



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
32 OLD SLIP, 26<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD  
DIRECTOR  
NEW YORK OFFICE

July 17, 2017

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

Re: Case No. 02-17-2391  
State University of New York at Delhi

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

On (b)(6); (b)(7)(C) the U.S. Department of Education, Office for Civil Rights (OCR) received the above-referenced complaint you filed against the State University of New York at Delhi (the University). You alleged that the University discriminated against your client (the Student), on the basis of his sex, by failing to respond appropriately to a complaint of sexual assault made against him on (b)(6); (b)(7)(C). OCR has determined that the allegation is appropriate for investigation.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The University is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

Because OCR has determined that it has jurisdiction and that the allegation was filed in a timely manner, it is 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 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 allegation, in accordance with the provisions of Article III of OCR's Case Processing Manual.

OCR's goal is the prompt and appropriate resolution of the allegations contained in a complaint. OCR offers, when appropriate, an Early Complaint Resolution (ECR) process, similar to mediation, to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). Some information about the

ECR process is in the letter entitled, “OCR Complaint Processing Procedures,” which was formerly provided to you with the letter acknowledging your complaint, and is available on OCR’s website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

Also, 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, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations. Additional information about this voluntary resolution process may be found in the enclosure to the letter formerly provided to you with the letter acknowledging your complaint entitled, “OCR Complaint Processing Procedures,” and is available on OCR’s website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR staff will contact you to discuss the allegation and the complaint resolution process. In the interim, if you have any questions, please contact Janet Pfeffer, Senior Equal Opportunity Specialist, at (646) 428-3833 or [janet.pfeffer@ed.gov](mailto:janet.pfeffer@ed.gov); or R. Colin Power, Compliance Team Attorney, at (646) 428-3832; or [r.colin.power@ed.gov](mailto:r.colin.power@ed.gov).

Sincerely,

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

Anna Moretto Cramer  
Compliance Team Leader



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TIMOTHY C. J. BLANCHARD  
DIRECTOR  
NEW YORK OFFICE

July 17, 2017

Dr. Michael R. Laliberte  
President  
State University of New York at Delhi  
454 Delhi Drive  
Bush Hall, Room 133  
Delhi, New York 13753

Re: Case No. 02-17-2391  
State University of New York at Delhi

Dear Dr. Laliberte:

On (b)(6); (b)(7)(C) the U.S. Department of Education, Office for Civil Rights (OCR) received the above-referenced complaint filed against the State University of New York at Delhi (the University). The complainant alleged that the University discriminated against a student (the Student), on the basis of his sex, by failing to respond appropriately to a complaint of sexual assault made against him on (b)(6); (b)(7)(C). OCR has determined that the allegation is appropriate for investigation.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). The University is a recipient of financial assistance from the Department. Therefore, OCR has jurisdictional authority to investigate this complaint under Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed in a timely manner, it is 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 OCR's Case Processing Manual.

Enclosed is a document entitled “OCR Complaint Processing Procedures.” This document will provide you with an overview of OCR’s complaint evaluation, investigation and resolution process. OCR will collect only material needed to investigate this complaint and will take all proper precautions to protect the identity of any individuals named in documents.

To facilitate OCR’s efforts to investigate this complaint, OCR requests that, within twenty (20) days of the date of this letter, you provide to OCR the information listed on the enclosed data request. The regulation implementing Title IX, at 34 C.F.R. § 106.71, incorporates by reference the regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. § 100.6 (b) and (c), which requires that a recipient of federal financial assistance make available to OCR information that may be necessary for it to determine whether a recipient is in compliance with the regulations it enforces. This information is also being requested pursuant to 34 C.F.R. § 99.31(a)(3)(iii).

OCR’s goal is the prompt and appropriate resolution of the allegations contained in a complaint. OCR offers, when appropriate, an Early Complaint Resolution (ECR) process, similar to mediation, to facilitate the voluntary resolution of complaints by providing an early opportunity for the parties involved to resolve the allegation(s). Some information about the ECR process is in the enclosure to this letter entitled, “OCR Complaint Processing Procedures,” and on OCR’s website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

Also, 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, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations. Additional information about this voluntary resolution process may be found in the enclosure entitled, “OCR Complaint Processing Procedures,” and on OCR’s website at <http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>.

Please be advised that the University may not harass, coerce, intimidate or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the individual may file a complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of personal privacy.

OCR will contact you within twenty (20) days to discuss the allegation and the complaint resolution process. In the interim, if you have any questions, please contact Janet Pfeffer, Senior Equal Opportunity Specialist, at (646) 428-3833 or [janet.pfeffer@ed.gov](mailto:janet.pfeffer@ed.gov); or R. Colin Power, Compliance Team Attorney, at (646) 428-3832 or [r.colin.power@ed.gov](mailto:r.colin.power@ed.gov).

Sincerely,

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

Anna Moretto Cramer  
Compliance Team Leader

Encl.

**Data Request**

OCR Case No. 02-17-2391

State University at Delhi (the University)

(b)(7)(A)



(b)(7)(A)



(b)(7)(A)

