



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

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ATLANTA, GA 30303-8927

REGION IV  
ALABAMA  
FLORIDA  
GEORGIA  
TENNESSEE

June 23, 2015

Lawrence M. Schall, J.D., Ed.D.  
President  
Oglethorpe University  
4484 Peachtree Road, N.E.  
Atlanta, GA 30319

Re: OCR Reference No. 04-15-2349

Dear Dr. Schall:

On May 5, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against Oglethorpe University (University), which alleged the University engaged in discrimination on the basis of sex. Specifically, the Complainant Non R Non Non Responsive Non Respo alleged that the University engaged in discrimination on the basis of sex against Non Responsive (Student) when it failed to respond to notice of student on student sexual violence in a prompt and equitable manner. OCR determined that it has the authority to investigate this complaint consistent with OCR's complaint procedures and applicable law.

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 issues:

1. Whether the University promptly and equitably responded to sexual violence complaints, reports, and/or other incidents of which the University had notice by the Complainant and

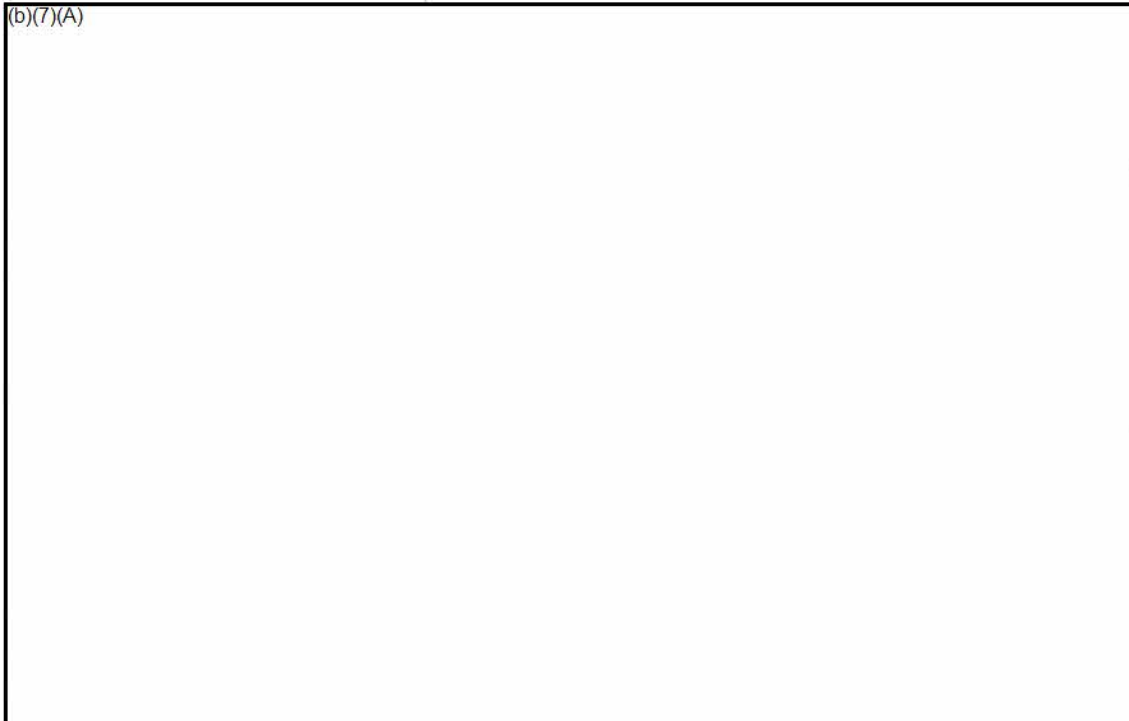
other similarly situated students at the University, in noncompliance with the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31.

2. Whether the University's alleged failure to provide prompt and equitable responses allowed the Complainant and other similarly situated students to be subjected to a sexually hostile environment that denies or limits the ability of the Complainant or other similarly situated students to participate in or benefit from the University's programs, in noncompliance with the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31.

Please read the enclosed document titled *OCR's Complaint Processing Procedures*, 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 requests that the College submit the following non-redacted information to OCR within fifteen (15) calendar days from the date of this letter:

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(b)(7)(A)

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(b)(7)(A)

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- 16. (b)(7)(A)
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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 complaint. Please contact the assigned investigator/attorney if the University wishes to discuss a Section 302 voluntary resolution.

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. During the course of this investigation, we will conduct one or more on-site visits. You will be contacted to schedule a mutually convenient time for those visits.

If you have any questions about this letter, please contact April England-Albright, General Attorney, at (404) 974-9408, or by email at [A.England-Albright@ed.gov](mailto:A.England-Albright@ed.gov), or me at (404) 974-9354.

Sincerely,

A handwritten signature in black ink, appearing to read "Sausser". The signature is fluid and cursive, with a large initial "S" and a long, sweeping tail.

Scott. R. Sausser, Esq.  
Compliance Team Leader

Enclosure