



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

REGION V
ILLINOIS
INDIANA
IOWA
MINNESOTA
NORTH DAKOTA
WISCONSIN

August 17, 2017

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

OCR Case No. 05-17-2274

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

On (b)(6); (b)(7)(C) the U.S. Department of Education's Office for Civil Rights (OCR) received your complaint against the University of Wisconsin – Milwaukee. You (hereinafter Student A) allege that the University discriminated against Student A on the basis of sex when it failed to promptly and equitably respond to your (b)(6); (b)(7)(C) report of a sexual assault by another student thereby creating a sexually hostile environment for Student A the remainder of the (b)(6); (b)(7)(C) academic year. OCR has evaluated the complaint consistent with the *Case Processing Manual* (CPM). We have determined that we have authority to investigate your complaint.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681–1688, and Title IX's implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department of Education. As a recipient of Federal financial assistance, the University is subject to the requirements of Title IX and its implementing regulation. Additional information about the laws that OCR enforces is available online at www.ed.gov/ocr.

Because OCR has determined that it has jurisdiction over this allegation and that the allegation is timely, OCR is opening an investigation. Please note that opening an investigation in no way implies that OCR has made a determination with regard to the complaint's 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 the *Case Processing Manual*.

When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient asks OCR to resolve the complaint. In such cases, a resolution agreement signed by the recipient and submitted to OCR must be aligned with the complaint allegations

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or the information obtained during the investigation and it must be consistent with applicable regulations. Information about this process is in the enclosure to this letter.

We will communicate with you periodically regarding the status of your complaint. If you have questions about this letter, you may contact Michael O'Donnell of my staff at 312-730-1636 or michael.odonnell@ed.gov.

Sincerely,

(b)(6),(b)(7)(C)

Dawn R. Matthias
Team Leader



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August 17, 2017

Mark Mone, Ph.D.
Chancellor
University of Wisconsin – Milwaukee
Chapman Hall 202
2310 E. Hartford Avenue
P.O. Box 413
Milwaukee, WI 53201

OCR Case No. 05-17-2274

Dear Dr. Mone:

On (b)(6); (b)(7)(C) the U.S. Department of Education's Office for Civil Rights (OCR) received a complaint against the University of Wisconsin – Milwaukee. The Complainant alleges that the University discriminated against Student A on the basis of sex when it failed to promptly and equitably respond to her (b)(6); (b)(7)(C) report of a sexual assault by another student thereby creating a sexually hostile environment for Student A the remainder of the (b)(6); (b)(7)(C) academic year.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681–1688, and Title IX's implementing regulation, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department of Education. As a recipient of Federal financial assistance, the University is subject to the requirements of Title IX and its implementing regulation. Additional information about the laws that OCR enforces is available online at www.ed.gov/ocr.

Because OCR has determined that it has jurisdiction over this complaint and that the complaint is timely, OCR is opening an investigation. Please note that this in no way implies that OCR has made a determination with regard to the complaint's 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 the *Case Processing Manual*.

When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient asks OCR to resolve the complaint. In such cases, a resolution agreement signed by the recipient and submitted to OCR must be aligned with the complaint allegations or the information obtained during the investigation and it must be consistent with applicable regulations. Information about this is in the enclosure to this letter.

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- OCR's complaint processing procedures, including the availability of ECR;
- Regulatory prohibitions against retaliation and intimidation 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.

The regulation implementing Title VI of the Civil Rights Act of 1964, 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 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.

Please provide the following information within fifteen (15) calendar days of the date of this letter. Wherever possible, please provide the information electronically. Finally, please do not provide OCR documentation or electronic information containing social security numbers (SSN); if SSN appear on a document or file that is otherwise responsive to OCR's request, please redact the SSN before producing to OCR.

(b)(7)(A)

If you have questions about this letter, you may contact me or Michael O'Donnell at 312-730-1636 or michael.odonnell@ed.gov.

Sincerely

(b)(6),(b)(7)(C)

Dawn R. Matthias
Team Leader

Enclosure