



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

June 1, 2016

IN RESPONSE, PLEASE REFER TO: 03162159

Keith Taylor, Ph.D.
President
Gannon University
109 University Square
Erie, PA 16541

Dear Dr. Taylor:

This refers to the complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), against Gannon University (the University). The Complainant alleges that the University failed to promptly and equitably respond to his report of the sexual assault of his daughter, (b)(6); (b)(7)(C) (the Student).

OCR enforces Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex by recipients of Federal financial assistance. Title IX also prohibits retaliation. As a recipient of Federal financial assistance from the Department, the University is subject to Title IX and its implementing regulation.

In accordance with OCR procedures, OCR's investigation of this complaint will encompass whether the University failed to respond promptly and equitably to complaints, reports, and/or incidents of sexual violence of which it had notice, including the report of the sexual assault of the Student, and whether students, including the Student, were subjected to a sexually hostile environment.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening these allegations for investigation. Please note that opening an allegation 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 allegations, in accordance with the provisions of Article III of the OCR *Case Processing Manual*. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Complaints can be resolved before the completion of an investigation through voluntary resolution agreements between OCR and the recipient as follows:
The recipient expresses an interest in resolving the complaint through an agreement;

- If the complaint can be resolved through a voluntary resolution agreement, OCR will draft an agreement for the recipient's review;
- If the recipient signs a voluntary resolution agreement, OCR will issue letters notifying the Complainant and the recipient that the case has been resolved;
- OCR monitors voluntary resolution agreements;
- The complainant is not a party to the agreement.

Please read the enclosed document entitled "OCR Complaint Processing Procedures," which includes information about: OCR's complaint evaluation and resolution procedures; 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 intends to 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 Federal financial assistance 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. § 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 thirty (30) calendar days. *Please note that in this request, the term "correspondence" includes, but is not limited to, e-mail, letters, meeting notes, notes of telephone conversations, and all related memoranda. **Please provide these documents in chronological order, and ensure that duplicate emails are eliminated.** In each instance where a policy is requested but a written policy on the matter at issue does not exist, provide instead an explanation of the University's usual practice.*

A. (b)(7)(A)

1. (b)(7)(A)
2.

(b)(7)(A)

3.

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6.

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(b)(7)(A)

8.

9.

B.

(b)(7)(A)

10.

(b)(7)(A)

11.

12.

13.

(b)(7)(A)

14.

15.

C.

(b)(7)(A)

16.

(b)(7)(A)

17.

18.

19.

20.

D.

(b)(7)(A)

21.

(b)(7)(A)

(b)(7)(A)

22.

23. (b)(7)(A)

C. (b)(7)(A)

24. (b)(7)(A)
25.

In an effort to improve the convenience, accessibility and quality of our interactions with our customers, we request that you submit requested evidence and information by e-mail in an electronic format whenever it is convenient to do so. This may include using e-mail to forward scanned or saved hard copy documents, PDFs, other e-mails, digital photographs, spreadsheets and databases. When data files are too large for email, a CD by regular mail would achieve a similar result. Similarly, if you have access to e-mail and can receive information from OCR in an electronic format, please provide us with your email address. To the extent that information we have requested (such as relevant policies or procedures) is available online, please provide the URL address (es) where the information is located. In addition, please advise us if you have ready access to a web camera or have other video-conferencing capability, in order for us to facilitate face-to-face communication. Use of these digital media can greatly enhance the quality, speed and efficiency of our case resolution activities.

Please notify OCR of the name, address, and telephone number of the person who will serve as the University's contact person during the resolution of this complaint. We would like to talk with this person as soon as possible regarding the information requested in this letter. In addition, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is determined to be necessary, you will be contacted to schedule a mutually convenient time for the visit.

Thank you for your cooperation in this matter. If you have any questions, please contact me, at 215-656-6935 or by email at Beth.Gellman-Beer@ed.gov.

Sincerely,



Beth Gellman-Beer
Supervisory Attorney
Philadelphia Office

Enclosures



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

Dear (b)(6); (b)(7):

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In accordance with OCR procedures, OCR's investigation of your complaint will encompass whether the University failed to respond promptly and equitably to complaints, reports, and/or incidents of sexual violence of which it had notice, including your report of sexual assault, and whether students, including the Student, were subjected to a sexually hostile environment.

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Complaints can also be resolved before the completion of an investigation through voluntary resolution agreements between OCR and the recipient as follows:

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- OCR monitors voluntary resolution agreements;

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

- The complainant is not a party to the agreement.

If you have any questions, please contact me at (215) 656-6935 or by email at Beth.Gellman-Beer@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Gellman-Beer". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Beth Gellman-Beer
Supervisory Attorney
Philadelphia Office

Enclosures