



U.S. DEPARTMENT OF EDUCATION

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OFFICE FOR CIVIL RIGHTS
SOUTHERN DIVISION

DISTRICT OF COLUMBIA OFFICE
District of Columbia, North Carolina, South Carolina, Virginia

February 9, 2011

Michael Rao, Ph.D.
President
Virginia Commonwealth University
Office of the President
P.O. Box 842512
Richmond, Virginia 23284-2512

RE: OCR Complaint No. 11-11-2031

Dear Dr. Rao:

This letter is to advise you that on December 3, 2010, the District of Columbia Office of the Office for Civil Rights (OCR), U.S. Department of Education (the Department), received a complaint filed against Virginia Commonwealth University (the University). The complaint alleges that the University's sexual misconduct and sexual harassment policies and procedures, as written and as applied, are discriminatory on the basis of sex.

OCR is responsible for enforcing certain Federal civil rights statutes and regulations, including Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* (Title IX), and its implementing regulation, at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance. The University is a recipient of such assistance from the Department. Therefore, the University must comply with Title IX and its implementing regulation.

Because OCR has determined that it has jurisdiction over this allegation and that it was filed timely, it is opening this allegation for investigation. Please note that opening allegations 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 allegation, in accordance with the provisions of Article III of the *Case Processing Manual*.

In order to assist us in resolving this complaint, OCR is requesting that the University provide the information listed below within fifteen (15) calendar days of the date of this letter. OCR's authority to request information is provided in the regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 106.6(e). Please provide the following information:

1. A list of all the University’s internal sexual misconduct, sexual harassment, and/or Title IX policies and procedures and copies of any of these policies and procedures that are not on the University’s website.
2. For the Fall 2009 and Spring and Fall 2010 semesters, please provide a copy of all formal and informal complaints of sexual misconduct and sexual harassment that took place on campus or in connection with university-sponsored activity, filed with the University. For each complaint please provide interview notes; witness statements; any other documentation submitted to the University by the complainant or the accused; notes or minutes of any hearing conducted in the case; disposition letters; records of contact with the complainant and the accused, including electronic mail, telephone logs, and minutes or notes of meetings; a summary of any disciplinary measures taken as a result of the complaint; and any other documentation of the actions taken by the University on these complaints not included above.
3. The name, address, and telephone number of the individual who will serve as the University’s contact person for the resolution of this complaint.
4. The name, address, and telephone number of the University’s Title IX coordinator.

If you experience any difficulty complying with this request, you should notify us prior to the expiration of the 15-day period. Please be aware that we may need to make additional requests for information in the future. If we find that we need to conduct an on-site investigation of the complaint, we will notify you in advance of our plans.

Please note that the University is not permitted to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces. If any individual is harassed or intimidated because of filing a complaint or participating in any aspect of OCR case resolution, the individual may file a complaint alleging such treatment.

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

If you have questions regarding the complaint, you may contact Deborah Kelly, the investigator assigned to the complaint, at (202) 453-5919 or by e-mail at deborah.kelly@ed.gov.

Sincerely,

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

Sheralyn Goldbecker
Team Leader, Team IV
District of Columbia Office