UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

August 26, 2015

Thomas F. Schutte
President
The Pratt Institute
200 Willoughby Avenue
Brooklyn, New York 11205

Re: Case No. 02-15-2388
The Pratt Institute

Dear President Schutte:

On July 13, 2015, the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint filed against the Pratt Institute (the University). The complainant alleged that the University discriminated against Nonresponsive (the Student), on the basis of Nonr sex, by failing to provide a prompt and equitable response to Nonr report of a sexual assault (Allegation 1). The complainant also alleged that the University discriminated against the Student, on the basis of Non disability, by placing Non on academic probation for Nonrespons and requiring Non to pay full tuition for courses Nonr is retaking because Non failed them due to the depression and anxiety Nonr experienced after the alleged sexual assault (Allegation 2). Additionally, OCR will investigate whether the University failed to promptly and equitably respond to complaints, reports and/or incidents of sexual assault/violence of which it had notice; and as a result, students, including the Student, were subjected to a sexually hostile environment (Allegation 3).

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). OCR is also responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities receiving financial assistance from the Department. The University is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX and Section 504.

Because OCR has determined that it has jurisdiction and that the complaint was filed in a timely manner, it is opening the 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 OCR's Case Processing Manual.

Enclosed is a document entitled "OCR Complaint Processing Procedures." This document will provide you with an overview of OCR's complaint evaluation, investigation and resolution process. OCR will collect only material needed to investigate this complaint and will take all proper precautions to protect the identity of any individuals named in documents.

To facilitate OCR's efforts to investigate this complaint, OCR requests that, within twenty (20) days of the date of this letter, you provide to OCR the information listed on the enclosed data request. The regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6 (b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be necessary for it to determine whether a recipient is in compliance with the regulations it enforces. This requirement is incorporated by reference in the regulation implementing Title IX, at 34 C.F.R. § 106.71, and by the regulation implementing Section 504, at 34 C.F.R. § 104.61. This information is also being requested pursuant to 34 C.F.R. § 99.31(a)(3)(iii).

OCR's goal is the prompt and appropriate resolution of the allegations contained in a complaint. OCR offers, when appropriate, an Early Complaint Resolution (ECR) process, similar to mediation, to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). Some information about the ECR process is in the enclosure to this letter entitled, "OCR Complaint Processing Procedures," and on OCR's website at http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#II.

Also, when appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations. Additional information about this voluntary resolution process may be found in the enclosure entitled, "OCR Complaint Processing Procedures," and on OCR's website at http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#III.

Please be advised that the University may not harass, coerce, intimidate or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another 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. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that if released, could constitute an unwarranted invasion of personal privacy.

OCR will contact you within twenty (20) days to discuss the allegation and the complaint resolution process. In the interim, if you have any questions, please contact James Moser, Compliance Team Attorney, at (646) 428-3792 or james.moser@ed.gov.

Sincerely,

Erin Emery

Compliance Team Leader

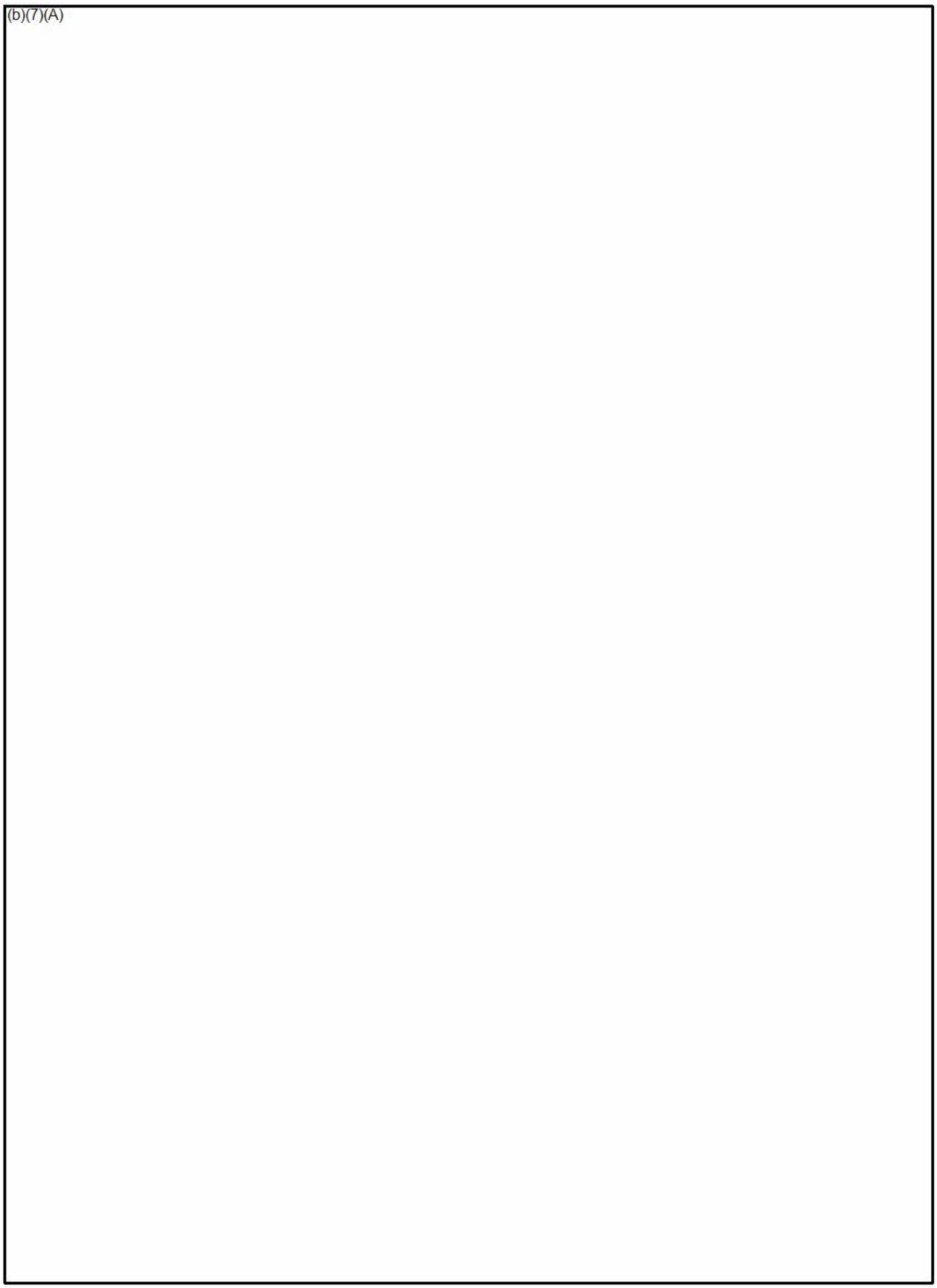
Encl.

Data Request
OCR Case No. 02-15-2388
The Pratt Institute (the University)
Nonresponsive (the Complainant)
Nonresponsive (the Student)

RESPONSE DUE: (b)(7)(A)

(b)(7)(A),Nonresponsive

(b)(7)(A)



(b)(7)(A)

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TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

August 26, 2015

Nonresponsive

Re: Case No. 02-15-2388
The Pratt Institute

Dear Nonresponsive:

On July 13, 2015, the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint you filed against the Pratt Institute (the University). You alleged that the University discriminated against Nonresponsive (the Student), on the basis of Non sex, by failing to provide a prompt and equitable response to Non report of a sexual assault; and, as a result, the Student was subjected to a sexually hostile environment (Allegation 1). You also alleged that the University discriminated against the Student, on the basis of Nonr disability, by placing Non on academic probation for Nonresponsi and requiring Nonr to pay full tuition for courses Nonre is retaking because Non failed them due to the depression and anxiety Nonr experienced after the alleged sexual assault (Allegation 2). OCR has determined that these allegations are appropriate for investigation.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). OCR is also responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities receiving financial assistance from the Department. The University is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX and Section 504.

Because OCR has determined that it has jurisdiction and that the allegations were filed in a timely manner, it is opening the allegation 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 OCR's Case Processing Manual.

OCR's goal is the prompt and appropriate resolution of the allegations contained in a complaint. OCR offers, when appropriate, an Early Complaint Resolution (ECR) process, similar to mediation, to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). Some information about the ECR process is in the letter entitled, "OCR Complaint Processing Procedures," which was formerly provided to you with the letter acknowledging your complaint, and is available on OCR's website at http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#II.

Also, when appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations. Additional information about this voluntary resolution process may be found in the enclosure to the letter formerly provided to you with the letter acknowledging your complaint entitled, "OCR Complaint Processing Procedures," and is available on OCR's website at http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#III.

Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, you may file another 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. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR staff will contact you to discuss the allegations and the complaint resolution process. In the interim, if you have any questions, please contact James Moser, Compliance Team Attorney, at (646) 428-3792 or james.moser@ed.gov.

Sincerely,

Erin Emery

Erin Emery
Compliance Team Leader