



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

December 8, 2015

Via Email, president@vcu.edu

Dr. Michael Rao
President
Virginia Commonwealth University
910 West Franklin Street
P.O. Box 842512
Richmond, Virginia 23284-2512

Re: OCR Complaint No. 11-16-2012
Notification/Data Request Letter

Dear Dr. Rao:

The Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received a complaint on (b)(6); (b)(7)(C) against Virginia Commonwealth University (the University). The Complainant filed the complaint on behalf of a former student (the Student) at the University. The Complainant alleges that the University discriminated against the Student on the basis of sex. Specifically, the complaint alleges that the University failed to promptly and equitably respond to her report of sexual assault and, as a result, the Student was subject to a sexually hostile environment.

OCR will contact the University to provide the name of the Student.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex, including sexual harassment, in any program or activity receiving Federal financial assistance. The University receives Federal financial assistance from the Department and therefore is subject to the provisions of Title IX and its implementing regulation. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR is opening the complaint for investigation. Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegations in accordance with the provisions of the *Case Processing Manual*, available at <http://www.ed.gov/ocr/docs/ocrcpm.pdf>.

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

Our goal is the prompt, appropriate resolution of the complaint. While we are proceeding with an investigation, there are other approaches that can achieve this goal. Information on OCR's complaint processing procedures is available at <http://www.ed.gov/ocr/complaints-how.html>.

Please note the section on resolution of a complaint prior to the conclusion of an investigation. If the University expresses an interest in resolving the complaint and OCR determines that resolution of the complaint prior to the completion of the investigation is appropriate, OCR may attempt to negotiate an agreement with the University pursuant to Section 302 of the *Case Processing Manual*.

Attached is a request for data necessary to investigate this complaint. The Department's regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6(c), which is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.71, gives OCR the authority to request this information.¹ OCR requests that the University submit this information within 15 calendar days of the date of this letter (i.e., by December 23, 2015). We prefer that you submit information electronically, if feasible. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us at the telephone numbers provided below prior to the expiration of the 15-day period. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct an on-site investigation, we will notify you in advance.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

We look forward to your cooperation during the resolution of this complaint. If you have any questions, please contact one of the OCR attorneys assigned to this complaint: Samantha Shofar,

¹ Please note that OCR has the right of access to records that are necessary for OCR's investigation, even if those records contain names or other personally identifiable information. See 20 U.S.C. §§ 1232g(b)(1) and 1232g(b)(3) regarding the applicable provisions of the Family Educational Rights and Privacy Act; see also 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii).

at 202-453-5929 or samantha.shofar@ed.gov, or Jennifer Barmon, at 202-453-6751 or jennifer.barmon@ed.gov.

Sincerely,

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

David Hensel
Supervisory Attorney, Team III
District of Columbia Office
Office for Civil Rights

**Virginia Commonwealth University
OCR Complaint No. 11-16-2012**

Data Request

(b)(7)(A)



(b)(7)(A)



(b)(7)(A)

