UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

November 19, 2015

Via U.S. Mail & Email

Dr. Mary Schmidt Campbell
President
Spelman College
350 Spelman Ln SW
Atlanta, GA 30314

Re: Complaint #04-15-2473

Dear Dr. Campbell:

On September 30, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against Spelman College (College) alleging discrimination based on sex. Specifically, Non Responsive (Complainant) alleged that the College failed to take action to protect Non Responsive (Student) from a Morehouse College student who she alleged sexually assaulted her. The Complainant also alleged that the College failed to promptly and equitably respond to complaints, reports and/or incidents of sexual violence of which it had notice, including the Complainant's report of sexual assault, and, as a result, students, including the Complainant, were subjected to a sexually hostile environment.

As a recipient of Federal financial assistance from the Department, the College is subject to Title IX of the Education Amendments of 1972, 20 U.S.C. §§1681 et seq, (Title IX) and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. Accordingly, OCR has jurisdiction to investigate this complaint. Additional information about the laws OCR enforces is available on our website at http://www.ed.gov/ocr.

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

OCR will proceed with an investigation of the following legal issue:

- Whether the College failed to promptly and equitably respond to complaints, reports and/or incidents of sexual violence of which it had notice, both on and off campus, including the Complainant's report of sexual assault, and, as a result of the

failure to provide a prompt and equitable response, students, including the Complainant, were subjected to a sexually hostile environment, in noncompliance with 34 C.F.R. §§106.8, 106.9 and 106.31.

Please read the enclosed document entitled "Information about OCR's Complaint Resolution Procedures," which includes information about:

- OCR's complaint evaluation and resolution procedures;
- Regulatory prohibitions against retaliation, intimidation and harassment of persons who file complaints with OCR or participate in an OCR investigation; and
- Application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of this complaint. The regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., at 34 C.F.R. § 100.6(c), requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination. This requirement is incorporated by reference in the Title IX regulation at 34 C.F.R. § 106.71. Pursuant to the Title VI regulation at 34 C.F.R. § 100.6(c) and the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, at 34 C.F.R. § 99.31(a)(3)(iii), OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, OCR is requesting that you forward the following information within 15 days of the date of this letter. Please note that in this request, the term "correspondence" includes, but is not limited to, e-mail, meeting notes, interviews, notes of telephone conversations, and all related memoranda. In each instance where a policy is requested but a written policy on the matter at issue does not exist, provide instead an explanation of the College's usual practice. Electronic submissions are acceptable.

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In an effort to improve the convenience, accessibility and quality of our interactions with our customers, we request that you submit requested evidence and information by e-mail in an electronic format whenever it is convenient to do so. This may include using e-mail to forward scanned or saved hard copy documents, PDFs, other e-mails, digital photographs, spreadsheets and databases. When data files are too large for email, a CD by regular mail would achieve a similar result. Similarly, if you have access to e-mail and can receive information from OCR in an electronic format, please provide us with your email address. To the extent that information we have requested (such as relevant policies or procedures) is available online, please provide the URL address(es) where the information is located. In addition, please advise us if you have ready access to a web camera or have other video-conferencing capability, in order for us to

facilitate face-to-face communication. Use of these digital media can greatly enhance the quality, speed and efficiency of our case resolution activities.

Please notify OCR of the name, address, and telephone number of the person who will serve as the College's contact person during the resolution of this complaint. We would like to talk with this person as soon as possible regarding the information requested in this letter. In addition, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is determined to be necessary, you will be contacted to schedule a mutually convenient time for the visit.

In addition, when appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient asks OCR to resolve the complaint. In such cases, a resolution agreement signed by the recipient and submitted to OCR must be aligned with the complaint allegations or the information obtained during the investigation and it must be consistent with applicable regulations. Information about this is in the enclosure to this letter.

OCR works to investigate allegations of discrimination promptly and appropriately. Please notify OCR of the name, address, and telephone number of the person who will serve as the College's contact person during the investigation of this complaint. We would like to talk with this person as soon as possible. If you have any questions about this letter, please contact Adrienne Harris at (404) 974-9370, or me at (404) 974-9314.

Sincerely,

Andrea de Vries
Compliance Team Leader

Enclosure