



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620  
DALLAS, TEXAS 75201-6831

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

October 18, 2016

Ref. 06162331

Dr. David E. Garland, Interim President  
Baylor University  
Office of the President  
One Bear Place #97056  
Waco, TX 76798-7056

Dear Dr. Garland:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its evaluation of the above-referenced complaint, filed against Baylor University (the University), received in our office on September 26, 2016. The complainant alleges that the University interfered with her ability to fulfill her duties as Title IX Coordinator, namely, to ensure the University's compliance with Title IX and conduct prompt and equitable investigations of sexual harassment complaints (Allegation 1). The complainant further alleges that the University retaliated against her (Allegation 2).

OCR is responsible for determining whether entities that receive Federal financial assistance from the Department, or an agency that has delegated investigative authority to OCR, are in compliance with Title IX, 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. Additionally, 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, 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 under this part.

The University is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdictional authority to process this complaint for resolution under Title IX. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

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

Because OCR has determined that it has jurisdiction and the allegations were filed timely, it is now opening them for investigation. Please note that opening an investigation in no way implies that OCR has made a determination with regard to the merit of the allegations. 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 our investigation is legally sufficient and in accordance with the provisions of Article III of the *Case Processing Manual*.

OCR will investigate the following legal issues:

1. Whether the University complied with the procedural requirements of the Title IX implementing regulation, at 34 C.F.R. §§ 106.8 and 106.9, regarding the designation of a Title IX coordinator, the adoption of grievance procedures, and the dissemination of a nondiscrimination policy;
2. Whether the University failed to provide prompt and equitable resolutions of complaints, reports, and/or incidents of sexual harassment or sexual violence, including, in part, by interfering while the complainant was employed as its Title IX coordinator from November 2014 to October 2016, in violation of the Title IX implementing regulation, at 34 C.F.R. §§ 106.8, 106.31 and 106.71;
3. Whether any failure by the University to comply with its Title IX duties, including its responsibility to provide prompt and equitable resolutions to complaints, reports, and/or other incidents of sexual harassment or sexual violence, of which it had notice (knew or should have known about), allowed students to be subjected to a sexually hostile environment that denied or limited students' ability to participate in or benefit from the University's education programs or activities, in violation of the Title IX implementing regulation, at 34 C.F.R. §§ 106.8 and 106.31; and
4. Whether the University interfered with the complainant's participation in complaint investigations and monitoring of efforts to comply with and carry out responsibilities under Title IX, and whether it retaliated against the complainant for her participation in investigations and monitoring, including her participation in an audit conducted by a firm that the University hired and her advocacy for students' rights, (b)(6),(b)(7)(A),(b)(7)(C)  
(b)(6),(b)(7)(A),(b)(7)(C)  
(b)(6),(b)(7)(A),(b)(7)(C) in violation of the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.71.

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 pertinent to reach a compliance determination. This requirement is incorporated by reference in the Title IX regulation at 34 C.F.R. Section 106.71. Pursuant to 34 C.F.R. § 100.6(c), and 34 C.F.R. § 99.31(a)(3)(iii) of the regulation implementing the Family Educational Rights and Privacy Act,

OCR may review personally identifiable records without regard to considerations of privacy or confidentiality. Therefore, we have enclosed an initial request for information that is needed for the investigation of this complaint. Please submit the requested information to our office within **30 calendar days** of the date of this letter. OCR may seek to supplement this information through additional data requests, interviews with personnel and students, and if necessary, an onsite visit.

Early Complaint Resolution (ECR) allows the parties (the complainant and the institution that is the subject of the complaint) an opportunity to resolve the complaint allegations quickly, generally soon after the complaint has been opened for investigation. If both parties are willing to try this approach, and if OCR determines that ECR is appropriate, OCR will facilitate settlement discussions between the parties and work with the parties to help them understand the legal standards and possible remedies. Please let me know if the University is interested in the ECR process.

Complaints may be resolved before the conclusion of an investigation if the institution that is the subject of the complaint (i.e., the recipient) expresses an interest in resolving the complaint. This process is voluntary and must be requested by the recipient. Additionally, the OCR Office Director or designee must determine that it is appropriate to resolve the complaint during the course of an investigation. If the voluntary resolution process has been determined appropriate, OCR will immediately notify the complainant of the recipient's interest in resolving the complaint and will keep the complainant informed throughout all stages of this resolution process. The resolution agreement is negotiated between OCR and the recipient. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations, and a copy of the signed resolution agreement will be included with the resolution letter. OCR will then monitor the implementation of the resolution agreement. For your information, we have enclosed *OCR's Complaint Processing Procedures* to provide you with an overview of our complaint evaluation and resolution processes.

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, we 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.

If you have any questions about this letter, please contact me, the assigned attorney investigator to this case, at (214) 661-9615, or via e-mail at [tonya.gentry@ed.gov](mailto:tonya.gentry@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Tonya R. Gentry", written in a cursive style.

Tonya R. Gentry  
Senior Attorney  
Office for Civil Rights  
Region VI, Dallas Office

Enclosures



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620  
DALLAS, TEXAS 75201-6831

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

October 18, 2016

Ref. 06162331

Patricia Crawford  
112 Holly Grove Drive  
Hewitt, TX 76643

Dear Ms. Crawford:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its evaluation of the complaint you filed against Baylor University (the University), received in our office on September 26, 2016. You alleged that the University interfered with your ability to fulfill your duties as Title IX Coordinator, namely, to ensure the University's compliance with Title IX and conduct prompt and equitable investigations of sexual harassment complaints (Allegation 1). You further alleged that the University retaliated against you (Allegation 2).

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Because OCR has determined that it has jurisdiction and you filed your allegations timely, it is now opening an investigation. Please note that opening an investigation in no way implies that OCR has made a determination with regard to the merit of your allegations. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you (complainant), the recipient, and other sources, as appropriate. OCR will ensure that our investigation is legally sufficient and in accordance with the provisions of Article III of the *Case Processing Manual*.

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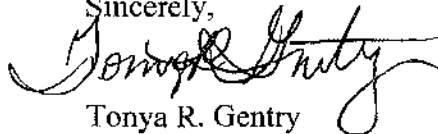
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If you have any questions about this letter, please contact me, the assigned attorney investigator to this case, at (214) 661-9615, or via e-mail at [tonya.gentry@ed.gov](mailto:tonya.gentry@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Tonya R. Gentry", written in a cursive style.

Tonya R. Gentry  
Senior Attorney  
Office for Civil Rights  
Region VI, Dallas Office