



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

July 20, 2016

IN RESPONSE, PLEASE REFER TO: 03162182

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

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

This refers to the complaint that you filed with the U.S. Department of Education (the Department), Office for Civil Rights (OCR), against Gannon University (the University). You allege that the University discriminated against you:

1. On the basis of sex by failing to appropriately address your complaint regarding (b)(6); (b)(7)(C);
2. On the basis of age by treating you differently than (b)(6); (b)(7)(C) during the investigation of your complaint.

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. Title IX prohibits discrimination on the basis of sex by recipients of Federal financial assistance.
- Age Discrimination Act of 1975, 42 U.S.C. § 6101, and its implementing regulation, 34 C.F.R. Part 110. The Age Act prohibits discrimination on the basis of age by recipients of Federal financial assistance.

Because the University receives Federal financial assistance from the Department, the University is subject to these laws.

While OCR has the authority to investigate complaints alleging age discrimination, the regulation implementing the Age Discrimination Act, at 34 C.F.R. Part 110, requires us to first forward your age discrimination allegation to the Federal Mediation and Conciliation Service (FMCS) for mediation. A representative of the FMCS will contact you shortly.

The above regulation allows the FMCS 60 days to mediate a complaint. During that period, both parties participate in the mediation process to the extent necessary to reach an agreement or to make an informed judgment that an agreement is not possible. All information obtained in the course of the mediation will be confidential to the mediating parties. If 60 days have passed and the allegation is not resolved through FMCS, OCR will resume processing the allegation.

As required by the implementing regulation, we have also enclosed a notification regarding exhaustion of administrative remedies under the Age Act.

With regard to your allegation of sex discrimination, we will investigate this allegation because OCR has jurisdiction and the allegation was filed timely. Please note that investigating allegations in no way implies that OCR has decided their merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources. 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 Case Processing Manual.

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.

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

Sincerely,



Joseph P. Mahoney
Program Manager

Enclosures



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IN RESPONSE, PLEASE REFER TO: 03162182

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

Dear Dr. Taylor:

On June 2, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against Gannon University (the University). The complainant alleges that the University discriminated against her on the bases of sex and age. Specifically, the Complainant, (b)(6); (b)(7)(C) alleges that the University discriminated against her:

1. On the basis of sex by failing to appropriately address her complaint regarding an (b)(6); (b)(7)(C);
2. On the basis of age by treating her differently than (b)(6); (b)(7)(C) during the investigation of her complaint.

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. Title IX prohibits discrimination on the basis of sex by recipients of Federal financial assistance.
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the course of the mediation will be confidential to the mediating parties. If 60 days have passed and the allegation is not resolved through FMCS, OCR will resume processing the allegation. As required by the implementing regulation, we have also enclosed a notification regarding exhaustion of administrative remedies under the Age Act.

With regard to the allegation of sex discrimination, we will investigate this allegation because OCR has jurisdiction and the allegation was filed timely. Please note that investigating allegations in no way implies that OCR has decided their merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources. 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 Case Processing Manual.

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- 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.*

1. (b)(7)(A)

(b)(7)(A)

2.

3.

4.

5.

6.

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Sincerely,



Joseph P. Mahoney
Program Manager

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