)(6),(b)(7)(C):

On November 15, 2011, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against Xavier University (the University), alleging that the University discriminated against (b)(6),(b)(7)(C) a student at the University, on the basis of sex. Specifically, the complaint alleges that the University failed to respond appropriately when (b)(6),(b)(7)(C) reported that she was sexually assaulted and then stalked by a male student during the (b)(6),(b)(7)(C) school year and (b)(6),(b)(7)(C). In addition, the complaint alleges that the University, as a practice, does not follow its own written procedures or the procedural requirements of Title IX in addressing allegations of sexual harassment or sexual assault.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the Department. As a recipient of such financial assistance, the University is subject to the requirements of Title IX.

Because OCR has determined that it has jurisdiction and is waiving our timeliness requirement for filing based on good cause shown, it is opening this complaint for investigation. Based on the complaint allegations, we will investigate the following issues:

- whether the University failed to promptly and appropriately respond to alleged sexual harassment, resulting in a student, on the basis of sex, being excluded from participation in, being denied the benefits of, or being subjected to discrimination in University education programs or activities in violation of the Title IX implementing regulation at 34 C.F.R. § 106.31; and
- whether the University's Title IX practices, policies, and procedures for investigating sexual harassment complaints fail to provide for the prompt and equitable resolution of student complaints under Title IX in violation of the Title IX implementing regulation at 34 C.F.R. § 106.8(b).

Please note that opening an allegation for investigation in no way implies that OCR has made a determination with regard to its merit. 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 OCR's *Case Processing Manual*.

Please note that this complaint may be appropriate for Early Complaint Resolution (ECR), a voluntary process similar to mediation during which an OCR staff person facilitates communication between the parties in an attempt to resolve complaint allegations. If we believe that this complaint is appropriate for ECR, we will contact you to discuss this option.

OCR works to investigate complaints promptly and appropriately. We will communicate with you periodically during our investigation. When contacting our office about your complaint, please refer to OCR Docket # 15-12-2018. If you have any questions, please contact Mr. Vincent Cheverine, one of the attorneys assigned to investigate this complaint, by telephone at (216) 522-2676 or by e-mail at [Vincent.Cheverine@ed.gov](mailto:Vincent.Cheverine@ed.gov).

Sincerely,

(b)(6),(b)(7)(C)

Karla K. Ussery  
Team Leader