

UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

61 FORSYTH ST., SOUTHWEST, SUITE 19T10 ATLANTA, GA 30303-8927 REGION IV ALABAMA FLORIDA GEORGIA TENNESSEE

July 21, 2015

Dr. Joe DiPietro
Office of the President
University of Tennessee
831 Andy Holt Tower
Knoxville, TN 37996-0180

Re: Complaint # 04-15-2368

Dear Dr. DiPietro:

On May 18, 2015, the U.S. Department of Education (1 14 15111		
received the above-referenced complaint filed by Non F	Responsive (Complainant)	and Non	
alleging that the University of Tennessee at Knoxville	(University) engaged in discrin	nination on the basis	
of sex. Specifically, the Complainant alleges that she			
of the University's failure to respond promptly and add	equately to a Non Responsive ir	ncident in which Non	
Non Responsive was subjected to sexual violence and to reports of retaliatory			
incidents occurring in the aftermath of the report of the retaliatory acts included confrontations between Non Re	esponsive	Non Responsive	
Non Responsive	; one confrontation occurred in	Non Responsive 's	
presence and she believes that subsequently, Non Resportstudent.	nsive physical	lly attacked the other	

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, 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 (FFA) from the Department. The University receives FFA from the Department and is therefore subject to Title IX and the regulation. 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 this complaint for investigation. Please note that opening the complaint for investigation in no way implies that OCR has made a determination with regard to its merit. 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 *Case Processing Manual*.

Accordingly, OCR will investigate the following legal issue:

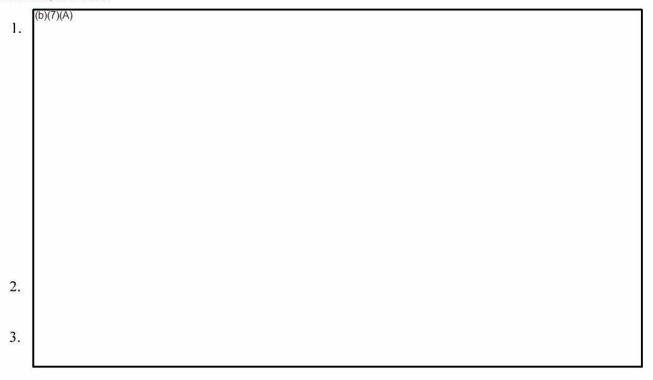
•	Whether the Complainant was subject	ed to a hostile environment as a result	of the
	University's failure to respond prompt	tly and adequately to a Non Responsive	incident in
	which Non Responsive	was subjected to sexual viole	nce and to
	reports of retaliatory incidents occurri	ng in the aftermath of the report of the	sexual
	violence incident, in noncompliance w	vith the Title IX implementing regulat	ion at 34
	C.F.R. §§ 106.8, 106.31.		

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

Please read the enclosed information about OCR's complaint processing, which includes information about the regulatory prohibitions against retaliation, intimidation and harassment 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 will conduct a prompt investigation of this complaint. The regulation implementing Title VI, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of FFA make available to OCR information that may be pertinent to reach a compliance determination. This requirement is incorporated by reference in the Title IX regulation at 34 C.F.R. Section 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, 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, including unredacted copies of the specified documents, to us **by August 5, 2015**. Unless otherwise stated, please provide this information and documents from August 1, 2012 forward through the date of this data compilation. Include all information and documents related to allegations by students at all academic levels (i.e., undergraduate, graduate, etc.) regarding alleged sexual harassment/violence¹ by other students, faculty, instructors, and staff.



Pursuant to Section 302 of OCR's Case Processing Manual, a complaint may be resolved at any time when, before the conclusion of an investigation, the University expresses an interest in resolving the

¹ Please note that as used in this document, "sexual harassment or sexual harassment/violence" includes allegations of the following conduct: sexual assault; rape; sexual battery; sexual coercion; rape or other sexual acts occurring without consent; domestic violence; dating violence; stalking; unwelcome sexual advances; requests for sexual favors; and other sexual misconduct; and other verbal, nonverbal or physical conduct of a sexual nature.

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complaint. Please contact the assigned investigator if the University wishes to discuss a Section 302 voluntary resolution.

In addition to the information requested above, OCR may need to request additional information and interview pertinent personnel. During the course of this investigation, we will conduct one or more onsite visits. You will be contacted to schedule a mutually convenient time for those visits.

Please notify OCR of the name, address, and daytime telephone number of the person who will serve as the University's contact person during this investigation. We would like to talk with this person as soon as possible regarding the information requested in this letter.

The individuals at OCR who have been assigned to lead this investigation are Ms. Angela Collins and Mr. Brian Gnandt, OCR Attorneys. If you have any questions or concerns, please do not hesitate to contact Ms. Collins at (404) 974-9346, Mr. Gnandt at (404) 974-9238, or me at (404) 974-9356.

Sincerely,

Wendy Gatlin

Compliance Team Leader



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

61 FORSYTH ST., SOUTHWEST, SUITE 19T10 ATLANTA, GA 30303-8927

REGION IV ALABAMA FLORIDA GEORGIA TENNESSEE

July 21, 2015

Non Responsive			
Re: OCR C	Case # 04-15-2368		
Dear Non Responsive			
On May 18, 2015, the U.S. Department of Ed complaint that you filed as legal representativ alleging that the University of Tennessee at K the basis of sex. Specifically, you allege that	e on behalf of Non Resp noxville (University)	engaged in d	(Complainant) iscrimination on
environment as a result of the University's fai	/e	was s	subjected to
sexual violence and to reports of retaliatory in the sexual violence incident. You contend that	at the retaliatory acte in		
between Non Responsive and Non Responsive ; one confrontation occur that subsequently, Non Responsive	Non Responsive red in Non Responsive physically attack		and she believes student.
OCR is responsible for enforcing Title IX of t U.S.C. §§ 1681 et seq., and its implementing the discrimination on the basis of say in any other	regulation, 34 C.F.R. I	Part 106, whi	ich prohibit

U.S.C. §§ 1681 *et seq.*, 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 (FFA) from the Department. The University receives FFA from the Department and is therefore subject to Title IX and the regulation. Additional information about the laws OCR enforces is available on our website at www.ed.gov/ocr.

Based on the allegation, OCR will investigate the following legal issue:

•	Whether the Complainant was subjected to a host	
	University's failure to respond promptly and adeq	quately to a Non Responsive
	incident in which Non Responsive	was subjected to sexual
	violence and to reports or retainatory incidents occ	curring in the aftermath of the
	report of the sexual violence incident, in noncomp	pliance with the Title IX
	implementing regulation at 34 C.F.R. §§ 106.8, 10	06.31.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening this allegation for investigation. Please note that opening the allegation for investigation

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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*.

We work to resolve allegations of discrimination promptly and appropriately. The individuals at OCR who have been assigned to lead this investigation are Ms. Angela Collins and Mr. Brian Gnandt, OCR Attorneys, with Ms. Collins being the primary contact throughout the resolution process. Please refer to your docket number noted above in any contacts with this office.

If you have any questions or concerns, please do not hesitate to contact Ms. Collins, Senior Attorney, at (404) 974-9346, Mr. Gnandt, General Attorney, at (404) 974-9238, or me at (404) 974-9356.

Sincerely,

Wendy Gatlin

Compliance Team Leader