



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 24, 2016

Ms. Christy Hall
Attorney
Gender Justice
550 Rice Street, Ste. 105
St. Paul, MN 55103

Re: #05-16-2208
St. Olaf College

Dear Ms. Hall:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has carefully evaluated the above referenced complaint you filed with OCR on April 11, 2016, against St. Olaf College (College) alleging discrimination on the basis of sex. We conducted the evaluation in accordance with OCR's *Case Processing Manual* (CPM) to determine whether to open the complaint for investigation. We have determined that we have the authority to investigate this complaint.

Specifically, the complaint alleges the College discriminated against your client, a female undergraduate student (Student A), based on sex during the ^{Non} academic year when it failed to promptly and equitably respond to Student A's ^{Non Responsive} ^{Non Responsive} ^{Non Responsive} (Student B). The complaint raises whether the College fails to promptly and equitably respond to complaints, reports and/or incidents of sexual violence of which it had notice, thereby creating for students a sexually hostile environment.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department and a public entity, the College is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

We conducted the evaluation in accordance with OCR's *Case Processing Manual* to determine whether to open your complaint for investigation. We have determined that we have the authority to investigate this complaint.

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 its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant

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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 expresses an interest to 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 allegation or the information obtained during the investigation and it must be consistent with applicable regulations.

OCR is committed to prompt and effective service. If you have any questions, please contact Emily Martin, Investigator, by phone at (312) 730-1505 or by email at emily.martin@ed.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ann Cook-Graver". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ann Cook-Graver
Supervisory Attorney

Enclosure



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May 24, 2016

David R. Anderson, Ph.D.
President
St. Olaf College
1520 St. Olaf Avenue
Northfield, MN 55057

Re: OCR Docket #05-16-2208
St. Olaf College

Dear Dr. Anderson:

On April 11, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above-referenced complaint filed against St. Olaf College (College) alleging discrimination on the basis of sex. We conducted the evaluation in accordance with OCR's *Case Processing Manual* (CPM) to determine whether to open the complaint for investigation. We have determined that we have the authority to investigate this complaint.

Specifically, the complaint alleges the College discriminated against a female undergraduate student (Student A) based on sex during the **Non Responsive** academic year when it failed to promptly and equitably respond to Student A's **Non Responsive** **Non Responsive** (Student B). The complaint raises whether the College fails to promptly and equitably respond to complaints, reports and/or incidents of sexual violence of which it had notice, thereby creating for students a sexually hostile environment.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department and a public entity, the College is subject to Title IX. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR has determined that it has jurisdiction and that the allegation is timely, and is therefore opening the allegation for investigation. Please note that opening the allegation for investigation in no way implies that OCR has made a determination with regard to its 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 allegation, in accordance with the provisions of Article III of the CPM.

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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 allegation. Some information about the ECR process is in the enclosure to this letter entitled "OCR Complaint Processing Procedures."

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 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 (Title VI) at 34 C.F.R. § 100.6(b) and (c) requires that a recipient of Federal financial assistance make information that may be pertinent to reach a compliance determination available to OCR. This requirement is incorporated by reference by the regulation implementing Title IX 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 is requesting that you forward the following information to us within fifteen (15) calendar days from the date of this letter. Please provide the requested information in electronic format.

1. A narrative response to the complaint allegation.
2. The name and contact information for the College's Title IX Coordinator and a description of how students are informed of this individual's name and contact information.

3. A copy of the College's policies of nondiscrimination on the basis of sex and, if different, its policies on sexual violence, misconduct and/or harassment, along with a description of how students and employees are informed of these policies, and the names and titles of College staff responsible for implementing these policies.
4. A copy of the College's grievance procedures for complaints of discrimination based on sex, including sexual violence, misconduct or harassment, a description of how students and employees are informed of these procedures, and the names and titles of College staff responsible for implementing these procedures.
5. If not included in the response to item #4, a description of the role of campus or community law enforcement in the grievance procedures, including a description of any memorandum of understanding between the College and local law enforcement agencies.
6. An explanation of how criminal complaints are handled and of the effect of criminal complaints on the grievance process referenced in item #4, including information about any College designated contact points for related criminal investigations and the process for communications with local law enforcement officials about the status of a criminal investigation and/or potential prosecution.
7. An explanation of how the College handles requests for confidentiality made as part of the grievance procedures referenced in item #4.
8. Any handouts, fliers or other informational material provided to complainants and/or their advocates who report sexual assault when they invoke any grievance processes and a copy of any Victim's Bill of Rights provided to complainants and/or their advocates when or after a grievance is filed or contemplated.
9. A detailed description of any training provided to the College's Title IX Coordinator or other College personnel regarding sex discrimination, including any training covering sexual harassment and sexual violence, and how to respond to a Title IX complaint, including how to conduct a Title IX investigation, the date(s) the training was provided, the names and qualifications of the individuals who provided the training, a list of the names and titles of the individuals who attended the training, and a copy of any materials distributed at the training.
10. A copy of the College's Student Code of Conduct for the, 2013-2014, 2014-2015 and 2015-2016 academic years.
11. A copy of all written reports of sexual violence, misconduct or harassment of Student A during the **Non Responsiv** academic year, and a narrative description of all verbal reports of sexual violence, misconduct or harassment of Student A during the **Non** **Non Resp** academic year.

12. With regard to each written or verbal report of sexual violence, misconduct or harassment referenced in the response to item #11:
 - a. A description with supporting documentation of any actions taken by the College to investigate and, if appropriate, respond to the written or verbal report;
 - b. Copies of all notes, memoranda, correspondence, and other documents regarding the report of sexual violence, misconduct or harassment and investigation, including but not limited to letters, internal memoranda, complaint forms, reports, electronic-mail communications and notes of meetings;
 - c. A list of any individuals interviewed in response to the allegation(s), and the notes of any such interviews;
 - d. A copy of any findings and statements of fact; and
 - e. A description of any action taken as a result of the investigation, and, if applicable, a written explanation of the reason(s) for not taking any action in response to the allegation(s).
13. A copy of all written reports of sexual violence, misconduct or harassment of any student by Student B and a narrative description of all verbal reports of sexual violence, misconduct or harassment of any student by Student B.
14. With regard to each written or verbal report of sexual violence, misconduct or harassment referenced in the response to item #13:
 - a. A description with supporting documentation of any actions taken by the College to investigate and, if appropriate, respond to the written or verbal report;
 - b. Copies of all notes, memoranda, correspondence, and other documents regarding the report of sexual violence, misconduct or harassment and investigation, including but not limited to letters, internal memoranda, complaint forms, reports, electronic-mail communications and notes of meetings;
 - c. A list of any individuals interviewed in response to the allegation(s), and the notes of any such interviews;
 - d. A copy of any findings and statements of fact; and
 - e. A description of any action taken as a result of the investigation, and, if applicable, a written explanation of the reason(s) for not taking any action in response to the allegation(s).
15. A description of how the College records and tracks complaints of discrimination based on sex, including sexual violence and other types of sexual harassment, as well as any monitoring that takes place after complaints are received, investigated, and responded to.

16. A list of all other complaints of sexual violence, misconduct or harassment (written or verbal) filed with the College during the 2013-2014, 2014-2015 and 2015-2016 academic years, with the following information for each:
 - a. A description with supporting documentation of any actions taken by the College to investigate and, if appropriate, respond to the written or verbal report;
 - b. Copies of all notes, memoranda, correspondence, and other documents regarding the report of sexual violence, misconduct or harassment and investigation, including but not limited to letters, internal memoranda, complaint forms, reports, electronic-mail communications and notes of meetings;
 - c. A list of any individuals interviewed in response to the allegation(s), and the notes of any such interviews;
 - d. A copy of any findings and statements of fact; and
 - e. A description of any action taken as a result of the investigation, and, if applicable, a written explanation of the reason(s) for not taking any action in response to the allegation(s).
17. A copy of any campus climate survey questionnaire utilized by the College during the 2013-2014, 2014-2015 and 2015-2016 school years, and the results of each survey.
18. For the 2013-2014 academic year to present, a copy of the College's Clery Act reports.
19. If not provided in response to the items above, the following information for each incident of sexual violence, sexual assault or sexual misconduct identified in the College's Clery Act reports:
 - a. A description with supporting documentation of any actions taken by the College to investigate and, if appropriate, respond to the written or verbal report;
 - b. Copies of all notes, memoranda, correspondence, and other documents regarding the report of sexual violence, misconduct or harassment and investigation, including but not limited to letters, internal memoranda, complaint forms, reports, electronic-mail communications and notes of meetings;
 - c. A list of any individuals interviewed in response to the allegation(s), and the notes of any such interviews;
 - d. A copy of any findings and statements of fact; and
 - e. A description of any action taken as a result of the investigation, and, if applicable, a written explanation of the reason(s) for not taking any action in response to the allegation(s).
20. If not included in the response to the above items, a copy of all correspondence, memoranda, electronic mail messages, meeting notes and other documents concerning the allegations in this complaint.

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Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information. We will work to schedule a mutually convenient time for an onsite visit subsequent to OCR's receipt and review of the above requested data.

Please notify OCR of the name, address, and telephone number of the person who will serve as the College'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 and Student B. .

OCR is committed to prompt and effective service. If you have any questions, please contact Emily Martin, Investigator, by phone at 312-730-1505 or by email at emily.martin@ed.gov .

Sincerely,

A handwritten signature in blue ink, appearing to read "Ann Cook Graver". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ann Cook Graver
Supervisory Attorney

Enclosure