



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

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

October 21, 2015

Dr. Jeff Abernathy
President
Alma College
614 West Superior Street
Alma, Michigan 48801

Re: OCR Docket #15-15-2218

Dear Dr. Abernathy:

On June 25, 2015, the U.S. Department of Education, (Department) Office for Civil Rights (OCR), received a complaint against Alma College (the College). The complaint alleges that the College discriminated against a former student (the Student) based on sex. Specifically, the complaint alleges that the College failed to conduct an adequate, reliable, and impartial investigation on a complaint of sexual misconduct (b)(6),(b)(7)(A), (b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive and failed to respond to a complaint of sexual misconduct that the Student filed (b)(6),(b)(7)(A),(b)(7) (b)(6),(b)(7)(A),(

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the Department. As the College is a recipient of Federal financial assistance from the Department, it is subject to the requirements of Title IX.

Because OCR has determined that we have jurisdiction over the complaint allegations and the complaint was filed timely, we are opening these allegations for investigation. Based on the complaint allegations, we will investigate whether the College provided a prompt and equitable response to sexual harassment complaints as required by the Title IX implementing regulation at 34 C.F.R. §§ 106.8(b) and 106.31.

Please note that opening allegations for investigation in no way implies that OCR has made a determination with regard to their merits. During the investigation, OCR is a

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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 OCR's Case Processing Manual.

For your reference, the enclosed document, entitled "OCR Complaint Processing Procedures," includes information about:

- OCR's complaint evaluation and resolution procedures, including the availability of Early Complaint Resolution (ECR);
- regulatory prohibitions against retaliation, intimidation and harassment of persons who file complaints with OCR or participate in an OCR investigation; and
- the application of the Freedom of Information Act and the Privacy Act to OCR investigations.

Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR intends to conduct a prompt investigation of this complaint. The Title VI regulation, at 34 C.F.R. § 100.6, requires that a recipient of Federal financial assistance make available to OCR information that may be pertinent to reaching a compliance determination. The Title IX regulation incorporates those requirements by reference at 34 C.F.R. § 106.71. In addition, in accordance with the Title VI regulation at 34 C.F.R. § 100.6(c) and the regulation implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, at 34 C.F.R. § 99.31(a)(3)(iii), OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, we are requesting that you forward the following information to us within 15 calendar days of the date stamped at the top of this letter. Wherever possible, please provide the requested information electronically (and bates-labeled if you have that capability); otherwise please provide the information via hard copy:

1. a copy of any College policies or procedures in effect during the (b)(6),(b)(7)(A),(b)(7)(C),Nonresponsive school years that address discrimination and harassment based on sex involving students, including the College's Title IX grievance procedures, applicable disciplinary procedures and codes, appeal procedures, and nondiscrimination notices;
2. if any of the above policies or procedures changed over the applicable time period, please provide a copy of all documents that reflect each change and note the date(s) when the new policy or procedure became applicable;

3. the name(s) and title(s) of the College's Title IX coordinator(s), and any deputy or co-coordinator(s). In addition, please note when each individual assumed his or her position, and provide an explanation of how that person or persons' identity and contact information are disseminated to students, faculty, staff, and administrators;
4. the names and titles of any College personnel responsible for investigating incidents of discrimination and harassment based on sex or implementing any part of the College's Title IX grievance process;
5. a description of how the College handles requests for confidentiality by those reporting incidents of discrimination and harassment based on sex;
6. a copy of all documentation concerning any formal or informal complaints or reports of sexual assault or sexual harassment made to the College by or against the Student (b)(6), (b)(7)(A), (b)(7)(C) Nonresponse including:
 - a. a copy of any written complaints or reports, and a detailed description of any verbal complaints;
 - b. a copy of all investigative files, interview memoranda, witness statements, and related documents concerning any College investigation of these complaints or reports;
 - c. a copy of any documents showing the steps of the investigation and the results of the College's investigation, including any correspondence, e-mails, and other documents, as well as how the College notified pertinent parties of the outcome of each investigation;
 - d. a detailed description of any action the College took to stop any harassment or discrimination and to prevent any additional discrimination or harassment based on sex, while each complaint or report was being investigated (interim measures) or after the investigation concluded; and
 - e. a copy of any documents, including student discipline records, memoranda, e-mails, notes, or other documents, that discuss or relate to any disciplinary or other remedial action the College took in response to each complaint or report.

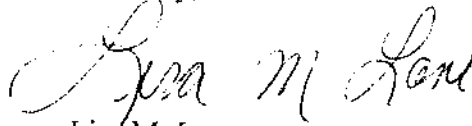
7. a copy of all documentation concerning any formal or informal complaints or reports of sexual assault or sexual harassment made to the College (b)(6) (b)(6), (b)(7)(A), (b)(7)(C), Nonresponsive (including, but not limited to those received by College personnel, campus police, College Housing, or those received elsewhere and then referred to the College) or investigated/resolved by the College during that time period, including:
 - a. a copy of any written complaints or reports, and a detailed description of any verbal complaints;
 - b. a copy of all investigative files, interview memoranda, witness statements, and related documents concerning any College investigation of these complaints or reports;
 - c. a copy of any documents showing the steps of the investigation and the results of the College's investigation, including any correspondence, e-mails, and other documents, as well as how the College notified pertinent parties of the outcome of each investigation;
 - d. a detailed description of any action the College took to stop any harassment or discrimination and to prevent any additional discrimination or harassment based on sex, while each complaint or report identified in response to request 6(a) above was being investigated (interim measures) or after the investigation concluded;
 - e. a copy of any documents, including student discipline records, memoranda, e-mails, notes, or other documents, that discuss or relate to any disciplinary or other remedial action the College took in response to each complaint or report identified in response to request 6(a) above; and
8. if not included in responses above, copies of all communications, including letters, e-mails, notes, memoranda, reports, notices, or other communications sent or received by College faculty, staff, administration, and/or Trustees that discuss, relate or refer to the complaints or reports identified under requests 6 and 7 above;
9. if not included in responses above, a copy of any notes, agendas, summaries, or follow-up communication related to any meetings between College staff and the Student regarding any allegations of, or remedies for, sexual assault or sexual harassment;

10. if not included in responses to request 7 above, copies of any notes, agendas, summaries or follow-up communication related to any meetings between College staff and the complaining or accused student(s) regarding any allegations of, or remedies for, sexual assault or sexual harassment;
11. a description and copies, if applicable, of any steps the College took during the (b)(6), (b)(7)(A), (b)(7)(C), Nonresponsive school years to make students, faculty, and staff at the College aware of the policies and procedures identified in response to requests 1 or 2 above, such as publications, website statements, and/or training;
12. a description of the ways in which the College communicates with students, staff, and other members of the campus community about its processes for addressing sexual assault or sexual harassment (for example, through its web site, specific publications, specific other electronic means, etc.);
13. a description of any training regarding Title IX as it applies to sexual assault or sexual harassment the College provided or offered to (1) College personnel and (2) College students during the (b)(6), (b)(7)(A), (b)(7)(C) school years. For each training, include the date of the training; the target audience; copies of any related materials distributed at the trainings; and a description of the background/expertise of the individual who provided training;
14. a copy of any and all brochures, pamphlets, or other materials that are disseminated by the College to students regarding sexual assault or sexual harassment, the rights of complainants and accused individuals, and/or other campus resources available to assist those facing sexual assault or sexual harassment;
15. a description of how the College has assessed the campus climate regarding sexual and sex-based harassment issues, conducted self-assessments, collected data, or monitored sexual and sex-based assaults or harassment on campus, if at all, for the (b)(6), (b)(7)(A), (b)(7)(C) school years. Please provide any summaries or interim or final reports that describe the outcome of these efforts; and
16. any other information you believe relevant to the complaint allegation.

Thank you for your cooperation in this matter. We also may need to interview individuals at the College with knowledge of the facts of this case. If we determine that an onsite visit is necessary, we will contact you to schedule a mutually convenient time for our visit.

Upon receipt of this letter, please notify OCR of the name, address, and telephone number of the person who will serve as the College's contact person during OCR's investigation. If you have questions, please contact Brenda Redmond or Deborah Kamat, the OCR staff who are assigned to investigate this complaint. Ms. Redmond can be reached by phone at (216) 522-2667 or by e-mail at Brenda.Redmond@ed.gov. Ms. Kamat can be reached by phone at (216) 522-2668 or by e-mail at Deborah.Kamat@ed.gov.

Sincerely,

A handwritten signature in cursive script that reads "Lisa M. Lane".

Lisa M. Lane
Supervisory Attorney/Team Leader

Enclosure



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

1350 EUCLID AVENUE, SUITE 325
CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

October 20, 2015

(b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive

Re: OCR Docket #15-15-2218

Dear (b)(6),(b)(7)(A),(b)(7)(C)

On June 25, 2015, the U.S. Department of Education, (Department) Office for Civil Rights (OCR), received your complaint against Alma College (the College), alleging race and sex discrimination. Specifically, your complaint alleges that the College discriminated against you as follows:

1. The College failed to conduct an adequate, reliable, and impartial investigation on a complaint of sexual misconduct (b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive (b)(6),(b)(7)(A),(b)(7)(C)
2. The College failed to respond to a complaint of sexual misconduct that you filed (b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive
3. (b)(6),(b)(7)(A),(b)(7)(C) the College discriminated against you based on your race (b)(6),(b)(7)(A),(b)(7)(C) and color (b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive (b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive

After carefully reviewing the information you provided, OCR has determined that it is closing allegation #3, and opening for investigation allegations #1 and #3. The bases for our determinations are set forth below.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106 (Title IX). Title IX prohibits discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the Department. OCR is also responsible for enforcing Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100 (Title VI). Title VI prohibits discrimination on the basis of race, color and national origin by recipients of federal financial assistance. As the College is a recipient of Federal financial assistance from the Department, it is subject to the requirements of Title IX and Title VI.

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(b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive

In an e-mail dated August 18, 2015, OCR informed you that we required additional information regarding your allegations. You responded via email on September 7, 2015, and provided additional information during a phone call with OCR staff on September 23, 2015.

Allegations Being Dismissed

(b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive

(b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive

(b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive

Pursuant to Section 108(c) of OCR's Case Processing Manual, OCR will not investigate an allegation of race or color discrimination where the allegation is so speculative, conclusory that it is not sufficiently grounded in fact for OCR to infer that such discrimination may have occurred or is occurring.

(b)(6),(b)(7)(A),(b)(7)(C), Nonresponsive

(b)(6),(b)(7)(A),(b)(7)(C),Nonresponsive

(b)(6),(b)(7)(A),(b)(7)(C),Nonresponsive

Nor did you provide any other information from which OCR could infer that you were subjected to different treatment based on your race or color with respect to this matter. Accordingly, OCR finds that your allegation of race and color discrimination is too speculative or conclusory for OCR to infer that discrimination may have occurred, and is dismissing this allegation effective the date of this letter.

In addition, although on your complaint form you checked the box indicating that you were also alleging retaliation, (b)(6),(b)(7)(A),(b)(7)(C),Nonrespon during a phone call with OCR staff (b)(6),(b)(7)(A),(b)(7)(C), you indicated that you no longer wished to pursue a retaliation allegation. Therefore, OCR is also dismissing your retaliation allegation effective the date of this letter.

Allegations Being Investigated

Because OCR has determined that we have jurisdiction over allegations ##1-2 above, and the allegations were filed timely, we are opening these allegations for investigation. Based on the allegations, we will investigate whether the College provided a prompt and equitable response to sexual harassment complaints as required by the Title IX implementing regulation at 34 C.F.R. §§ 106.8(b) and 106.31.

Please note that opening these allegations for investigation in no way implies that OCR has made a determination with regard to their 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 OCR's Case Processing Manual.

OCR works to resolve allegations of discrimination promptly and appropriately. We will communicate with you periodically during our investigation. When contacting our office about your case, please refer to OCR Docket #15-15-2218.

If you have questions, please contact Brenda Redmond or Deborah Kamat, the OCR staff who are assigned to investigate this complaint. Ms. Redmond can be reached by phone at (216) 522-2667 or by e-mail at Brenda.Redmond@ed.gov. Ms. Kamat can be reached by phone at (216) 522-2668 or by e-mail at Deborah.Kamat@ed.gov.

Sincerely,



Lisa M. Lane
Supervisory Attorney/Team Leader