UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

August 8, 2017

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

Re: OCR Complaint No. 11-17-2032
Notification/Partial Dismissal Letter

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

On (b)(6); (b)(7(C) the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received your complaint against The George Washington University (the University). You filed the complaint on behalf of a student (the Student) at the University and allege that the University discriminated against her on the basis of sex and subjected her to retaliation. Specifically, the complaint alleges the following:

1. The University failed to promptly and equitably respond to the Student's complaint of sexual assault against a male student (the respondent) and subsequent retaliatory harassment by the respondent (b)(6); (b)(7(C) from (b)(6); (b)(7(C) through (b)(6); (b)(7(C) and, as a result, the Student was subjected to a sexually hostile environment during the (b)(6); (b)(7(C) academic years.[1]

2. In retaliation for the Student's complaint of sexual assault, the University denied her application to participate in the (b)(6); (b)(7(C) (the Program), on or about (b)(6); (b)(7(C)

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

[1] To the extent that you asserted in your complaint that the University also failed to provide the Student with accommodations for her classes and/or other interim measures or relief during this timeframe, OCR will address your concerns through its investigation of this allegation.

After carefully reviewing the information you provided, OCR determined that Allegation 1 is appropriate for investigation. However, OCR also determined that we will not investigate Allegation 2 for the reasons set forth below.

Because OCR determined that it has jurisdiction and that the allegation was timely filed, OCR is opening Allegation 1 for investigation. Please note that opening the allegation for investigation in no way implies that OCR has made a determination on the merits of the allegation. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from you, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the *Case Processing Manual*, available at http://www.ed.gov/ocr/docs/ocrcpm.html.

OCR is dismissing Allegation 2 because it was not filed in time. As explained in Section 106 of OCR's *Case Processing Manual*, OCR generally will take action only with respect to allegations that are filed within 180 days of the act of alleged discrimination. You filed this complaint on (b)(6); (b)(7(C) more than 180 days after the University allegedly retaliated against the Student on (b)(6); (b)(7(C) by denying her application to participate in the Program.

You requested a waiver of the 180-day filing requirement because OCR's website states that "the 180-day time limit runs from the most recent action of discrimination, not from the first day of discrimination." OCR cannot grant a waiver on this basis. You allege that Student initially applied to the Program on (b)(6); (b)(7(C) and was denied on (b)(6); (b)(7(C) Accordingly, the "last" retaliatory act you alleged occurred on (b)(6); (b)(7(C) which is more than 180 days before you filed the complaint on (b)(6); (b)(7(C) Therefore, OCR has determined that Allegation 2 is untimely under Section 106 of OCR's *Case Processing Manual* and will take no further action on it.

For the reasons explained above, OCR is dismissing Allegation 2 as of the date of this letter. However, as noted above, we are opening an investigation of Allegation 1.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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

If you have any questions, please contact Kathryne Love, the OCR attorney assigned to this complaint, at 202-453-6948 or Kathryne.Love@ed.gov.

Sincerely,

Letisha Morgan
Team Leader
District of Columbia Office
Office for Civil Rights

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400 MARYLAND AVENUE, SW
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REGION XI
NORTH CAROLINA
SOUTH CAROLINA
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WASHINGTON, DC

August 8, 2017

President Steven Knapp
The George Washington University
2121 I Street, NW
Suite 801
Washington, DC 20052

Re: OCR Complaint No. 11-17-2032
Notification/Data Request Letter

Dear President Knapp:

The Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received a complaint on (b)(6); (b)(7(C) against The George Washington University (the University). The Complainant filed the complaint on behalf of a student (the Student) and alleges that the University discriminates on the basis of sex. The Complainant alleges the University failed to promptly and equitably respond to the Student's complaint of sexual assault against a male student (the respondent) and subsequent retaliatory harassment by the respondent (b)(6); (b)(7(C) from (b)(6); (b)(7(C) and, as a result, the Student was subjected to a sexually hostile environment during the (b)(6); (b)(7(C) academic years.

OCR will contact the University to provide the name of the Complainant and Student.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex, including sexual harassment, in any program or activity receiving Federal financial assistance from the Department. Because the University receives Federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title IX.

Because OCR determined that it has jurisdiction and that the complaint was timely filed, OCR is opening the complaint for investigation. Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of the *Case Processing Manual*, available at http://www.ed.gov/ocr/docs/ocrcpm.pdf. Our goal is the prompt, appropriate resolution of the complaint. Information on OCR's complaint processing procedures is available at http://www.ed.gov/ocr/complaints-how.html.

Attached is a request for data necessary to investigate this complaint. OCR requests that the University submit this information within 30 calendar days of the date of this letter (i.e., by September 7, 2017). We prefer that you submit information electronically, if feasible. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us as provided below prior to the expiration of the 30-day period. Please be aware that OCR anticipates conducting an on-site investigation of the complaint. We will notify you in advance of our proposed plans to visit the University.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

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

We look forward to your cooperation during the resolution of this complaint. If you have any questions, please contact Kathryne Love, the OCR attorney assigned to this complaint, at 202-453-6948 or Kathryne.Love@ed.gov.

Sincerely,

Letisha Morgan
Team Leader
District of Columbia Office
Office for Civil Rights

The George Washington University
OCR Complaint No. 11-17-2032
Data Request

(b)(7)(A)

(b)(7)(A)

(b)(7)(A)

(b)(7)(A)