

Garcia, Sandy

From: Jim Navarre <jnavarre@mossinglaw.com>
Sent: Monday, August 06, 2012 4:44 PM
To: Garcia, Sandy
Subject: OCR Docket #05-12-2195

Sandy, in the above matter, we will participate in ECR. Please let me know if you need anything else from me. Thank you.

Jim Navarre, Esq.
Mossing & Navarre, LLC
30 N. LaSalle Street
Suite 1524
Chicago, IL 60602
TEL: 312-262-6700
FAX: 312-262-6710
www.mossingnavarrelaw.com



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Garcia, Sandy

From: Garcia, Sandy
Sent: Monday, August 06, 2012 4:42 PM
To: Skerrett, Lauren
Cc: Tamburro, Karen; Garcia, Sandy; Vaive, Lara
Subject: U of IL - Urbana Contact with C Atty 05122195

(b)(5)

We discussed the ECR process in depth including the agreement to participate, confidentially, that any party can end the ECR process at any time and the case would return to investigation, the OCR's facilitator's role; OCR is not a part of the Agreement and does not monitor the agreement; what is done in case it is breached by the University. I also explained that contains of the Agreement must be legal. (b)(5)

(b)(5)

(b)(5)

Sandra L. Garcia
Senior Equal Opportunity Specialist
U.S. Department of Education
Office for Civil Rights
Citicorp Center
500 West Madison Street, Suite 1475
Chicago, IL 60661
312-730-1580 (direct)
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sandra.l.garcia@ed.gov



FRANCZEK RADELET

Attorneys and Counselors

300 South Wacker Drive Suite 3400 Chicago, IL 60606
 Phone 312.986.0300 Fax 312.986.9192 franczek.com

FAX TRANSMITTAL COVER SHEET

Date: 7/24/12

Time: 2:20pm

From: Scott L. Warner

Direct Dial: 312.786.6523

Client/Matter No: 99999.100018

Number of pages including this cover sheet: 2

RECIPIENTS	FIRM/COMPANY	FAX NO.	PHONE NO.
Ann Cook-Graver	United States Department of Education, Office of Civil Rights	312-730-1576	

Comments: OCR Docket No. 05-12-2195- FOIA REQUEST

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Robert A Easter

President-Designate, University of Illinois
 Dean Emeritus, College of Agricultural,
 Consumer and Environmental Sciences
 Professor Emeritus of Animal Sciences and Nutritional Sciences

President's Office -- University Administration

420 Swanlund Administration Building
 601 E. John Street
 MC 304
 Champaign, IL 61820-5711

(217) 333-0034

BIOGRAPHY

Dr. Easter currently serves as president-designate and will become the 19th president of the University of Illinois in July 2012. Prior to his current appointment, he served the Urbana Campus as Interim Chancellor from 2009 - 2011. Dr. Easter's 30+ years at Illinois includes roles as Dean of the College of Agricultural, Consumer and Environmental Sciences (ACES) from 2002-2009 and Head of the Department of Animal Sciences from 1996 to 2001. He has been a member of the Animal Sciences faculty since 1976.

RESEARCH INTERESTS

Along with his graduate students, Dr. Easter has investigated the amino acid needs of the lactating sow, the impact of post-weaning nutrition on growth composition to market and the use of various agents to alter lean growth in pigs. Nineteen students earned their doctoral degrees under his direction.

HONORS AND AWARDS

In 2006, President George W. Bush appointed Dr. Easter to the Board for International Food and Agricultural Development (BIFAD), and in 2007 he was appointed as chair of BIFAD. Dr. Easter is also a member of the American Society of Animal Science, the British Society of Animal Science, The Council for Agricultural Science and Technology and the Illinois Council for Food and Agricultural Research (C-FAR). His teaching has been recognized by the Midwest Section of the American Society of Animal Science and at the departmental and college levels. In 1992 Dr. Easter received the American Feed Industry Association Award in Non-ruminant Nutrition Research from the American Society of Animal Science. In 1994 the University of Illinois College of Agriculture awarded Easter with the prestigious Paul A. Funk Award for contributions to Illinois agriculture. In 2011 he was awarded the Charles B. Schuman Award for Distinguished Service to Agriculture by the Illinois Farm Bureau.

SERVICE ACTIVITIES

Dr. Easter has spoken to audiences in the U.S. and 27 foreign countries on swine nutrition and other agricultural topics. He co-authored a book on swine production and has written more than 90 peer-reviewed articles, 11 book chapters, four monographs and numerous papers for conferences and industry publications.

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justin brown

All
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FACULTY/STAFF

Name/E-mail	Unit/Title	Phone
[REDACTED]	Student Conflict Resolution	[REDACTED]
[REDACTED]	ASST DEAN OF STUDENTS	[REDACTED]

STUDENTS

Name	E-mail
[REDACTED]	[REDACTED]

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Garcia, Sandy

From: Garcia, Sandy
Sent: Thursday, July 12, 2012 10:42 AM
To: justbrow@illinois.edu; reaster@illinois.edu
Cc: Tamburro, Karen; Skerrett, Lauren; Garcia, Sandy
Subject: OCR Complaint 05122195

Dear Dr. Easter and Mr. Brown:

In a letter dated July 3, 2012, the U.S. Department of Education, Office for Civil Rights (OCR) notified, Dr. Michael J. Hogan, former President, University of Illinois Urbana-Champaign, of the above-reference complaint filed with our Office (copy attached).

In addition, to the data requested in the July 3, 2012, letter, please provide OCR the all information and documentation related to the disciplinary hearing held June 29, 2012, including a copy of the audio recording of the hearing. If an appeal of the determination is made, please provide copies of the appeal and the status of the appeal.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to call me at 312-730-1580. Additionally, Ms. Karen E. Tamburro, OCR Supervisory attorney, and Ms. Lauren Skerrett, OCR Regional Attorney are working with me on this case. If I am unavailable, Ms. Tamburro can be reached at 312-730-1607 and M. Skerrett can be reached at 312-730-1603.



Notif ltr
05-12-2195.recip...

Sandra L. Garcia
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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

July 3, 2012

Dr. Michael J. Hogan
President
University of Illinois
108 Henry Administration Bldg
Urbana, IL 61801

Re: OCR Docket #05-12-2195

Dear Dr. Hogan:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has received and evaluated the above-referenced complaint filed with OCR on May 31, 2012, against the University of Illinois at Urbana-Champaign (University) alleging discrimination on the basis of sex. We conducted the evaluation in accordance with OCR's *Case Processing Manual* to determine whether to open the complaint for investigation. We have determined that we have the authority to investigate this complaint.

The complaint alleges the University has subjected Student A to discrimination on the basis of sex when:

- 1) from May 2011 to present, other students sexually harassed Student A and the University was aware of the harassment but has failed to respond promptly or appropriately, and
- 2) in January 2012, Student A filed a grievance with the University alleging discrimination on the basis of sex, and the University has failed to promptly or appropriately respond to the grievance.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits discrimination based upon sex in any educational program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance

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

Page 2 –Dr. Hogan, President
University of Illinois

from the Department, the University is subject to this law. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov.ocr>.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, 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 the 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 the *Case Processing Manual*.

OCR offers, when appropriate, an Early Complaint Resolution (ECR) process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegations. Some information about the ECR process is in the enclosure to this letter.

In addition, when appropriate, a complaint may be resolved before the conclusion of an investigation when the recipient expresses an interest to resolve the complaint. In such cases, a resolution must be aligned with the complaint allegation or the information obtained during the investigation and it must be consistent with applicable regulations. Information about this is in the enclosure to this letter.

Please read the enclosed document entitled "OCR Complaint Processing Procedures," which includes information about:

- OCR's complaint processing procedures, including the availability of ECR;
- Regulatory prohibitions against retaliation and intimidation of persons who file complaints with OCR or participate in an OCR investigation; and
- Application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of this complaint. 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 pertinent to a compliance determination. This requirement is incorporated by reference in the Title IX regulation at 34 C.F.R. § 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 (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, OCR requests that you provide the following information to us within fifteen (15) calendar days. Wherever possible, please provide the requested information in

electronic format. If responsive data are available through the Internet, provide the link to the data.

1. A narrative response to the complaint allegations including a description of the reason(s) why Student A left the University.
2. A copy of the University's policy prohibiting sex discrimination, including any related grievance procedures and the University's procedures for responding to a grievance, sexual violence or other sex discrimination complaints, a description of penalties for violations of the policy by students, and an indication of how students and others are informed of the policy and procedures. In addition, please provide all existing internet links to any policy and/or procedure referenced in response to this item.
3. A copy of the University's student handbook for the 2010-11 and 2011-12 school years.
4. If not included in Item #3, a copy of the University's Student Code of Conduct and the University's disciplinary policies and procedures in effect for students for the 2010-2011 and 2011-2012 school years.
5. The name and contact information of the University's Title IX Coordinator and, if different, the name and title of any individual responsible for implementing the University's sexual harassment grievance procedures.
6. The name and contact information of any University staff or administrator responsible for conducting an investigation into Student A's grievance alleging sex discrimination and/or harassment.
7. With regard to the alleged sexual harassment of Student A, provide the following:
 - a. A copy of all written reports of harassment filed by or on behalf of Student A;
 - b. A narrative description of all formal or informal verbal report(s) of harassment made by or on behalf of Student A;
 - c. A description of all actions taken by the University, including but not limited to the Office of Conflict Resolution, to investigate and, if appropriate, respond to all written or verbal report(s), including any supporting documentation;
 - d. A copy of all documents referring or relating to Student A's report, the University's investigation and its final determination, including but not limited to all correspondence, memoranda, complaint forms, interim and final reports, electronic mail messages, photographs, video, and notes;
 - e. A copy of all written notices given to the parties involved regarding the final outcome of the investigation;

- f. The name and title of all individuals who participated in the investigation(s), including the role each played;
 - g. A list of all individuals interviewed in response to the allegation(s), the individuals contact information, the names and titles of the interviewers, and the notes from the interviews; and
 - h. A list of any resources and services offered to Student A by the University, including but not limited to counseling, medical services, and academic support.
8. Describe how the University records and tracks complaints of discrimination based on sex or sexual harassment, including any monitoring that takes place after complaints are received, investigated, and responded to.
9. For each student identified as having sexually harassed Student A, either through her report or the University's investigation, provide a copy of the complete academic file, including any disciplinary records regarding the student, and the rationale for the discipline or the determination not to administer discipline.
10. For the 2010-11 and 2011-12 school years, identify all other complaints (formal or informal) of sex discrimination, sexual harassment or sexual violence filed at the University. For each complaint identified, provide the following:
 - a. A copy of the written reports of harassment filed by or on behalf of the complaining parties;
 - b. A narrative description of all verbal reports of harassment made by or on behalf of the complaining parties;
 - c. A description of all actions taken by the University to investigate and, if appropriate, respond to all written or verbal report(s);
 - d. A copy of all documents regarding the report and investigation, including but not limited to all letters, memoranda, complaint forms, reports, electronic mail messages, photographs, video, and meeting notes;
 - e. The name and title of all individuals who participated in the investigation(s), including the role each played;
 - f. A list of all individuals interviewed in response to the allegation(s), and the notes of all interviews; and
 - g. A copy of all determinations made by the University as a result of its investigation(s).
11. A detailed description of any training regarding sex discrimination that occurred for the 2010-11 and 2011-12 school years, including any training covering sexual harassment and sexual violence, provided to the University's Title IX coordinator or other University personnel, including the date(s) the training was provided, the names and qualifications of the individuals who provided the training, a list of the names and

Page 5 --Dr. Hogan, President
University of Illinois

titles of the individuals who attended the training, and a copy of any materials distributed at the training.

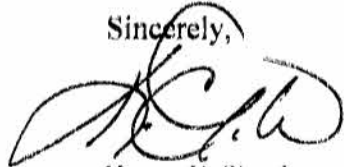
12. If not included in the response to the above items, all other documents in the University's possession relevant to the allegations in this complaint.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is necessary, we will work to schedule a mutually convenient time for the visit.

Please notify OCR of the name, address, and telephone number of the person who will serve as the University's contact person during the processing of this complaint. We would like to talk with this person as soon as possible to discuss the processing of this complaint and we will, at that time, identify Student A.

OCR is committed to prompt and effective services. If you are interested in resolving your complaint through OCR's ECR process or have any questions, please contact Sandy Garcia at (312) 730.1580 or by email at Sandra.L.Garcia@ed.gov.

Sincerely,



Karen E. Tamburro
Supervisory Attorney

Enclosure

Garcia, Sandy

From: Jim Navarre <jnavarre@mossinglaw.com>
Sent: Wednesday, July 11, 2012 9:15 AM
To: Garcia, Sandy
Cc: Skerrett, Lauren; Tamburro, Karen
Subject: RE: OCR Complaint U of IL 05-12-2195

Will do. Thanks –Jim

From: Garcia, Sandy [mailto:Sandra.L.Garcia@ed.gov]
Sent: Wednesday, July 11, 2012 7:53 AM
To: Jim Navarre
Cc: Skerrett, Lauren; Tamburro, Karen
Subject: RE: OCR Complaint U of IL 05-12-2195

Mr. Navarre:

Yes, please provide the medical documentation, as well. Provide any documentation that supports the claim filed with the University and the University's response.

Thank you for your cooperation.

From: Jim Navarre [mailto:jnavarre@mossinglaw.com]
Sent: Tuesday, July 10, 2012 4:19 PM
To: Garcia, Sandy
Cc: Skerrett, Lauren; Tamburro, Karen
Subject: RE: OCR Complaint U of IL 05-12-2195

Sandy, thank you for the request. I will provide you a response. Would you also like a copy of the medical record from (b)(6); (b)(7)(C) where my client went after the assault? Just let me know. –Jim

From: Garcia, Sandy [mailto:Sandra.L.Garcia@ed.gov]
Sent: Tuesday, July 10, 2012 4:09 PM
To: jnavarre@mossinglaw.com
Cc: Skerrett, Lauren; Tamburro, Karen; Garcia, Sandy
Subject: OCR Complaint U of IL 05-12-2195

Dear Mr. Navarre:

Thank you for providing OCR the letters relating to the University's determination relating to the disciplinary hearing on June 29, 2012. As I informed you during today's telephone conversation, OCR will pursue the complainant whether or not you and your client decide to appeal the University's determination.

To assist OCR in our investigation, please provide the following:

1. A copy of the complaint or grievance filed by your client with the University and any correspondence between the University, you and/or your client subsequent to the complaint/grievance being filed.
2. If available, provide a transcript of the June 29, 2012, disciplinary hearing.
3. Identify the members of the disciplinary committee including titles and the number of males and females.
4. Indicate whether your client or the alleged assailants provided witnesses during the hearing.
5. Indicate whether your client was present during questioning of the alleged assailants.
6. Indicate whether the alleged assailants were present during the questioning of your client.

7. You indicated during our telephone conversation that the questioning of your client was brutal. Please provide an explanation of description or examples to support this claim. Additionally, please indicate whether similar questioning (questions, tone, demeanor, details, etc.) was used when questioning the alleged assailants. Additionally, indicate if the questions were addressed to your client and the alleged assailant's by the same individual(s) at the disciplinary hearing.
8. Describe the room in which the hearing was held and how close in proximity your client was to the alleged assailants.
9. Please report whether the University in the disciplinary hearing specifically addressed the student code of conduct under general student discipline or sexual harassment.

If you have any questions, please contact me at 312-730-1580.

Sandra L. Garcia
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sandra.l.garcia@ed.gov

Garcia, Sandy

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312-730-1576 (fax)
sandra.l.garcia@ed.gov

Garcia, Sandy

From: Jennifer Kosich <jkosich@mossinglaw.com>
Sent: Tuesday, July 10, 2012 10:49 AM
To: Garcia, Sandy
Subject: OCR Docket # 05-12-2195
Attachments: 2012-7-3 U of I ltr.pdf

Ms. Garcia –

Attached please find the documents from Mr. Navarre. If you have any questions, please contact our office. Thanks.

Jennifer Kosich
Paralegal
Mossing & Navarre, LLC
30 N. LaSalle Street
Suite 1524
Chicago, IL 60602
TEL: 312-262-6700
FAX: 312-262-6710
www.mossingnavarre.com



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UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN



Senate Committee on Student Discipline
300 Fred H. Turner Student Services Building
610 East John Street
Champaign, IL 61820

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

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

[Also sent via E-mail to: (b)(6); (b)(7)(C)]

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

Please find attached your copy of the disciplinary hearing decision letter sent to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) resulting from the hearing on (b)(6); (b)(7)(C). As a reminder, we discussed the decision immediately after the hearing. This is merely a review of that conversation.

Due to a recent change in guidance from the Office for Civil Rights and the Department of Education, I am informing you that you have the same appeal rights as (b)(6); (b)(7)(C) if you should wish to appeal this decision of the Subcommittee. Please note that your deadline for filing a written notice of appeal is (b)(6); (b)(7)(C). A copy of the appeal procedures is attached for your reference.

Sincerely,

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

Enclosures: 1. Victim's copy of Subcommittee Decision Letter
2. Appeal Procedures

xc: (b)(6); (b)(7)(C)

Ltr. File (SU12); Student

Hearing File (b)(6); (b)(7)(C) Sanction

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN



Senate Committee on Student Discipline
300 Fred H. Turner Student Services Building
610 East John Street
Champaign, IL 61820

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

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

[ALSO sent via email to:

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

Student ID:

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

Case:

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

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

At its meeting held on (b)(6); (b)(7)(C) the Subcommittee on Undergraduate Student Conduct found that you (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). After consideration of all of the facts and circumstances, the committee determined to drop the charges related to your possible violation of rule 302.a.3, 302.p, and 302.q of the 2010-2011 Student Code. Dropping charges means that the Subcommittee found that your conduct did not violate the enumerated provisions of the Student Code. Your file will remain in the Office for Student Conflict Resolution for one year from the date of your hearing. A dropped charge may be recharged within one calendar year of the date it was dropped. If a charge is dropped, the student has no disciplinary history.

This decision is subject to appeal by the alleged victim in this case. That appeal must be filed in this office by 4:00 p.m. on (b)(6); (b)(7)(C) if an appeal is filed, you will be contacted. Should you have any questions, please do feel free to contact me.

Sincerely,

Justin Brown
Assistant Executive Director

xc: Sanction Ltr. File (SU12); Hearing File (6/29/12); Student File; Student

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN



Senate Committee on Student Discipline
300 Fred H. Turner Student Services Building
610 East John Street
Champaign, IL 61820

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

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

[ALSO sent via email to: (b)(6); (b)(7)(C)]
Student ID: (b)(6); (b)(7)(C) Case (b)(6); (b)(7)(C)

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

At its meeting held on (b)(6); (b)(7)(C) the Subcommittee on Undergraduate Student Conduct found that you had (b)(6); (b)(7)(C)

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

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

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

After consideration of all of the facts and circumstances, the committee determined to drop the charges related to your possible violation of rule 302.a.3, 302.p, and 302.q of the 2010-2011 Student Code. Dropping charges means that the Subcommittee found that your conduct did not violate the enumerated provisions of the Student Code. Your file will remain in the Office for Student Conflict Resolution for one year from the date of your hearing. A dropped charge may be recharged within one calendar year of the date it was dropped. If a charge is dropped, the student has no disciplinary history.

This decision is subject to appeal by the alleged victim in this case. That appeal must be filed in this office by 4:00 p.m. on (b)(6); (b)(7)(C) If an appeal is filed, you will be contacted. Should you have any questions, please do feel free to contact me.

Sincerely,

Justin Brown
Assistant Executive Director

xc: Sanction Ltr. File (SU12); Hearing File (6/29/12); Student File; Student

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN



Senate Committee on Student Discipline
300 Fred H. Turner Student Services Building
610 East John Street
Champaign, IL 61820

July 3, 2012

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

[ALSO sent via email to: (b)(6); (b)(7)(C)]
Student ID: (b)(6); (b)(7)(C) Case: (b)(6); (b)(7)(C)

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

At its meeting held (b)(6); (b)(7)(C) the Subcommittee on Undergraduate Student Conduct found that you (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) After consideration of all of the facts and circumstances, the committee determined to drop the charges related to your possible violation of rule 302.a.3, 302.p, and 302.q of the 2010-2011 Student Code. Dropping charges means that the Subcommittee found that your conduct did not violate the enumerated provisions of the Student Code. Your file will remain in the Office for Student Conflict Resolution for one year from the date of your hearing. A dropped charge may be recharged within one calendar year of the date it was dropped. If a charge is dropped, the student has no disciplinary history.

This decision is subject to appeal by the alleged victim in this case. That appeal must be filed in this office by 4:00 p.m. on (b)(6); (b)(7)(C) If an appeal is filed, you will be contacted. Should you have any questions, please do feel free to contact me.

Sincerely,

Justin Brown
Assistant Executive Director

xc: Sanction Ltr. File (SU12); Hearing File (6/29/12); Student File; Student

Appendix D: Appeal Procedures for Cases Involving Sexual Misconduct

I. In General

- a. **Scope.** These procedures are only used in the adjudication of cases that include a sexual misconduct charge (I-302b1 through I-302b5).
- b. **Jurisdiction.** The Executive Director accepts appeals from all final disciplinary actions of a DO, the Director of Registered Student Organizations, and the Residence Hall Judicial Council (RHJC) which are not of record.

The appropriate Subcommittee accepts appeals of all final disciplinary actions of DO where the sanctions are of record (noted on transcript). Appeals of Interfraternity Council and Panhellenic Council decisions are referred to the Board of Fraternity Affairs and the Board of Sorority Affairs, respectively.

Pursuant to University Statutes, the Senate Committee on Student Discipline (SCSD) accepts appeals from all final disciplinary actions of its Subcommittees on Student Conduct. The SCSD will also accept appeals of decisions of the Director of Registered Student Organizations where an organization's recognition has been suspended or revoked.

- c. **Grounds for Appeal.** Appeals are not new hearings. Rather, the appellate review will be limited to a record of the original hearing and supporting documents. The appellant must demonstrate at least one of the following grounds for appeal:
 - i. The hearing was not conducted fairly in light of the charges against the respondent and that information was not presented in conformity with prescribed university procedures. However, deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - ii. The decision reached regarding the respondent was not based on substantial information. That is, whether there were facts established in the hearing that, if believed by the hearing body, were insufficient to establish that a violation of the Student Code did or did not occur.
 - iii. The sanction(s) imposed by the hearing body was/were not appropriate for the violation(s) for which the student was found responsible.
 - iv. New information or other relevant facts clearly not available at the time of the original hearing because such facts are now available.

II. Appeals to Executive Director

- a. **Who May Appeal.** Both the respondent and the alleged victim may appeal a decision to the Executive Director. The Dean of Students may also appeal a decision, but only if he/she determines that the decision was manifestly unfair to the University community.
- b. **Notice of Appeal.** The appellant must submit a Notice of Appeal to the Executive Director within five business days of the original decision. Upon good cause shown, an extension may be requested in writing and may be granted by the Executive Director.
- c. **Content of Notice of Appeal.** The Notice of Appeal must contain at least the following: (1) specific grounds for appeal; (2) specific outcome requested (3) appellant's reasons in support of

the outcome requested. Appeals must be formal letters written and signed by the appellant. Appeals are not accepted verbally.

- d. **Notification of Other Party:** If a Notice of Appeal is submitted by one party but not both, the other party will be notified and granted access to the document. S/he may then submit a written response to be considered by the Executive Director. The appellant will then be granted access to this response.
- e. **Sanction Held in Abeyance Pending Appeal.** The effective date of any sanction will be held in abeyance automatically during the period when the appeal may be filed and until the Executive Director reaches a decision on any appeal filed. However, the Executive Director retains the right to retain certain conditions or restrictions, particularly those related to life safety issues and "no contact" directives.
- f. **Appeal Review.** The Executive Director may conduct interviews with parties involved in the matter (e.g. disciplinary officers, respondent, witnesses, and alleged victim.)
- g. **Authority of Executive Director.** Upon review, the Executive Director may:
 - i. Affirm the action, at which time the matter will be considered final and binding upon all involved.
 - ii. Reverse the action taken by the original hearing body and dismiss the case.
 - iii. Remand the case to the original or new hearing body for a new hearing.
 - iv. Increase or decrease any sanctions imposed if deemed appropriate based on information presented during the appeal process.
- h. **Notice and Record of Decision.** A decision will be communicated to the respondent, the alleged victim, and the hearing officer within 5 days of the conclusion of the Executive Director's review of the case.

III. Appeals to Subcommittees and Senate Committee

- a. **Who May Appeal.** Both the respondent and the alleged victim may appeal a decision to a Subcommittee or the Senate Committee, as appropriate. The Dean of Students may also appeal a decision, but only if he/she determines that the decision was manifestly unfair to the University community.
- b. **Notice of Appeal.** The appellant must submit a Notice of Appeal to the Executive Director within five business days of the date on which notice of the action of the original hearing was transmitted to that individual. Upon good cause shown, an extension may be requested in writing and may be granted by the Executive Director.
- c. **Content of Notice of Appeal.** The Notice of Appeal must contain at least the following: (1) specific grounds for appeal; (2) specific outcome requested (3) appellant's reasons in support of the outcome requested. Appeals must be formal letters written and signed by the appellant. Appeals are not accepted verbally.
- d. **Notification of Other Party:** If a Notice of Appeal is submitted by one party but not both, the other party will be notified and granted access to the document. S/he may then submit a written response to be considered by the SCSD or Subcommittee. The appellant will then be granted access to this response.

- e. **Sanction Held in Abeyance Pending Appeal.** The effective date of any sanction will be held in abeyance automatically during the period when the appeal may be filed and until the committee reaches a decision on any appeal filed. However, the SCSD and Subcommittees retain the right to retain certain conditions or restrictions, particularly those related to life safety issues and "no contact" directives.

- f. **Appellate Review.**
 - i. The hearing of any appeal will be scheduled by the Executive Director for the most expedient meeting of the SCSD or Subcommittee following the date of the filing of the notice of appeal. The Executive Director will notify the appellant and the other party of the date, time, and place of the hearing in writing at least 5 days prior to the hearing.
 - ii. A quorum for hearing an appeal shall consist of five of the authorized, voting membership of the SCSD or Subcommittee. [Please note: special quorum requirements of some subcommittees are noted elsewhere in this document].
 - iii. The appeal hearing will be closed to the public. The respondent and the alleged victim may both attend the hearing, and each has the right to bring an advisor.
 - iv. The appellant will present a brief (limited to 10 minutes) statement detailing his/her rationale for appeal.
 - v. The other party may also present a brief (limited to 10 minutes) statement in response.
 - vi. The Chair of the Committee/hearing officer responsible for the original decision or a member designated by the Executive Director will attend the hearing and may make statements regarding the original hearing. Any involved parties and advisors have the right to be present for such statements.
 - vii. No person may address the Committee without the express consent of the Chair of the Committee/Subcommittee.

- g. **Deliberations.** The SCSD/Subcommittee will deliberate on the appeal in executive session. The Executive Director may authorize non-voting parties (such as University Counsel) to be present for deliberations. Appeal decisions of the SUSC and Subcommittee are made by a two-thirds majority vote. Absent a two thirds majority, the decision of the original hearing body shall be affirmed.

- h. **Authority of SCSD/Subcommittee.** After deliberations, the SCSD/Subcommittee may:
 - i. Affirm the action, at which time the matter will be considered final and binding upon all involved.
 - ii. Reverse the action taken by the original hearing body and dismiss the case.
 - iii. Remand the case to the original or new hearing body for a new hearing.
 - iv. Increase or decrease any sanctions imposed if deemed appropriate based on information presented during the appeal process.

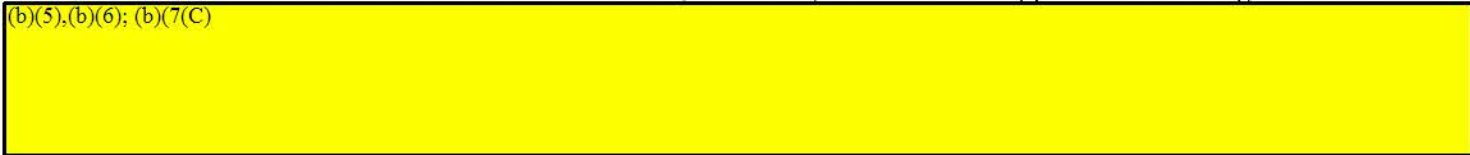
- i. **Notice and Record of Decision.** A decision will be communicated to the respondent, the alleged victim, and, when applicable, the Chair of the appropriate Subcommittee of the action taken within 5 days of the date the SCSD/Subcommittee has reached a decision.

Garcia, Sandy

From: Garcia, Sandy
Sent: Tuesday, July 10, 2012 10:03 AM
To: Skerrett, Lauren
Cc: Tamburro, Karen
Subject: U of I - Champaign 05121295

Jim Navaree, Complainant's Legal Representative, left me a phone message on July 5 and 9, 2012. I spoke to him by phone today. He advised that the University held a hearing on June 29, 2012, and found that neither of the accused violated the student code. He will forward to me the letter provided to (b)(6); (b)(7)(C) He stated that they University provided no basis for their decision; thus, they have no specific basis for appeal. Additionally, he stated that

(b)(5),(b)(6); (b)(7)(C)



I told him our office can not advise him on whether or not he show appeal.

Sandra L. Garcia
Senior Equal Opportunity Specialist
U.S. Department of Education
Office for Civil Rights
Citicorp Center
500 West Madison Street, Suite 1475
Chicago, IL 60661
312-730-1580 (direct)
312-730-1560 (general)
312-730-1576 (fax)
sandra.l.garcia@ed.gov



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

July 3, 2012

Jim P. Navarre, Esq.
Mossing & Navarre, L.L.C.
30 North LaSalle Street
Suite 1524
Chicago, IL 60602

Re: OCR Docket # 05-12-2195

Dear Mr. Navarre:

This is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR), has carefully evaluated the above-referenced complaint you filed with OCR on May 31, 2012, against the University of Illinois at Urbana-Champaign (University) alleging sex discrimination. We conducted the evaluation in accordance with OCR's *Case Processing Manual* to determine whether to open the complaint for investigation. We have determined that we have the authority to investigate this complaint.

The complaint alleges the University has subjected Student A to discrimination on the basis of sex when:

- 1) from May 2011 to present, other students sexually harassed Student A and the University was aware of the harassment but has failed to respond promptly or appropriately, and
- 2) in January 2012, Student A filed a grievance with the University alleging discrimination on the basis of sex, and the University has failed to promptly or appropriately respond to the grievance.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106, which prohibits discrimination based upon sex in educational programs and activities that receive Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the University is subject to the provisions of Title IX. Accordingly, OCR has jurisdiction over the complaint.

Page 2 – Jim P. Navarre, Esq.

Because OCR has determined that it has jurisdiction and the allegations were filed timely, 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 the 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 the *Case Processing Manual*.

OCR offers, when appropriate, an Early Complaint Resolution (ECR) process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegations. Some information about the ECR process is in the enclosure to this letter.

In addition, when appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient asks OCR to resolve the complaint. In such cases, a resolution agreement signed by the recipient and submitted to OCR must be aligned with the complaint allegations or the information obtained during the investigation and it must be consistent with applicable regulations.

We will communicate with you periodically regarding the status of your complaint. If you are interested in resolving your complaint through OCR's ECR process or have any questions, please contact Sandy Garcia at 312-730-1580 or by email at Sandra.L.Garcia@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. E. Tamburro', with a large, stylized flourish at the end.

Karen E. Tamburro
Supervisory Attorney

Enclosure



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

July 3, 2012

Dr. Michael J. Hogan
President
University of Illinois
108 Henry Administration Bldg
Urbana, IL 61801

Re: OCR Docket #05-12-2195

Dear Dr. Hogan:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has received and evaluated the above-referenced complaint filed with OCR on May 31, 2012, against the University of Illinois at Urbana-Champaign (University) alleging discrimination on the basis of sex. We conducted the evaluation in accordance with OCR's *Case Processing Manual* to determine whether to open the complaint for investigation. We have determined that we have the authority to investigate this complaint.

The complaint alleges the University has subjected Student A to discrimination on the basis of sex when:

- 1) from May 2011 to present, other students sexually harassed Student A and the University was aware of the harassment but has failed to respond promptly or appropriately, and
- 2) in January 2012, Student A filed a grievance with the University alleging discrimination on the basis of sex, and the University has failed to promptly or appropriately respond to the grievance.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits discrimination based upon sex in any educational program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance

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

Page 2 –Dr. Hogan, President
University of Illinois

from the Department, the University is subject to this law. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov.ocr>.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, 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 the 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 the *Case Processing Manual*.

OCR offers, when appropriate, an Early Complaint Resolution (ECR) process to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegations. Some information about the ECR process is in the enclosure to this letter.

In addition, when appropriate, a complaint may be resolved before the conclusion of an investigation when the recipient expresses an interest to resolve the complaint. In such cases, a resolution must be aligned with the complaint allegation or the information obtained during the investigation and it must be consistent with applicable regulations. Information about this is in the enclosure to this letter.

Please read the enclosed document entitled “OCR Complaint Processing Procedures,” which includes information about:

- OCR’s complaint processing procedures, including the availability of ECR;
- Regulatory prohibitions against retaliation and intimidation of persons who file complaints with OCR or participate in an OCR investigation; and
- Application of the Freedom of Information Act and the Privacy Act to OCR investigations.

OCR intends to conduct a prompt investigation of this complaint. 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 pertinent to a compliance determination. This requirement is incorporated by reference in the Title IX regulation at 34 C.F.R. § 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 (FERPA), 20 U.S.C. § 1232g, OCR may review personally *identifiable records without regard to considerations of privacy or confidentiality*.

Accordingly, OCR requests that you provide the following information to us within fifteen (15) calendar days. Wherever possible, please provide the requested information in

electronic format. If responsive data are available through the Internet, provide the link to the data.

1. A narrative response to the complaint allegations including a description of the reason(s) why Student A left the University.
2. A copy of the University's policy prohibiting sex discrimination, including any related grievance procedures and the University's procedures for responding to a grievance, sexual violence or other sex discrimination complaints, a description of penalties for violations of the policy by students, and an indication of how students and others are informed of the policy and procedures. In addition, please provide all existing internet links to any policy and/or procedure referenced in response to this item.
3. A copy of the University's student handbook for the 2010-11 and 2011-12 school years.
4. If not included in Item #3, a copy of the University's Student Code of Conduct and the University's disciplinary policies and procedures in effect for students for the 2010-2011 and 2011-2012 school years.
5. The name and contact information of the University's Title IX Coordinator and, if different, the name and title of any individual responsible for implementing the University's sexual harassment grievance procedures.
6. The name and contact information of any University staff or administrator responsible for conducting an investigation into Student A's grievance alleging sex discrimination and/or harassment.
7. With regard to the alleged sexual harassment of Student A, provide the following:
 - a. A copy of all written reports of harassment filed by or on behalf of Student A;
 - b. A narrative description of all formal or informal verbal report(s) of harassment made by or on behalf of Student A;
 - c. A description of all actions taken by the University, including but not limited to the Office of Conflict Resolution, to investigate and, if appropriate, respond to all written or verbal report(s), including any supporting documentation;
 - d. A copy of all documents referring or relating to Student A's report, the University's investigation and its final determination, including but not limited to all correspondence, memoranda, complaint forms, interim and final reports, electronic mail messages, photographs, video, and notes;
 - e. A copy of all written notices given to the parties involved regarding the final outcome of the investigation;

- f. The name and title of all individuals who participated in the investigation(s), including the role each played;
 - g. A list of all individuals interviewed in response to the allegation(s), the individuals contact information, the names and titles of the interviewers, and the notes from the interviews; and
 - h. A list of any resources and services offered to Student A by the University, including but not limited to counseling, medical services, and academic support.
8. Describe how the University records and tracks complaints of discrimination based on sex or sexual harassment, including any monitoring that takes place after complaints are received, investigated, and responded to.
9. For each student identified as having sexually harassed Student A, either through her report or the University's investigation, provide a copy of the complete academic file, including any disciplinary records regarding the student, and the rationale for the discipline or the determination not to administer discipline.
10. For the 2010-11 and 2011-12 school years, identify all other complaints (formal or informal) of sex discrimination, sexual harassment or sexual violence filed at the University. For each complaint identified, provide the following:
 - a. A copy of the written reports of harassment filed by or on behalf of the complaining parties;
 - b. A narrative description of all verbal reports of harassment made by or on behalf of the complaining parties;
 - c. A description of all actions taken by the University to investigate and, if appropriate, respond to all written or verbal report(s);
 - d. A copy of all documents regarding the report and investigation, including but not limited to all letters, memoranda, complaint forms, reports, electronic mail messages, photographs, video, and meeting notes;
 - e. The name and title of all individuals who participated in the investigation(s), including the role each played;
 - f. A list of all individuals interviewed in response to the allegation(s), and the notes of all interviews; and
 - g. A copy of all determinations made by the University as a result of its investigation(s).
11. A detailed description of any training regarding sex discrimination that occurred for the 2010-11 and 2011-12 school years, including any training covering sexual harassment and sexual violence, provided to the University's Title IX coordinator or other University personnel, including the date(s) the training was provided, the names and qualifications of the individuals who provided the training, a list of the names and

Page 5 –Dr. Hogan, President
University of Illinois

titles of the individuals who attended the training, and a copy of any materials distributed at the training.

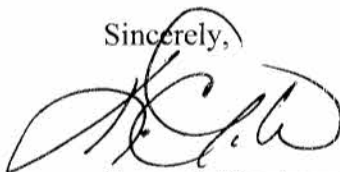
12. If not included in the response to the above items, all other documents in the University's possession relevant to the allegations in this complaint.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is necessary, we will work to schedule a mutually convenient time for the visit.

Please notify OCR of the name, address, and telephone number of the person who will serve as the University's contact person during the processing of this complaint. We would like to talk with this person as soon as possible to discuss the processing of this complaint and we will, at that time, identify Student A.

OCR is committed to prompt and effective services. If you are interested in resolving your complaint through OCR's ECR process or have any questions, please contact Sandy Garcia at (312) 730.1580 or by email at Sandra.L.Garcia@ed.gov.

Sincerely,



Karen E. Tamburro
Supervisory Attorney

Enclosure

To: OCR Docket # 05-12-2195
From: Salina Gamboa
Re: Complainant Intake Interview
Date: June 14, 2012

On June 13, 2012, I interviewed the Complainant in the above-referenced complaint. Prior to the interview I informed the Complainant of the information required by the CPM.

The Complainant told OCR that the physical assault occurred during Student A's freshman year at the University.

In the written complaint, the Complainant wrote that on (b)(6); (b)(7(C)) a student named (b)(6); (b)(7(C)) (b)(6); (b)(7(C)) who attended another University sexually assaulted Student A at the (b)(6); (b)(7(C)) (b)(6); (b)(7(C)) located on the University campus. Later that day, Student A went to the (b)(6); (b)(7(C)) (b)(6); (b)(7(C)) where she was treated for injuries which included (b)(6); (b)(7(C)) (b)(6); (b)(7(C))

During the interview, the Complainant told OCR that the student (b)(6); (b)(7(C)) (b)(6); (b)(7(C))

In the written complaint, the Complainant wrote that within days of the assault (b)(6); (b)(7(C)) (b)(6); (b)(7(C)) new about the event but failed to promptly investigate or initiate an investigation into the assault and subsequent (b)(6); (b)(7(C))

During the interview, the Complainant told OCR that because the incidents occurred around final exams, Student A met with the Emergency Dean reported the incident to the Emergency Dean who is Associate Dean of Students (b)(6); (b)(7(C)) because her immediate concern was how she would complete her finals. The Complainant stated that the (b)(6); (b)(7(C)) recognized that Student A had been assaulted on campus and because of that asked to not sit for some exams. The Complainant said that (b)(6); (b)(7(C)) did not respond appropriately in

that she did not advise Student A about the student discipline process or initiate an investigation on her own. The Complainant said that Student A reported to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The Complainant was not certain whether or not at this point Student A knew (b)(6); (b)(7)(C) He stated that the Dean did recognize that Student A had been assaulted because the Dean sent a request on behalf of Student A that Student A not sit for exams at that time.

The Complainant told OCR that a second (b)(6); (b)(7)(C) who is in charge of Greek Life also became aware of the sexual harassment and failed to take action. Dean (b) was aware of (b)(6); (b)(7)(C) (b)(6); (b)(7) Despite this, (b)(6); (b)(7) failed to notify Student A of her right to file a complaint, or initiate an investigation into what happened on her own. The Complainant said that Student A did not initially know that (b)(6); (b)(7) knew of the events until last month after she had discovered she could file a student discipline complaint in (b)(6); (b)(7)(C) during the course of filing her complaint, Student A became aware that (b)(6); (b)(7) knew about the events.

When asked the status of the student discipline complaint, the Complainant said that the University still had not scheduled a hearing date.

In the written complaint, the Complainant wrote that (b)(6); (b)(7)(C) failed to initiate the student disciplinary process on their own. After Student A learned about the disciplinary process, Student A aggressively pursued the matter with the University.

The Complainant told OCR that Student A became aware of her right to file a complaint in (b)(6); (b)(7)(C) She found out about the women center in class and never received a response form the women's center for assistance. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) The Complainant said that Student A's parents started to make calls to the University asking why nothing had taken place in response to Student A's report of what happened. During that time, the parents and Student A learned about the student discipline process for filing a complaint.

Student A filed a complaint in January 2012 with the Office of Student Conflict Resolution. To date however a hearing has not taken place and neither of the students involved (b)(6); (b)(7)(C) (b)(6); (b)(7) has been the subject to discipline.

The Complainant stated that Student A's last contact with the University occurred about one month ago while trying to obtain a hearing date. He believes that the University asserts that the hold-up is due to trying to get appropriate faculty in place during the summer. She pursued a complaint against the students who harassed her that attended the University. She could not pursue a complaint against the student that assaulted her because he attended (b)(6); (b)(7)(C) He did not have a copy of the complaint.

In the written complaint, the Complainant wrote that in (b)(6); (b)(7)(C) an incident of sexual harassment took place while Student A attended a social event at the University. (b)(6); (b)(7)(C)

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

The Complainant told OCR that Student A did not list the students that made the comments in (b)(6); (b)(7)(C) in her complaint. He said that these students did not know that the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) of an assault. She did not list these boys in the complaint. However, the Complainant noted this demonstrates that Student A still suffered from the sexual harassment and the University's failure to appropriately respond. He said the incident constituted ongoing harassment in that she continued to have to deal with the assault and that it was publicly disseminated. He said this significantly point out the failure of the University to take action and that they allowed the harassment it to continue.

He said that the University is aware of the (b)(6); (b)(7)(C) incident.

The Complainant wrote in the complaint that following the (b)(6); (b)(7)(C) semester Student A

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

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

When did you consider that that they were not doing anymore, or when did they tell you they were not taking any more action?

The Complainant said because the University has taken so long to give her a hearing date. He stated that it does not seem that they are moving with the speed that they should.

He does not believe that the allegations are untimely, but if appropriate he wishes to request a waiver. He said the reason for filing after 180 day timeframe was because Student A did not know she had the ability to pursue disciplinary action with the Office for Student Conflict Resolution until (b)(6); (b)(7)(C) so he believes this is an ongoing violation. In addition, the discrimination is ongoing because the University still has not taken appropriate action to prevent reoccurrence and address what happened with the students and Student A.

The Complainant said that every day the University fails to respond is discrimination. He stated that until they actually have a hearing and take action to address the sexual harassment it is an ongoing Title IX violation. He said another example that it is ongoing is Student A's recent discovery (last month) that the Dean of Greek affairs knew about what happened within a week that the incident occurred and did nothing. No one has ever contacted her and tried to interview her about the incident, including (b)(6); (b)(7)(C)

In summary the Complainant said that his allegation is that the University subjected Student A to discrimination on the basis of sex in that she was sexually harassed by other male students since (b)(6); (b)(7)(C) and it is ongoing and that the University failed to investigate a report and complaint of sexual harassment in a prompt and equitable manner.

At the time the assault happened Student A did not know she could pursue a discipline complaint and the harassment has been ongoing; for example, the confrontation that occurred with Student A and other male students in (b)(6); (b)(7)(C). Once she found out about ability file a complaint with the University she did so in (b)(6); (b)(7)(C). You can't fault her for the University not telling her about that ability to file a complaint. They should have investigated it on their own though.

When she first found out she could file she did and the recent discovery that (b)(6); (b)(7)(C) knew which occurred within the last month makes her complaint timely. So in (b)(6); (b)(7)(C) she finds out (b) knew and did absolutely nothing and so she is timely with that as well and not to mention the harm itself and the occurrence is also ongoing.

[text only](#) [text only](#) :: [skip to content](#)

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Office for Student Conflict Resolution

University of Illinois at Urbana-Champaign

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Alleged Victims of Sexual Misconduct in Disciplinary Hearings: Frequently Asked Questions

The following information is provided in an attempt to clarify information in the University of Illinois at Urbana-Champaign Disciplinary Procedures. Please be advised that the Disciplinary Procedures will be the controlling document and any apparent conflicting information will defer to those procedures and not the FAQs.

I am not sure what I want to do about this incident, if anything. Can I just talk to someone about my options without deciding to make a formal complaint?

Yes. A staff member in the Office for Student Conflict Resolution will listen to your concerns, answer questions about our process, and direct you to other agencies that can support and assist you. Reporting the incident to our office and discussing it does not mean that you must pursue a complaint in our process. We will respect your wishes while balancing our need to protect our University community.

If I file a complaint with the University, can I still file a complaint with the police?

Yes. The University's discipline process is not designed to be a substitute for criminal law in any way. Victims are encouraged to explore options for reporting the incident to local law enforcement, and the Office for Student Conflict Resolution can assist you in doing so. Nothing will prevent you from pursuing University, criminal, and civil remedies concurrently, individually, or not at all.

I am under 21 and I was drinking before this incident occurred. Will I get into trouble for violating the code?

Our primary concern is to investigate and address the charge of sexual misconduct. In very, very rare circumstances, the Office for Student Conflict Resolution will have such a great concern for the health and safety of the person who filed the complaint that we must take some corrective action. However, this will typically be handled by making informal referrals to offices and agencies which can help you. An alleged victim should not be concerned about any disciplinary action directed at them as a result of filing a complaint.

I still see the respondent in my residence hall and in class and feel uncomfortable. Can anything be done about that?

The Campus Sexual Assault Victims Bill of Rights guarantees you certain rights in our process. At your request, we will take reasonable steps necessary to prevent unwanted contact between you and the accused student. For example, the University will assist you in finding a new place to stay if the accused student lives in the same residence hall. Also, if you attend a class with the accused student, we can assist you in changing sections, if possible, or making other arrangements to limit contact.

I have been told that I will be an "alleged victim"? What does that mean?

"Alleged Victim" is the term used to refer to the person who brought the complaint to the attention of the University. "Respondent" is the term applied to the student expected to answer to the complaint through the University discipline process. Our process is designed to be a balanced forum for determining the truth. The committee will gather all of the information it can from you, the respondent, and other people with knowledge of the incident in order to reach a fair decision.

I have already given statements to the police and hospital staff. Why do I need to give another one to the Office for Student Conflict Resolution?

Unfortunately, statements that you give to police officers and medical employees are protected by confidentiality and cannot readily be shared with our office. Also, our process may be seeking to answer different questions than the police asked you. In order to provide the committee with as much clear and specific information as possible, it will be important to get a written and signed statement from you as soon as possible. Also, if a rape examination was conducted by a physician, you will have access to your own medical records and should begin working to obtain a written summary of the results as soon as possible. Ideally, the treating physician would make written comments about his/her observations from your exam. This physician may also make a good witness for the hearing.

Do I have to participate in a hearing?

No. It is possible for the University to pursue disciplinary action without your participation in a hearing. However, it can make a finding the facts more difficult. It is very unlikely that a respondent would be dismissed from the University without a formal hearing in which the alleged victim participates unless the respondent admits the violation.

Who will be representing me at the hearing?

Unlike a criminal trial, participants in our informal administrative process are expected to represent themselves. This means that you will tell the committee the incident that occurred and then the committee and the accused will be able to ask you questions. You are not "on trial" and neither is the respondent. The hearing is designed to find the truth, and the committee members will need to ask thorough questions of everyone involved to be confident that they have all the information they need to make a decision.

Can someone sit along with me during the hearing to support me?

Yes. You are encouraged to bring an advisor to the hearing to serve as a source of support and to assist you in thinking of questions you would like to ask. Your advisor may be anyone you choose, including but not limited to another student, a faculty or staff member, a parent, or an attorney. Your advisor will not be allowed to speak directly to the committee nor is he/she allowed to ask questions for you. Your advisor is there solely to assist you. Information for advisors in our process is also available on this web site and you are encouraged to give it to him/her. If the advisor you have chosen is unavailable for the scheduled hearing time, the hearing will not be rescheduled and you are welcomed to choose another advisor. You are not required to have an advisor.

Who will be in the room for the hearing?

You will be ushered into the hearing room moments after the respondent at the beginning of the hearing. The committee members will already be seated in the room. A staff member from the Office for Student Conflict Resolution will remain in the room throughout the hearing. Witnesses will be brought in one at a time to give their statements and answer questions. Our hearings are not public and only those fulfilling specific roles will be allowed into the hearing room.

What is the format of the hearing?

While informal, the process is structured to assist the committee in gathering information in an organized way. First, the chairperson will read introductory comments and the committee members will introduce themselves to you. The Disciplinary Officer will then advise the committee of the investigation he/she conducted and review the information gathered. Next, the chair of the committee will ask the respondent to summarize the incident. The committee members will then ask follow-up questions. After the committee is finished, the chair will also ask if you have any questions for the respondent. The chair will then ask you to summarize the incident that occurred. Your statement should take 5-10 minutes, and then the committee will ask you questions to clarify your statements. The respondent will also be able to ask questions of you through the chairperson, which means he/she won't speak to you directly. Then, witnesses will be called into the room one at a time and will be questioned by the committee and both you and the respondent. After all witnesses have been heard, you will be given the opportunity to make a closing comment to the committee. These comments should be a summary of the information they have heard about the facts and what you want them to think about as they deliberate over the incident. The respondent will also be invited to make a closing comment to the committee. If the committee has no additional questions, you and the respondent will be escorted out of the hearing room as the committee deliberates.

What kinds of questions will I be asked?

In order to understand the incident and allegation, the committee will need to ask thorough questions about all aspects and details of the incident. They will also ask you questions about any discrepancies in your information and conflicts between your statements and other information or written statements. Please prepare yourself to speak frankly about all aspects of the encounter. The committee will be as sensitive to all parties as possible as they gather this important information.

Who serves on the Subcommittee?

The subcommittee consists of at least five people selected from a pool of faculty and students who were appointed by the Senate Committee on Student Discipline and trained by the Office for Student Conflict Resolution. Our procedures require at least one student and one faculty member on each committee. While a minimum of 5 members are required, the committees often consist of 7 to 9 members.

Will the respondent be in the room while I am giving testimony?

Yes. Our process guarantees that any student accused of a violation of the code will be allowed to hear all of the information that will be presented at the hearing. However, the room will be arranged so that you will not have to look at one another while you speak to the committee. Both of you will be on the same side of the table with committee members separating you. You will face the chairperson of the hearing committee, direct your statements to the chairperson, and ask questions of each other through the chairperson. Our office will be as sensitive to your needs as possible while still ensuring fairness to the respondent.

No one else saw this incident because we were alone. Won't this just be a case of "he said, she said"?

It is often the case in allegations of sexual misconduct that there were no witnesses to the incident other than the respondent and the alleged victim. However, the committee will ask both parties questions to assess the credibility of each person's version of the incident. Clearly, having an unbiased witness other than the two parties can be very helpful to the committee, but this is neither required nor necessary. The committee will be most interested in your honest responses to their questions. Ultimately, they will determine what the facts of the incident are. Your conversations with the staff in the Office for Student Conflict Resolution may help you to identify witnesses you have not yet considered.

Whom should I call as a witness?

The most valuable witnesses are those who actually saw what occurred. However, others may also be useful to corroborate your statements such as the first person you spoke with about what happened, people who had been with you immediately prior to or after the incident, or people who spoke to the respondent immediately following the incident. The University will call witnesses that we feel are important for the committee to hear from. You may also call additional witnesses. The University cannot compel any person to participate in the hearing. Be prepared to explain to a staff member in the Office for Student Conflict Resolution the nature of the statements that any witness you call will provide and how it is relevant. The chairperson of the hearing committee has the authority to reject

witnesses who will offer irrelevant or redundant information. Character witnesses will only be allowed to present information in writing.

Can I know the outcome of the hearing?

A student's educational records, including discipline records, are required to be kept confidential by law. However, the law requires that individuals who file complaints of sexual misconduct be notified of the outcome of the University's actions with regard to the complaint, including whether or not the accused student was found responsible for a violation and what sanctions were imposed. You are asked to set an appointment with a staff member in the Office for Student Conflict Resolution to learn the outcome of the hearing. It is the practice of this office to share this information with you in the office rather than over the phone. The University neither encourages nor discourages victims from further re-disclosure of the outcomes of disciplinary hearings, but encourages victims to consult with legal counsel before doing so.

How should I prepare for the hearing? Should I write my statements down?

You should schedule a meeting with a staff member in the Office for Student Conflict Resolution to review any of the written information that will be used in the hearing. It is permissible for you to write out your summary of the incident as well as your closing comment and read these statements to the committee. Please keep these narratives detailed but brief. You should prepare for the hearing by reviewing your memory of the incident with your advisor or a trusted friend. The committee will appreciate your detailed and clear responses to their questions.

What should I say in my impact statement?

If the committee finds the respondent in violation of the Student Code, you will be invited back into the hearing room to make an impact statement. Your comments might include the impact, if any, this incident has had on your physical and emotional well-being, your academic or employment obligations, and your relationships with friends and family. After your statement is complete, the committee will excuse you. If you prefer, you may offer an impact statement in writing in lieu of appearing in person.

What kinds of sanctions might the committee assign the respondent?

A student found responsible for sexual misconduct may be permanently dismissed from the University or removed from the University and be ineligible to return for an established period of semesters or years. Other sanctions include but are not limited to removal from the residence halls, restrictions of access to certain areas of campus, required counseling, required research and reflective essays related to their inappropriate behavior, and/or a period of conduct probation.

What happens if the respondent appeals?

The respondent will be invited to appeal the decision and sanctions in writing to the Senate Committee on Student Discipline. This committee will schedule an appeal hearing to consider any changes to the decision or sanctions. You will be informed if the respondent appeals and the outcome. Alleged victims are not invited to participate in appeal hearings.

Can I appeal the decision?

Our code does not permit appeals from the alleged victim. However, the Dean of Students has the authority to appeal if he/she determines that the decision was manifestly unfair to the University community. Alleged victims may request that the Dean review the decision. Any decision to appeal is left to the Dean and not to the alleged victim.

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Student Discipline Procedures

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[Office for Student Conflict Resolution](#) :: 300 Turner Student Services Building :: Champaign, IL 61820 :: 217-333-3680

[Student Affairs](#) :: [University of Illinois at Urbana-Champaign](#) :: © 2007

Gamboa, Salina

From: Turnbull, Jeff
Sent: Friday, June 01, 2012 10:02 AM
To: Gamboa, Salina; Skerrett, Lauren
Subject: FW: Title IX Complaint - (b)(6); (b)(7(C))
Attachments: Discrimination Complaint - attachment.pdf

We received a new complaint against University of Illinois yesterday by fax, which I am assigning to you. The fax contained only the complaint form with no details, and the attachment contains the details. I will give it to Betty to process.

From: Howard, Melissa
Sent: Friday, June 01, 2012 9:35 AM
To: Turnbull, Jeff
Subject: FW: Title IX Complaint - (b)(6); (b)(7(C))

Jeff,

Attached are missing pages from the U of I complaint.

Melissa Howard
OCR Attorney
U.S. Dept of Education
Office for Civil Rights
Citigroup Center
500 W. Madison Street
Suite 1475
Chicago, IL 60661
Tel: 312.730.1527
Fax: 312.730.1576
Email: Melissa.Howard@ed.gov

From: (b)(6); (b)(7(C))
Sent: Friday, June 01, 2012 9:32 AM
To: Howard, Melissa
Cc: (b)(6); (b)(7(C))
Subject: Title IX Complaint - (b)(6); (b)(7(C))

Ms. Howard –

Attached please find the attachment to the Title IX complaint sent to your office yesterday on behalf of (b)(6); (b)(7(C))

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

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

Mossing & Navarre, LLC
30 N. LaSalle Street
Suite 1524
Chicago, IL 60602
TEL: 312-262-6700
FAX: 312-262-6710
www.mossingnavarre.com

4. (b)(6); (b)(7)(C) was subject to sexual harassment and the University of Illinois – Urbana Champaign has failed to take immediate and effective steps to end the sexual harassment and sexual violence. The University has failed to take immediate action to prevent the recurrence of the harassment and address its effects. The University failed to promptly investigate to determine what occurred. As a result, (b)(6); (b)(7)(C) right to receive an education free from discrimination was violated and she was (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

5. The discriminatory policy or practice is ongoing since (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) was sexually assaulted by (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) had a party which was attended by (b)(6); (b)(7)(C) and numerous students. During the early morning hours of (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) was not able to consent, (b)(6); (b)(7)(C) assaulted (b)(6); (b)(7)(C) on the second floor of the (b)(6); (b)(7)(C). Later that day, (b)(6); (b)(7)(C) went to (b)(6); (b)(7)(C) Room where she was treated for injuries which included (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) subsequently learned that an additional act of sexual harassment occurred. (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

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

Since (b)(6); (b)(7)(C) the University of Illinois has violated Title IX. This violation is ongoing. The University has failed to take immediate and effective steps to end the sexual harassment and violence. The University failed to promptly investigate the assault to determine what occurred and the University failed to take appropriate steps to resolve the situation. The University has failed to ensure that their employees are trained to report harassment to appropriate school officials so that employees with the authority to address

harassment can respond properly. Within days of the assault, Associate Dean of Students (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) knew about the event but failed to promptly investigate or initiate an investigation into the assault and subsequent dissemination of (b)(6); (b)(7)(C) never advised that she could file a student disciplinary complaint. In addition, Deans (b)(6); (b)(7)(C) failed to initiate the student disciplinary process on their own. After (b)(6); (b)(7)(C) learned about the student disciplinary process, (b)(6); (b)(7)(C) has aggressively pursued the matter with the University. To date, however, a hearing has not taken place and neither the students involved nor the Fraternity have been subject to discipline.

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

8. After learning about the student disciplinary process through the Office for Student Conflict resolution, (b)(6); (b)(7)(C) pursued a complaint against (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) a (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) is still waiting for a hearing date from the University.

11. Monitored changes in policy and procedure so that another student is not subject to the ongoing harm and sexual harassment that (b)(6); (b)(7)(C) has sustained. Payment of attorney's fees and medical costs incurred by (b)(6); (b)(7)(C) including but not limited to past, present and future counseling costs. A complete refund of all tuition, room and board, and fees paid by (b)(6); (b)(7)(C)



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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

June 4, 2012

Mr. Jim P. Navarre
30 North LaSalle Street
Suite 1524
Chicago, Illinois 60602

Re: 05-12-2195

Dear Mr. Navarre:

The U.S. Department of Education, Office for Civil Rights (OCR), is evaluating your complaint, which we received on May 31, 2012, to determine whether OCR has authority to investigate the allegation(s) in your complaint. You may expect to receive additional information from us soon about your complaint.

Please read the enclosed document entitled "OCR Complaint Processing Procedures" for information about:

- OCR's complaint processing procedures;
- the laws that we enforce;
- protections against intimidation and retaliation for participating in an OCR investigation;
- what to do if you disagree with a determination by OCR to close your complaint; and,
- the Freedom of Information Act and the Privacy Act.

If you have questions about this letter or need further assistance, please call Salina Gamboa at 312-730-1627.

Sincerely,

Betty Wilson
Equal Opportunity Assistant

Enclosure

eCampus-Based Reports Notifications of Campus-Based Funding
July 1, 2010 To June 30, 2011

Date: 6/4/2010 09:46:42

<u>School</u>	<u>Program</u>	<u>Federal Funds</u>	<u>Estimated No. Student Awards</u>	<u>Authorized Federal Perkins Loan Level Of Expenditure</u>
5801 South Ellis Avenue Chicago, IL, 60637-1476	FSEOG FWS	\$692,315 \$2,793,453	965 1701	
University of Illinois at Chicago 1200 West Harrison M/C 334 Chicago, IL, 60607-7163	Perkins FSEOG FWS		2740 1171 1201	\$5,384,382
University of Illinois at Springfield One University Plaza Springfield, IL, 62703-5407	Perkins FSEOG FWS		39 126 91	\$77,113
University of Illinois at Urbana-Champaign 601 East John Street Champaign, IL, 61820-5796	Perkins FSEOG FWS		1242 1148 1069	\$2,441,665
University of Saint Francis 500 Wilcox Street Joliet, IL, 60435-6188	Perkins FSEOG FWS		91 188 77	\$180,000
VanderCook College of Music 3140 South Federal Street Chicago, IL, 60616-3731	FSEOG FWS	\$10,988 \$12,712	15 7	
Vatterott College 3609 North Marx Drive Quincy, IL, 62305-5938	FSEOG FWS	\$126,623 \$118,551	176 72	
Waubonsee Community College Route 47 at Waubonsee Drive Sugar Grove, IL, 60554-0000	FSEOG FWS	\$49,331 \$70,000	68 42	
West Suburban College of Nursing 3 Erie Court Oak Park, IL, 60302-2519	FSEOG FWS	\$25,031 \$24,878	34 15	
Western Illinois University 1 University Circle Macomb, IL, 61455-1390	Perkins FSEOG FWS		184 439 230	\$361,747
Westwood College - DuPage 7155 Janes Avenue Woodridge, IL, 60517-2321	Perkins FSEOG FWS		1 336 88	\$3,521
Westwood College - O'Hare Airport 8501 West Higgins Road Chicago, IL, 60631-2801	Perkins FSEOG FWS		0 351 97	\$1,000
Wheaton College 501 College Avenue Wheaton, IL, 60187-5535	Perkins FSEOG FWS		467 478 196	\$918,061
State of ILLINOIS 160	Perkins FSEOG FWS	\$0 \$40,046,298 \$52,077,007	37,236 55,787 31,641	No. Institutions 67 No. Institutions 151 No. Institutions 144



MOSSING &
NAVARRE, LLC

Adria East Mossing
amossing@mossinglaw.com
Jim Navarre
jnavarre@mossinglaw.com

Of Counsel
Patricia C. Bobb & Associates, P.C.

May 31, 2012

VIA FACSIMILE: 312-730-1576

Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison St., Suite 1475
Chicago, IL 60661-7204

Dear Sir or Madam:

You will find enclosed a Title IX complaint against the University of Illinois Urbana-Champaign on behalf of (b)(6); (b)(7)(C) Please call me to confirm receipt and if you have any questions. Thank you.

Very truly yours,

Jim P. Navarre

JN/jlk
Enclosure



United States Department of Education
Office for Civil Rights

DISCRIMINATION COMPLAINT FORM

You do not have to use this form to file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). You may send OCR a letter or e-mail instead of this form, but the letter or e-mail must include the information in items one through nine and item fourteen of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed. An online version of this form, which can be submitted electronically, can be found at: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

Before completing this form please read all information contained in the enclosed packet including: Information About OCR's Complaint Resolution Procedures, Notice of Uses of Personal Information and the Consent Form.

1. Name of person filing this complaint:

Last Name: Navarre First Name: Jim Middle Name: Patrick

Address: 30 North LaSalle Street - Suite 1524

City: Chicago State: IL Zip Code: 60602

Home Telephone: 312-771-3771 Work Telephone: 312-262-6700

E-mail Address: jnavarre@mossinglaw.com

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

(b)(6); (b)(7)(C)
Last
Add
City:

Home Telephone: _____ Work Telephone: _____

E-mail Address: _____

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Discrimination Complaint Form, Consent Form, and Complaint Processing Procedures

3. OCR investigates discrimination complaints against institutions and agencies which receive funds from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Institution: University of Illinois-Urbana Champaign

Address: _____

City: Champaign State: IL Zip Code: 61820

Department/School: _____

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

Discrimination based on race (specify)

Discrimination based on color (specify)

Discrimination based on national origin (specify)

Discrimination based on sex (specify)

See attached.

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Discrimination based on disability (specify)

Discrimination based on age (specify)

Retaliation because you filed a complaint or asserted your rights (specify)

Violation of the Boy Scouts of America Equal Access Act (specify)

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

See attached.

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6. What is the most **recent date** you were discriminated against?

Date: on going

7. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

I am requesting a waiver of the 180-day time frame for filing this complaint. Please explain why you waited until now to file your complaint.

8. Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?

YES NO

If you answered **yes**, please describe the allegations in your grievance or hearing, identify the date you filed it, and tell us the status. If possible, please provide us with a copy of your grievance or appeal or due process request and, if completed, the decision in the matter.

See Attached.

9. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: _____

Date Filed: _____

Case Number or Reference: _____

Results of Investigation/Findings by Agency or Court:

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10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information is **not required**, but it will be helpful to us.

Last Name: Navarre First Name: Jim Middle Name: Patrick

Home Telephone: _____ Work Telephone: 312-262-6700

11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

See attached.

12. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

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

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

Please mail the completed and signed Discrimination Complaint Form, your signed consent form and copies of any written material or other documents you believe will help OCR understand your complaint to the OCR Enforcement Office responsible for the state where the institution or entity about which you are complaining is located. You can locate the mailing information for the correct enforcement office on OCR's website at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>.

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CONSENT FORM- FOR USE OF PERSONAL INFORMATION

Complainant's Name (print or type): (b)(6); (b)(7)(C)

Institution Against Which Complaint is Filed: University of Illinois Urbana-Champaign

Please sign and date section A, section B or section C and return to the address below:

I have read the section, "Investigatory Uses of Personal Information" in the OCR document "Information about OCR's Complaint Processing Procedures," which explains OCR's use of personal information. I understand that the Privacy Act of 1974, 5 U.S.C. § 552a, and the Freedom of Information Act (FOIA), 5 U.S.C. § 552, govern the use of personal information submitted to all Federal agencies and their individual components, including OCR. I will cooperate with OCR's investigation and complaint resolution activities undertaken on my behalf. I understand that my failure to cooperate with OCR's investigation may result in the closure of my complaint.

- A. **I give OCR my consent to reveal my identity (and/or that of my minor child/ward on whose behalf the complaint is filed) to the institution alleged to have discriminated, as well as other persons and entities, if OCR, in the course of its investigation or for enforcement activities, finds it necessary to do so.**

Signature

Date

OR

- B. **I do not give OCR my consent to reveal my identity (and/or that of my minor child/ward on whose behalf the complaint is filed). I understand that OCR may have to close this complaint if OCR is unable to proceed with an investigation without releasing my identity (and/or that of my minor child/ward on whose behalf the complaint is filed).**

Signature

Date

- C. **Alternatively, if you are not filing this complaint on your own behalf or on behalf of your own minor child/ward, you are responsible for obtaining written consent from the person on whose behalf the complaint is filed or, if he or she is a minor, that person's parent/guardian.**

I have read this document, and I agree with the person who filed this complaint. I wish you to proceed with OCR's investigation and resolution process. I give my consent for OCR to reveal my identity (and/or that of my minor child/ward on whose behalf the complaint is filed) to other persons to the extent necessary for the purpose of resolution or investigation of this complaint.

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

4. (b)(6); (b)(7(C)) was subject to sexual harassment and the University of Illinois – Urbana Champaign has failed to take immediate and effective steps to end the sexual harassment and sexual violence. The University has failed to take immediate action to prevent the recurrence of the harassment and address its effects. The University failed to promptly investigate to determine what occurred. As a result, (b)(6); (b)(7(C))'s right to receive an education free from discrimination was violated and she was (b)(6); (b)(7(C)) (b)(6); (b)(7(C))

5. The discriminatory policy or practice is ongoing since (b)(6); (b)(7(C)) (b)(6); (b)(7(C)) was sexually assaulted by (b)(6); (b)(7(C)) (b)(6); (b)(7(C)) (b)(6); (b)(7(C)) had a party which was attended by (b)(6); (b)(7(C)) and numerous students. During the early morning hours of (b)(6); (b)(7(C)) (b)(6); (b)(7(C)) was not able to consent, (b)(6); (b)(7(C)) assaulted (b)(6); (b)(7(C)) on the second floor of the (b)(6); (b)(7(C)) Later that day, (b)(6); (b)(7(C)) went to (b)(6); (b)(7(C)) where she was treated for injuries which (b)(6); (b)(7(C))

(b)(6); (b)(7(C)) subsequently learned that an additional act of sexual harassment occurred. (b)(6); (b)(7(C)) (b)(6); (b)(7(C))

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

Since (b)(6); (b)(7(C)) the University of Illinois has violated Title IX. This violation is ongoing. The University has failed to take immediate and effective steps to end the sexual harassment and violence. The University failed to promptly investigate the assault to determine what occurred and the University failed to take appropriate steps to resolve the situation. The University has failed to ensure that their employees are trained to report harassment to appropriate school officials so that employees with the authority to address

harassment can respond properly. Within days of the assault, Associate Dean of Students (b)(6); (b)(7(C)) and (b)(6); (b)(7(C)) knew about the event but failed to promptly investigate or initiate an investigation into the assault and subsequent dissemination of (b)(6); (b)(7(C)). (b)(6); (b)(7(C)) never advised that she could file a student disciplinary complaint. In addition, Deans (b)(6); (b)(7(C)) failed to initiate the student disciplinary process on their own. After (b)(6); (b)(7(C)) learned about the student disciplinary process, (b)(6); (b)(7(C)) aggressively pursued the matter with the University. To date, however, a hearing has not taken place and neither the students involved nor the Fraternity have been subject to discipline.

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

- 8. After learning about the student disciplinary process through the Office for Student Conflict resolution, (b)(6); (b)(7(C)) pursued a complaint against (b)(6); (b)(7(C))

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

(b)(6); (b)(7(C)) is still waiting for a hearing date from the University.

- 11. Monitored changes in policy and procedure so that another student is not subject to the ongoing harm and sexual harassment that (b)(6); (b)(7(C)) has sustained. Payment of attorney's fees and medical costs incurred by (b)(6); (b)(7(C)) including but not limited to past, present and future counseling costs. A complete refund of all tuition, room and board, and fees paid by (b)(6); (b)(7(C))



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

May 22, 2013

Dr. Michael J. Hogan
President
University of Illinois
108 Henry Administration Bldg
Urbana, IL 61801

Re: OCR Docket #05-12-2195

Dear Dr. Hogan:

On May 31, 2011, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against the University of Illinois at Urbana-Champaign (University) alleging discrimination on the basis of sex.

Specifically, the complaint alleges the following:

1. The University has subjected Student A to discrimination on the basis of sex when, from (b)(6); (b)(7)(C) other students sexually harassed the student, and the University was aware of the harassment but failed to respond promptly or appropriately.
2. From (b)(6); (b)(7)(C) the University subjected Student A to discrimination on the basis of sex when it failed to appropriately respond to a grievance she filed with the University in (b)(6); (b)(7)(C) alleging discrimination on the basis of sex.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits discrimination based upon sex in any educational program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to this law.

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

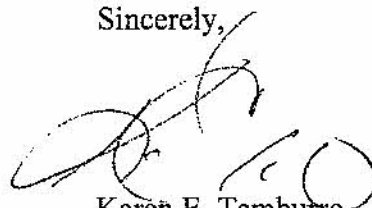
Page 2

OCR has been advised that the University, the Complainant and the party on whose behalf the complaint was filed have entered into the enclosed agreement that resolves the complaint allegations. Therefore, we are closing the complaint effective the date of this letter.

We are pleased that we were able to assist the University in resolving the matter. Because OCR is not a party to the agreement, we will not monitor the agreement. If the terms of the agreement are not implemented, the Complainant may file a new complaint. Consistent with our procedures, however, we would not investigate the failure to implement the agreement; rather, we would evaluate the new allegations of discrimination to determine the appropriateness of further efforts by OCR. To be considered timely, the Complainant must file the new complaint either within 180 days of the date of the original discrimination or within 60 days of the date she obtained information that a breach of the Agreement occurred, whichever is later.

We would like to thank you and your staff, for the assistance provided during our resolution of this complaint. If you have any questions regarding this letter, please contact Sandra L. Garcia, Equal Opportunity Specialist, at 312-730-1580 or me at 312/730-1607.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen E. Tamburre', written over a circular stamp or mark.

Karen E. Tamburre
Supervisory Attorney

CC:

Scott Warner
Franczek Radelet PC
University Legal Counsel

Early Complaint Resolution
University of Illinois-Champaign
05-12-2195

The University of Illinois at Urbana-Champaign (University) and Jim Navarre (Complainant), on behalf of (b)(6); (b)(7)(C) agree to enter into this Resolution Agreement (Agreement), as part of the U.S. Department of Education, Office for Civil Rights (OCR) Early Complaint Resolution (ECR) process, to resolve the issues the Complainant raised on behalf of the Student in complaint No. 05-12-2195 filed with OCR on May 31, 2012 (OCR Complaint). "Student" means (b)(6); (b)(7)(C) agents, heirs, attorneys, and assigns. "The University of Illinois at Urbana-Champaign" or "the University" means the Board of Trustees of the University of Illinois at Urbana as well as its past, current or future trustees, officers, affiliates, employees, faculty, agents, attorneys, or representatives.

The University, the Complainant, and the Student are referred to collectively herein as "the Parties." The Parties agree to the following:

Training

1. *Staff Training:* The University agrees to provide training, by September 9, 2013, to all deans who serve in the capacity as an "Emergency Dean" within the Office of the Dean of Students, the staff of the Fraternity and Sorority Affairs office, the staff of the Office for Student Conflict Resolution (OSCR), and the staff of the Women's Resource Center (WRC). The training will provide instruction on the legal requirements under Title IX of the Education Amendments of 1972 (Title IX) and will include a review of the *Dear Colleague Letter* (DCL) regarding Title IX issued by OCR on April 4, 2011. The training will also include instruction about the Student Disciplinary Procedures and mandatory reporting requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The University will provide written confirmation to the Complainant, by November 1, 2013, that training was held in accordance with this provision.
2. *Resident Advisor Training:* The University agrees to provide training, by September 9, 2013, to all incoming Resident Advisors (RAs) on the procedures for handling complaints of sexual harassment/sexual assault, including the requirement that if an RA receives a complaint regarding alleged or suspected sexual harassment/sexual assault, the RA will notify a Resident Director so that a Resident Director can notify the appropriate OSCR staff member. The training will also include information about how RAs will provide information about the student disciplinary process to the students they advise (e.g., in paper form or by providing students with a link to the information). The University will provide written confirmation to the Complainant by November 1, 2013, that training was held in accordance with this provision.
3. *Women's Resource Center Training:* The University agrees to provide training, by September 9, 2013, to the staff of the WRC regarding ways in which the WRC staff can assist students with the student disciplinary process. The University will provide written

confirmation to the Complainant by November 1, 2013, that training was held in accordance with this provision.

4. *Annual Hearing Committee Training.* All members of the Subcommittee on Undergraduate Student Conduct will undergo annual training regarding Title IX and the disciplinary procedures used to adjudicate student-on-student cases alleging sexual harassment, sexual assault, or other sexual misconduct. All members of the Subcommittee on Undergraduate Student Conduct who will participate in such disciplinary cases must undergo annual sensitivity training regarding victims of sexual harassment, sexual assault, or other sexual misconduct.

Freshman Orientation

5. The University agrees to incorporate into the training session for students who lead freshman orientation sessions, also known as “FYCARE,” information notifying students about the student disciplinary process, describing Title IX requirements, and providing an overview of the April 4, 2011 DCL. The University further agrees to review the FYCARE program as a whole to determine additional ways the FYCARE program may be improved, such as the addition of speakers as part of the FYCARE program.

Revisions to Student Disciplinary Procedures/Student Code

As of April 1, 2013, the revisions to the Student Disciplinary Procedures reflected in Exhibit A hereto have been approved and will become effective for the 2013-2014 academic year.

In addition, the following addition to Section 1-302(b) of the Student Code has been approved and will become effective for the 2013-2014 academic year:

- (6) recording, photographing, or transmitting sexual utterances, sexual sounds, or images of sexual acts involving one or more other persons without the knowledge and consent of the subjects;
- (7) allowing third parties to view sexual acts involving one or more other persons whether in person or via a video or other recording device without the knowledge and consent of the subjects;
- (8) engaging in voyeurism of sexual acts involving one or more other persons without knowledge and consent of the subjects.

The provisions in (6) – (8) do not extend to the photographing or other recording of public events or discussions or to recordings, photographs, or observations made or conducted for law enforcement purposes.

Provisions Relating to the Student:

6. The University has confirmed with (b)(6); (b)(7(C)) the Division of Public Safety representative responsible for compiling the crime and other data as required under the Clery Act, that the (b)(6); (b)(7(C))

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

was included in the University's forcible sex offense statistics for 2011 in the University's 2011 Annual Security Report.

7. The University will provide the Complainant with a written summary of the actions that the emergency dean did or did not take after receiving the report referenced in paragraph 6 above within 30 days of the date on which this Agreement is fully executed by the Parties.
8. The University agrees to provide the Complainant with a written statement regarding the rationale for the (b)(6); (b)(7)(C) student disciplinary hearing within 30 days of the date on which this Agreement is fully executed by the Parties.
9. The University agrees to pay to the Student a (b)(6); (b)(7)(C) ("Settlement Payment") within thirty (30) days of receiving all signatures on this Agreement and all requested I.R.S. Form W-9s. The University shall report the Settlement Payment to the appropriate taxing authorities at the times and manner required by law. The Complainant or the Student shall provide the University with the address to which the amount paid to the Student and any notices required under this Agreement should be mailed at the time the Student executes this Agreement. The Complainant and the Student acknowledge and agree that they will not seek any further payments from the University. The Student shall be solely responsible for and shall indemnify and hold the University harmless against all income and other taxes due with respect to the payment or receipt of the Settlement Payment, including interest, penalties and additions to tax.

Additional Provisions

10. The Parties agree that this Agreement is in full accord and satisfaction of any and all disputed issues between them. By entering into this Agreement, no party makes any admission nor statement suggesting that any party has committed any wrongdoing, engaged in any improper conduct, or violated any law. No party makes any admission of liability or damages or any representation as to any fact or disclosure other than those contained within this Agreement.
11. (a) The Complainant and the Student, on behalf of themselves and their agents, assigns, heirs, and representatives, unconditionally release the University and any of its past, current, or future trustees, officers, affiliates, employees, faculty, agents, attorneys, or representatives (collectively, the "Released Parties") from any and all claims, demands, damages, actions, or liability of any kind, whether known or unknown, including but not limited to matters which have been, could have been, or could be asserted against the University, arising out of or relating in any way to: (i) the OCR Complaint; (ii) the Student's enrollment as a student at the University; or (iii) the allegations in the lawsuit captioned (b)(6); (b)(7)(C) pending in the Circuit Court of Cook County, Illinois. The claims released by this paragraph include, but are not limited to, any claims, charges, demands, or actions arising under or relating to: (A) the Illinois Human Rights Act; Titles VI or IX of the Civil Rights Act of 1964,

the Americans with Disabilities Act (as amended), the Rehabilitation Act of 1973, or any other federal, state, or local statute, ordinance, or regulation dealing in any way with education; (B) any contract the Student may have with the University, whether oral or written, whether express or implied, including but not limited to any contractual obligation arising out of any University policy, manual, handbook, or procedure; (C) any tort, including but not limited to wrongful or retaliatory discharge, whistle blowing, defamation, false light, tortious interference with contract, negligent or intentional infliction of emotional distress, or negligence; (D) any other common law, statutory, or other duty relating to the Student's status as a student at the University; or (E) any other occurrence prior to the date on which this Agreement is executed by all of the Parties. The Student understands and agrees that she is forever giving up and waiving all such claims and that she hereby releases, and covenants not to sue, the Released Parties with respect to the aforementioned claims.

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

(b)(6); (b)(7)(C) pending in the Circuit Court of Cook County, are expressly not Released Parties under this Agreement and are expressly not released from any claims whatsoever under this Agreement or by virtue of this Agreement. The Student is not giving up, is not foregoing, and is not waiving any and all pending or future claims of any kind against

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

(b)(6); (b)(7)(C) pending in the Circuit Court of Cook County, and further stating, the Student does not hereby waive and/or release any and all other claims and/or causes of action of any kind or nature whatsoever as against (b)


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

(c) By means of paragraph 11(a) of this Agreement, neither the Complainant nor the Student release any claims that cannot be released as a matter of law, and this Release also does not foreclose the Student from participating in any future investigation undertaken by a federal, state, or local agency, provided that the Student does hereby waive and release the right to any recovery in connection with any such federal, state, or local action relating to, containing, or stemming from any of the claims released pursuant to paragraph 11(a) of this Agreement.

12. The Complainant and the Student represent that, with the exception of the OCR Complaint, they have neither filed nor maintained any complaint, charge, or claim of any nature against the University or any of its past or present trustees, officers, affiliates, faculty members, employees, agents, or representatives, with or before any legislative or adjudicative body. The Complainant and the Student further represent that they have not heretofore assigned any of the claims released pursuant to paragraph 11 of this Agreement.

13. The (i) Complainant and the Student and (ii) the University's administrators with knowledge of the terms and conditions of this Agreement agree not to disparage each other publicly or privately.
14. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same Agreement.
15. This document has been executed in the State of Illinois and shall be governed in accordance with the laws of the State of Illinois in every respect and other applicable laws, rules, and regulations. This Agreement and any claims or disputes between the Parties arising out of this Agreement shall be governed by the internal laws (exclusive of the conflicts of law principles) of the State of Illinois.
16. This Agreement constitutes the complete understanding between the Parties. No other promises or agreements, either express or implied, shall be binding upon any party except by written amendment to this Agreement signed by all Parties.
17. The Parties agree that: (i) they have carefully read this Agreement prior to signing it and fully understand its meaning and intent; (ii) they have had an opportunity to have this Agreement explained to them by legal counsel and that they understand its legal consequences; (iii) they agree to all the terms of this Agreement and are voluntarily signing below; and (iv) the only consideration for their signing this Agreement are the terms stated herein and no other promises or representations of any kind have been made by any person or entity whatsoever to cause them to sign this Agreement.

The Parties agree that the Agreement resolves the OCR complaint. The Parties understand that OCR will close the complaint and if the Agreement is breached, the Complainant has a right to file another complaint with OCR. If the Complainant files a new complaint, OCR will address the original complaint allegations and not the alleged breach of the Agreement. To be considered timely, the Complainant must file the new complaint either within 180 days of the date of the original discrimination or within 60 days of the date the Complainant obtains information that a breach of the Agreement occurred, whichever is later.

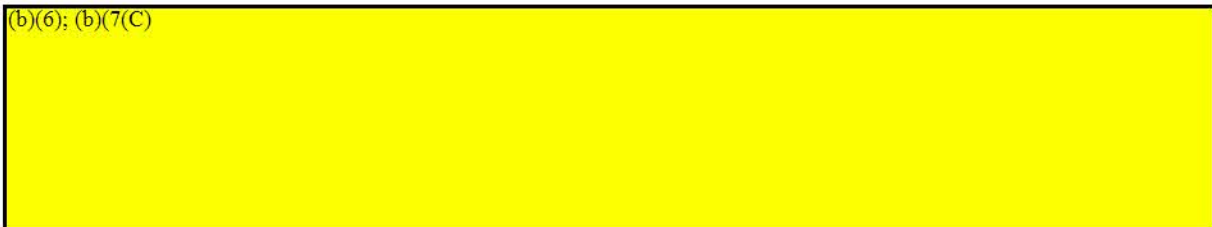


Jim Nayarre
Complainant

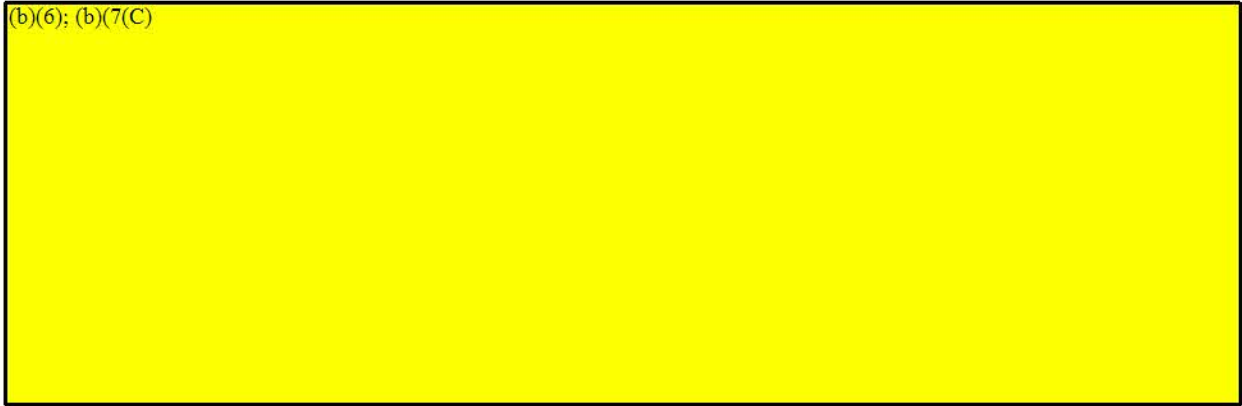
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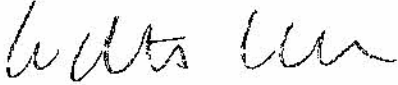
(b)(6); (b)(7)(C)



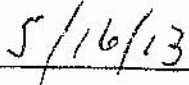
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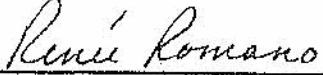
Accepted and agreed to for and on behalf of the University:



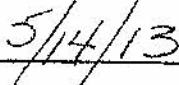
Walter K. Knorr, Comptroller



Date



Renee Romano, Vice Chancellor for
Student Affairs

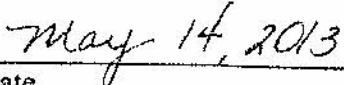


Date

Approved as to legal form:



Office of University Counsel



Date

EXHIBIT A

**APPENDIX D
SUPPLEMENTAL PROTOCOLS FOR SEXUAL HARASSMENT INCLUDING SEXUAL
MISCONDUCT ALLEGATIONS**

In cases that include an accusation of sexual harassment between students, including sexual misconduct, the following provisions shall also apply. In the event of a conflict between this Appendix and Article II, this Appendix shall prevail.

When a student sexually harasses another student, the harassing conduct creates a hostile environment if the conduct is sufficiently severe or pervasive that it interferes with or limits a student's ability to participate in or benefit from the school's program. Once the University knows or reasonably should know about sexual harassment or sexual misconduct that creates a hostile environment, the University must take prompt action to eliminate the harassment or misconduct, prevent its recurrence and address its effects. The University, including the Office for Student Conflict Resolution, the Disciplinary Officer, and the disciplinary subcommittees, shall comply with Title IX of the Education Amendments of 1972. When implementing the requirements of Title IX, the University shall seek guidance from the United States Department of Education, Office for Civil Rights April 4, 2011 Dear Colleague Letter.

ARTICLE II. DISCIPLINARY OFFICER AND HEARING COMMITTEE PROCEDURES

Section 2.01 Definitions

- (a) **Advisor.** The University will make available an advisor who will be available to assist an alleged victim as requested with the following:
1. Referring the student for appropriate medical and/or counseling services
 2. Referring the student to the appropriate law enforcement agency
 3. Assisting the student in the presentation of his/her complaint to law enforcement agencies
 4. Informing the student about the University student disciplinary system, how it operates, and the role that the respondent, the alleged victim and advisors play in the process
 5. Accompanying the student in meetings with staff in the Office for Student Conflict Resolution and the Office of the Dean of Students
 6. Appearing as the advisor with the student at the time the student appears in the disciplinary hearing
 7. Working with the student and continuing to consult with the student after the disciplinary process has been completed

Section 2.02 Disciplinary Officer Procedures

- (a) **Intake and Review.** Once the University knows or reasonably should know about possible sexual harassment or sexual misconduct, the University must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. A typical investigation takes approximately 60 calendar days following receipt of the complaint, but the length of each investigation may vary depending on the complexity of the investigation and the severity and extent of the alleged harassment. The parties involved in a student-on-student sexual harassment matter will be given periodic status updates during the investigation.

- (e)(ii) **Contested Disposition.** An alleged victim will be notified of the outcome of the DO's decision and sanctions in writing. The alleged victim may appeal the DO decision according to the guidelines in this document.

Section 2.03 Subcommittee Procedures

(b)(i) Process: Pre-hearing Information

- (b)(i)(3) In advance of information being presented at the hearing, and in accordance with the Family Educational Rights and Privacy Act (FERPA), the alleged victim and the respondent(s) shall be provided access to all evidence, items, objects, images, photographs or videos that will be presented during the hearing. The hearing committee chair will consider any objections to the presentation of such materials.
- (b)(i)(3)(a) Prior to the start of the hearing, the alleged victim or respondent may request to see the hearing room ahead of time, and request any reasonable modifications to the hearing room location, seating arrangements, etc. In the event there is more than one respondent, each respondent and/or the alleged may request that a separate hearing be held with each individual respondent. The University will evaluate any such requests with due consideration given to the interests and procedural rights of both the alleged victim and the respondent(s) when considering such requests.
- (b)(5) An alleged victim's advisor is allowed to communicate with the alleged victim during the hearing regarding the hearing procedures. As part of such communication, an advisor could suggest to an alleged victim that he or she object if the hearing process does not comport with Title IX or the guidance set forth in the DCL.
- (b)(6) The University will use reasonable efforts to help secure the attendance of relevant witnesses affiliated with the University identified by either the alleged victim or the respondent(s).

(b)(ii) Process: Procedures at the hearing

- (b)(ii)(4) The University will comply with the FERPA rights of both the alleged victim and the respondent(s). If a party makes an allegation or assertion that could be supported or undermined using information from that party's education records and that party declines to consent to the release of that information, the hearing committee may take the absence of the education record information into account in considering and weighing the evidence presented at the hearing.
- (b)(ii)(5)(b) and (d) Both the alleged victim and the respondent may make opening statements and closing comments, but such statements and comments must be directed towards the hearing committee members. The chair of the hearing committee may exclude or remove from the hearing room the respondent, the alleged victim, or any other person who disregards this directive.
- (b)(ii)(6)(a) All witnesses are questioned first by the Subcommittee and then the Respondent and then the alleged victim.
- (b)(ii)(6)(b) – STRIKE
- (b)(ii)(6)(c) Both the alleged victim and the respondent may ask questions of each other only through the chair of the hearing committee and must refrain from directly addressing each other during

the hearing. The chair may exclude or remove from the hearing room the respondent, the complainant, or any other person who disregards this directive or who otherwise disrupts or interferes with the orderly process of the hearing.

- (b)(ii)(7) The University agrees to make the Title IX Coordinator or a deputy coordinator available in person or by telephone during all hearings involving an allegation(s) of sexual harassment or sexual misconduct in order to confer with, and provide guidance to, the hearing committee.

(b)(iv) Process: Notice of action taken

- (b)(iv)(3) The University will notify the alleged victim in writing, about the outcome of the hearing, which includes whether there has been a policy or code violation and, if so, what sanctions have been imposed, and any appeal rights.

Article III. APPEALS

Section 3.01 In General

(c) Appeals to Executive Director

- (i) **Who May Appeal.** Both the respondent and the alleged victim may appeal a decision to the Executive Director. The Dean of Students may also appeal a decision, but only if he/she determines that the decision was manifestly unfair to the University community.
- (ii) **Notice of Appeal.** The appellant must submit a Notice of Appeal to the Executive Director within five business days of the original decision. Upon good cause shown, an extension may be requested in writing and may be granted by the Executive Director.
- (iii) **Content of Notice of Appeal.** The Notice of Appeal must contain at least the following: (1) specific grounds for appeal; (2) specific outcome requested (3) appellant's reasons in support of the outcome requested. Appeals must be formal letters written and signed by the appellant. Appeals are not accepted verbally. If a Notice of Appeal is submitted by one party but not both, the other party will be notified and granted access to the document. S/he may then submit a written response to be considered by the Executive Director. The appellant will then be granted access to this response.
- (iv) **Sanction Held in Abeyance Pending Appeal.** The effective date of any sanction will be held in abeyance automatically during the period when the appeal may be filed and until the Executive Director reaches a decision on any appeal filed. However, the Executive Director retains the right to retain certain conditions or restrictions, particularly those related to life safety issues and "no contact" directives.
- (v) **Appeal Review.** The Executive Director may conduct interviews with parties involved in the matter (e.g. disciplinary officers, respondent, witnesses, and alleged victim.)
- (vi) **Authority of Executive Director.** Upon review, the Executive Director may:
1. Affirm the action, at which time the matter will be considered final and binding upon all involved.

2. Reverse the action taken by the original hearing body and dismiss the case.
3. Remand the case to the original or new hearing body for a new hearing.
4. Increase or decrease any sanctions imposed if deemed appropriate based on information presented during the appeal process.

(vii) **Notice and Record of Decision.** A decision will be communicated to the respondent, the alleged victim, and the hearing officer within 5 days of the conclusion of the Executive Director's review of the case.

(d) Appeals to Subcommittees and Senate Committee

- (i) **Who May Appeal.** Both the respondent and the alleged victim may appeal a decision to a Subcommittee or the Senate Committee, as appropriate. The Dean of Students may also appeal a decision, but only if he/she determines that the decision was manifestly unfair to the University community.
- (ii) **Notice of Appeal.** The appellant must submit a Notice of Appeal to the Executive Director within five business days of the date on which notice of the action of the original hearing was transmitted to that individual. Upon good cause shown, an extension may be requested in writing and may be granted by the Executive Director.
- (iii) **Content of Notice of Appeal.** The Notice of Appeal must contain at least the following: (1) specific grounds for appeal; (2) specific outcome requested (3) appellant's reasons in support of the outcome requested. Appeals must be formal letters written and signed by the appellant. Appeals are not accepted verbally. If a Notice of Appeal is submitted by one party but not both, the other party will be notified and granted access to the document. S/he may then submit a written response to be considered by the SCSD or Subcommittee. The appellant will then be granted access to this response.
- (iv) **Sanction Held in Abeyance Pending Appeal.** The effective date of any sanction will be held in abeyance automatically during the period when the appeal may be filed and until the committee reaches a decision on any appeal filed. However, the SCSD and Subcommittees retain the right to retain certain conditions or restrictions, particularly those related to life safety issues and "no contact" directives.
- (v) **Appellate Review.**
 1. The hearing of any appeal will be scheduled by the Executive Director for the most expedient meeting of the SCSD or Subcommittee following the date of the filing of the notice of appeal. The Executive Director will notify the appellant and the other party of the date, time, and place of the hearing in writing at least 5 days prior to the hearing.
 2. A quorum for hearing an appeal shall consist of five of the authorized, voting membership of the SCSD or Subcommittee. [Please note: special quorum requirements of some subcommittees are noted elsewhere in this document].
 3. The appeal hearing will be closed to the public. The respondent and the alleged victim may both attend the hearing, and each has the right to bring an advisor.

4. The appellant will present a brief (limited to 10 minutes) statement detailing his/her rationale for appeal.
 5. The other party may also present a brief (limited to 10 minutes) statement in response.
 6. The Chair of the Committee/hearing officer responsible for the original decision or a member designated by the Executive Director will attend the hearing and may make statements regarding the original hearing. Any involved parties and advisors have the right to be present for such statements.
 7. No person may address the Committee without the express consent of the Chair of the Committee/Subcommittee.
- (vi) **Deliberations.** The SCSD/Subcommittee will deliberate on the appeal in executive session. The Executive Director may authorize non-voting parties (such as University Counsel) to be present for deliberations. Appeal decisions of the SUSC and Subcommittee are made by a two-thirds majority vote. Absent a two thirds majority, the decision of the original hearing body shall be affirmed.
- (vii) **Authority of SCSD/Subcommittee.** After deliberations, the SCSD/Subcommittee may:
1. Affirm the action, at which time the matter will be considered final and binding upon all involved.
 2. Reverse the action taken by the original hearing body and dismiss the case.
 3. Remand the case to the original or new hearing body for a new hearing.
 4. Increase or decrease any sanctions imposed if deemed appropriate based on information presented during the appeal process.
- (viii) **Notice and Record of Decision.** A decision will be communicated to the respondent, the alleged victim, and, when applicable, the Chair of the appropriate Subcommittee of the action taken within 5 days of the date the SCSD/Subcommittee has reached a decision.
- (ix) **Review by Title IX Coordinator.** The Title IX Coordinator or a deputy Title IX coordinator should review all sexual harassment or sexual misconduct matters brought before a disciplinary subcommittee to determine whether the University can take corrective action under Title IX that was not available through the disciplinary process.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

Jim P. Navarre, Esq.
Mossing & Navarre, L.L.C.
30 North LaSalle Street
Suite 1524
Chicago, IL 60602

Re: OCR Docket # 05-12-2195

Mr. Navarre:

On May 31, 2011, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against the University of Illinois at Urbana-Champaign (University) alleging discrimination on the basis of sex.

Specifically, the complaint alleges the following:

1. The University has subjected Student A to discrimination on the basis of sex when, from (b)(6); (b)(7(C)) other students sexually harassed the student, and the University was aware of the harassment but failed to respond promptly or appropriately.
2. From (b)(6); (b)(7(C)) the University subjected Student A to discrimination on the basis of sex when it failed to appropriately respond to a grievance she filed with the University in (b)(6); (b)(7(C)) alleging discrimination on the basis of sex.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits discrimination based upon sex in any educational program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the University is subject to this law.

OCR has been advised that the University, the Complainant and the party on whose behalf the complaint was filed have entered into the enclosed agreement that resolves the complaint allegations. Therefore, we are closing the complaint effective the date of this letter.

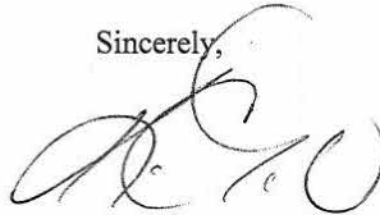
We are pleased that we were able to assist the University in resolving the matter. Because OCR is not a party to the agreement, we will not monitor the agreement. If the terms of the agreement are not implemented, the Complainant may file a new complaint. Consistent with

Page 2 -- Mr. Navarre

our procedures, however, we would not investigate the failure to implement the agreement; rather, we would evaluate the new allegations of discrimination to determine the appropriateness of further efforts by OCR. To be considered timely, the Complainant must file the new complaint either within 180 days of the date of the original discrimination or within 60 days of the date she obtained information that a breach of the Agreement occurred, whichever is later.

We would like to thank you and your staff, for the assistance provided during our resolution of this complaint. If you have any questions regarding this letter, please contact Sandra L. Garcia, Equal Opportunity Specialist, at 312-730-1580 or me at 312/730-1607.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Tamburro', with a large, stylized flourish at the end.

Karen E. Tamburro
Supervisory Attorney