



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I

5 POST OFFICE SQUARE, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109-3921

Peter H. Tsaffaras, Esquire
President
Quincy College
Saville Hall 106
1250 Hancock Street
Quincy Center, MA 02169

MAY 20 2012

Re: Complaint No. 01-12-2048
Quincy College

Dear President Tsaffaras:

The U.S. Department of Education's Office for Civil Rights (OCR) is opening for investigation the above-referenced complaint filed on March 7, 2012, against Quincy College (College). In the above-referenced complaint, the Complainant specifically alleges that the College failed to promptly and equitably respond to the Student's report of sexual assault in the spring semester of 2011. Though the College removed the accused from campus, it failed to consider appropriate interim measures and remedies for the Student that would allow her to feel safe in continuing to access her education at the College or inform her of her rights under Title IX. The complaint alleges the College does not have a functioning Title IX Coordinator or adequate grievance procedure for addressing complaints of sex discrimination.

OCR enforces Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which prohibit discrimination on the basis of sex. The College is subject to the requirements of Title IX because it receives Federal financial assistance from the U.S. Department of Education.

Based on the information presented, OCR will investigate the following legal issues:


- 1.) Whether the College failed to designate one or more employees to coordinate its efforts to comply with Title IX and its implementing regulation; and whether the University failed to notify students, employees, and interested parties of such a designation, in violation of 34 C.F.R. Section 106.8(a);
- 2.) Whether the College failed to adopt and publish grievance procedures that provide for a prompt and equitable resolution of complaints of sex discrimination, in violation of 34 C.F.R. Section 106.8(b); and
- 3.) Whether the College failed to respond to the Student's report of sexual assault in a prompt and equitable manner, in violation of 34 C.F.R. Sections 106.8(a), 106.31(a) and (b).

Please note that opening this complaint for investigation in no way implies that OCR has made a determination with regard to the merits 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 its investigation is legally sufficient and dispositive of the allegations, in accordance with the provisions of OCR's *Case Processing Manual*, which can be found online at: <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>. For your information, we have also included an explanation of OCR's complaint processing procedures.

In order to assist us in the resolution of this complaint, we ask that the College submit a response to the enclosed data request within fifteen (15) calendar days from the date of this letter. OCR's authority to gather information and conduct an investigation is set forth at 34 C.F.R. Sections 100.6(b) and (c) and 100.7(c) of the regulation implementing Title VI of the Civil Rights Act of 1964, which is incorporated by reference into the Title IX regulation at 34 C.F.R. Section 106.71.

If you have any questions regarding this letter, please contact Civil Rights Investigator Molly O'Halloran at (617) 289-0058 or Molly.O'Halloran@ed.gov, or Civil Rights Attorney Amy Hunter at (617) 289-0057 or Amy.Hunter@ed.gov. You may also contact me at (617) 289-0045.

Sincerely,



Ralph A. Montalvo
Compliance Team Leader

Enclosures

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Withheld pursuant to exemption

(b)(7)(A), (b)(7)(E)

of the Freedom of Information and Privacy Act



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AUG 27 2013

President Peter H. Tsaffaras
Quincy College
Saville Hall 106
1250 Hancock Street
Quincy Center, Massachusetts 02169

Re: Complaint No. 01-12-2048

Dear President Tsaffaras:

The U.S. Department of Education's Office for Civil Rights (OCR) is closing the investigative phase of the above-referenced complaint filed against Quincy College (College). The Complainant alleged the College failed to appropriately respond to a Student's report of a sexual assault in the spring semester of 2011. Specifically, while the College removed the accused perpetrator from campus immediately, the Complainant alleged that the College failed to consider appropriate interim measures and remedies for the Student that would allow her to feel safe in continuing to access her education at the College. The Complainant further alleged that the College did not have a functioning Title IX Coordinator or adequate grievance procedure for addressing complaints of sex discrimination, as required by Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX).

As part of its investigation, OCR reviewed documentation from the College, reviewed relevant policies, and interviewed several staff members involved with the events at issue. Before OCR made any final determinations, the College expressed an interest in resolving the complaint, agreeing to take the actions set forth in the enclosed Agreement.

The Agreement is aligned with the complaint allegation and the information OCR had obtained when the College proposed to resolve the complaint. Moreover, the Agreement is consistent with the requirements of Title IX. Accordingly, we are closing the investigative phase of the complaint as of the date of this letter and, consistent with our usual practice, will monitor the College's implementation of the Agreement. The matters addressed in this letter are not intended and should not be construed to cover any other issues regarding the College's compliance with Title IX or any other laws enforced by OCR that may exist but are not discussed here.

If you have any questions about the information contained in this letter, please contact Civil Rights Investigator Molly O'Halloran at (617) 289-0058 or Molly.O'Halloran@ed.gov or Civil Rights Attorney Phil Catanzano at (617) 289-0038 or Philip.Catanzano@ed.gov. You may also contact me at (617) 289-0111.

Sincerely,



Thomas J. Hibino
Regional Director

Enclosure

cc: Mary Jo Reedy, Esq. (by electronic mail)

QUINCY COLLEGE
OCR COMPLAINT NO. 01-12-2048
AGREEMENT

The following sets forth the obligations undertaken by Quincy College to resolve the above-referenced complaint filed with the U.S. Department of Education's Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972 (Title IX).

I. Compliance Actions

- A. The College will designate one or more College-wide Title IX Coordinator(s) (Coordinator(s)) to ensure compliance with Title IX. The College will widely publish the name and contact information of the Title IX Coordinator(s) in print and on-line. The Coordinator's responsibilities will include the following:
1. Communicating to students, parents, and staff the College's responsibilities under Title IX and providing information to individuals regarding their Title IX rights, the College's grievance processes, the availability of interim measures during an investigation of a grievance;
 2. Responding to any and all complaints/reports or incidents of sex discrimination following the approved grievance procedure;
 3. Tracking complaints/reports for trends and repeat perpetrators; and
 4. Conducting periodic assessments (at least annually) of campus climate with regard to sexual harassment and violence. The Coordinators will seek input from students, staff, as well as a wide variety of other sources, through surveys, interviews, and focus groups. The Coordinator will also assess the resources on campus available to victims and will incorporate feedback provided by those who have gone through the grievance process. The College will consider such assessments in identifying future actions to ensure that it maintains an environment that is safe and supportive to all students and in compliance with Title IX.
- B. The College will revise and submit for OCR's approval Title IX grievance procedures for complaints of sex-based discrimination. Once approved by OCR, the College will provide broad notice to the community. The procedures will include, at a minimum, the following:
1. Applicability of the process to student and third party complainants;
 2. If informal process(es) are available, the option for complainants to bypass an informal process for a formal process at any point, per the complainants' discretion.
 3. No complainant will be required to have direct interaction with an alleged perpetrator in any informal resolution or mediation involving a complaint of sexual assault;
 4. Designated timeframes for major stages of the process;

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5. Adequate, prompt and impartial investigations of allegations of sexual harassment and violence including:
 - a. Not unnecessarily delaying the College's investigation of possible sexual violence under Title IX until related criminal processes are concluded; and
 - b. The opportunity for both parties to present witnesses and other evidence.
 6. Use of the preponderance of evidence standard in determining whether sexual harassment or violence occurred;
 7. Availability of interim steps to protect the parties during the College's investigation of possible sexual harassment or violence. Such interim steps should not disproportionately impact the complainant(s).
 8. Assurances that the College will take steps to stop any sexual harassment or violence if found, prevent its recurrence and remedy its effects on those impacted;
 9. Assurances that retaliation is prohibited and that retaliation will be handled promptly and equitably if it occurs;
 10. Notice in writing to the relevant parties regarding the outcome of the process including whether sexual harassment or violence was found and a description of the College's response; and
 11. Equitable rights to both parties to appeal, if applicable.
- C. The College will provide training to the Title IX Coordinator and those designated to conduct investigations in response to reports or complaints of sexual harassment or violence on: the College's obligations under Title IX; its regulations regarding sexual harassment/violence; relevant resources available on and off campus; the College's grievance procedure, including accepting, processing and investigating complaints of sexual harassment or violence; interacting with victims of sexual harassment or violence; gathering relevant evidence and assessing it in the Title IX context; the importance of confidentiality, fair process, impartiality, and applicable legal standards; and safety considerations when determining interim measures and disciplinary sanctions.
- D. The College will provide all staff with training on: interacting with victims of sexual harassment or violence; the College Policies regarding sexual harassment or violence; resources on campus; the College's grievance procedures; reporting requirements; and other topics it deems relevant to address sexual harassment and violence.

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- E. The College will develop and provide to OCR for its review and approval, an intake checklist for staff and the Coordinator to use when a student reports an incident of sexual harassment or violence.
- F. The College will develop a pamphlet and website dedicated to outlining the College's responsibilities under Title IX and explaining the College's grievance procedure, remedies available to victims, and resources available on and off campus for victims. The pamphlet and hyperlink will be provided to any student reporting sexual harassment or violence and will be distributed to the College community at the beginning of each school year.
- G. In an effort to raise awareness on campus of issues of sexual violence, the College will provide an orientation and ongoing educational forums/events on these topics such as holding a "Take Back the Night" awareness event each year.
- H. The College has offered to meet with the Student and family to discuss the Spring 2011 incident, the effect that it had on the Student, and what options exist for the Student to complete her degree requirements.

II. Reporting

- A. By December 31, 2013, the College will provide OCR with documentation that it has designated a Title IX Coordinator and published the name online and in print; submit for OCR's approval revised Title IX grievance procedures, intake checklist, pamphlet and hyperlink to website; and provide documentation that it has completed provisions A-C of the Student-specific actions.
- B. Two weeks prior to completing the training in Provision C and D of the College-Wide actions, the College will provide OCR with the name and qualifications of the trainer, and copies of the training materials.
- C. By June 30, 2014, the College will provide OCR with documentation that it is implementing its grievance procedure, the Title IX coordinators are fulfilling their responsibilities, and the College is making efforts to increase awareness around these issues on campus, including:
 - 1. documentation of reports and complaints and the College's response to complaints of sexual harassment and violence,
 - 2. documentation of efforts to track complaints/reports of trends and repeat perpetrators;
 - 3. documentation of efforts to assess the schools' climate with respect to the sexual harassment; and

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4. documentation of orientation programs and other ongoing annual events related to sexual harassment and violence.

- D. By June 30, 2014, the College will provide OCR with documentation that it has offered reasonable opportunities to meet with the Student to discuss the issues raised in Section I(H). If, after multiple attempts, such a meeting has not occurred, the College will explain in writing the reasons why the meeting has not occurred and any future efforts to satisfy this portion of the Agreement.
- E. The College understands that OCR will not close the monitoring of this agreement until OCR determines that the College has fulfilled its terms and is in compliance with the regulations implementing Title IX which were at issue in this case.

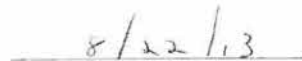
The College understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the College understands that during the monitoring of this agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this agreement and is in compliance with 34 C.F.R. Sections 106.8(a) and (b), and 106.31(a) and (b), which were at issue in this complaint.

The College understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the College written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For the College:



President



Date