



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

600 SUPERIOR AVE. EAST, SUITE 750  
CLEVELAND, OH 44114-2611

REGION XV  
MICHIGAN  
OHIO

FEB 07 2012

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

Re: OCR Docket # **15-12-2048**

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

On January 25, 2012, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received the above-referenced complaint you filed against Xavier University (the University), alleging that the University discriminated against you on the basis of sex. Specifically, your complaint alleges that the University failed to respond appropriately when you reported that you were sexually assaulted and then stalked by a male student during the (b)(6),(b)(7)(C) academic year, did not follow through with the sanctions it imposed on the male student for his conduct code violation, and did not take reasonable steps to prevent and eliminate sexual harassment of which it was on notice, thus allowing a sexually hostile environment against women to continue at the University. In addition, your 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 operated by recipients of 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. Your complaint is being merged with two other complaints that raise similar allegations, and these complaints will be processed under the above-referenced

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docket number. The merged complaint alleges that the University has failed to promptly and appropriately respond to alleged sexual harassment, thus allowing a sexually hostile environment against female students to continue at the University, and that the University does not have Title IX grievance procedures.

Based on the allegations of the merged complaint, we will investigate the following issues:

- whether the University fails to promptly and appropriately respond to alleged sexual harassment, resulting in students, 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 has adopted and published grievance procedures providing for the prompt and equitable resolution of student complaints of discrimination on the basis of sex as required by 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*.

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 # 15-12-2048. 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