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

September 2, 2015

Dr. Katherine P. Douglas
President
Corning Community College
1 Academic Drive
Corning, New York 14830

Re: Case No. 02-15-2382
Corning Community College

Dear Dr. Douglas:

On July 1, 2015, the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint filed against the State University of New York, Corning Community College (the College). The complainant alleged that the College discriminated against Nonr on the basis of Non sex, by failing to respond appropriately to complaints of sexual assault Nonre made during academic years Nonresponsive and Nonresponsiv; and as a result, Nonr was subjected to a sexually hostile environment (Allegation 1). The complainant also alleged that College staff retaliated for complaints Nonre made regarding the alleged sexual assault, by reprimanding Nonr in Nonr role as a Nonresponsive in Nonresponsive (Allegation 2); terminating Nonr as Nonresponsive on or about Nonresponsive (Allegation 3); placing Nonre on disciplinary probation from Nonresponsive, through the end of academic year Nonresponsive (Allegation 4); disclosing the details of a letter Nonr attorney sent to the College dated Nonresponsive Nonre, regarding Allegation 1, to at least one student, on or about Nonresponsive (Allegation 5); allowing Nonresponsive to block Nonr from accessing their Nonresponsive pages, on or about Nonresponsive Nonresponsive (Allegation 6); directing one of Non friends not to associate with Nonr in or around Nonresponsive Nonres (Allegation 7); and refusing to be seen with Nonr, on or after Nonresponsive (Allegation 8). The complainant further alleged that the College discriminated against Non, on the basis of Non sex, by failing to respond appropriately to complaints Non made to the College's Title IX Coordinator during the Nonresponsive semester that students and/or staff harassed Non based on Non sex and/or retaliated for Non advocacy (Allegation 9). OCR determined that these allegations are appropriate for investigation. Additionally, OCR will investigate whether the College 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, other students were subjected to a sexually hostile environment (Allegation 10).

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). The College is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

The regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference 34 C.F.R. § 100.7(e) of the regulation implementing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d et seq., which provides that:

> No recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing held in connection with a complaint.

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. If OCR does not receive the data in a timely manner, OCR may conduct a site visit to obtain the data. The regulation implementing Title VI, 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. This information also is 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 College 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 letter 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 allegations and the complaint resolution process. In the interim, if you have any questions, please contact Eboné Woods, Compliance Team Attorney, at (646) 428-3898 or ebone.woods@ed.gov; or David Krieger, Compliance Team Attorney, at (646) 428-3893 or david.krieger@ed.gov.

Sincerely,

Emily Frangos
Compliance Team Leader

Encl.

Data Request
OCR Case No. 02-15-2382
Corning Community College (the College)
Nonresponsive (the complainant)

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

(b)(7)(A)

(b)(7)(A)

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(b)(7)(A)

(b)(7)(A)

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TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

September 2, 2015

Nonresponsive

Re: Case No. 02-15-2382
Corning Community College

Dear Nonresponsive:

On July 1, 2015, the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint you filed against the State University of New York, Corning Community College (the College). You alleged that the College discriminated against you, on the basis of your sex, by failing to respond appropriately to complaints of sexual assault you made during academic years Nonresponsive and Nonresponsive; and as a result, you were subjected to a sexually hostile environment (Allegation 1). You also alleged that College staff retaliated for complaints you made regarding the alleged sexual assault, by reprimanding you in your role as Nonresponsive in Nonresponsive (Allegation 2); terminating you as Nonresponsive on or about Nonresponsive (Allegation 3); placing you on disciplinary probation from Nonresponsive Nonresponsive, through the end of academic year Nonresponsive (Allegation 4); disclosing the details of a letter your attorney sent to the College dated Nonresponsive, regarding Allegation 1, to at least one student, on or about Nonresponsive (Allegation 5); allowing Nonresponsive to block you from accessing their Nonresponsive pages, on or about Nonresponsive (Allegation 6); directing one of your friends (Student 1) not to associate with you, on or about Nonresponsive (Allegation 7); and refusing to be seen with you, on or after Nonresponsive (Allegation 8). You further alleged that the College discriminated against you, on the basis of your sex, by failing to respond appropriately to complaints you made to the College's Title IX Coordinator during the Nonresponsive Nonresponsive semester that students and/or staff harassed you based on your sex and/or retaliated for your advocacy, by (a) blocking your access to the Nonresponsive pages of Nonresponsive, on or about Nonresponsive; (b) leaving notes Nonresponsive which resulted in your receiving sexually suggestive phone calls on or about Nonresponsive; and (c) directing Student 1 not to associate with you, on or about Nonresponsive (Allegation 9). OCR 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). The College is a recipient

of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

The regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference 34 C.F.R. § 100.7(e) of the regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., which provides that:

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Please be advised that the College 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 that, if

released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR will communicate with you periodically regarding the status of your complaint. If you have any questions, please contact David Krieger, Compliance Team Attorney, at (646) 428-3893 or David.Krieger@ed.gov; or Ebone Woods, Compliance Team Attorney, at (646) 428-3898 or Ebone.Woods@ed.gov.

Sincerely,

Emily Frangos
Compliance Team Leader

cc: Nonresponsive