



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

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

July 22, 2014

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

Re: Case No. 02-14-2334
Pace University

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

On (b)(6),(b)(7)(C), the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint you filed against Pace University (the University). You alleged that the University failed to respond appropriately to an incident of forcible sexual assault to which you were subjected, on or about (b)(6),(b)(7)(C) (Allegation 1). Based on the information you provided in your complaint, documentation you submitted to OCR and during telephone interviews with OCR staff on (b)(6), and (b)(6),(b)(7)(C), OCR has determined that your allegation is appropriate for investigation. OCR has determined that it will also investigate whether the University responded promptly and equitably to reports and/or incidents of sexual violence of which it had notice; and, as a result, students were subjected to a sexually hostile environment (Allegation 2).

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 College 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 this allegations for investigation. Please note that opening these allegations for investigation in no way implies that OCR has made a determination with regard to their 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 OCR's Case Processing Manual.

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 allegation 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 publication "OCR Complaint Processing Procedures," which was enclosed with OCR's previous letter to you, acknowledging your complaint. This information is also on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html#III>.

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, you may file another 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 which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, please contact Crystal Johnson, Senior Compliance Team Investigator, at (646) 428-3821, or crystal.johnson@ed.gov; or John Collins, Senior Compliance Team Attorney, at (646) 428-3810, or john.collins@ed.gov.

Sincerely,


Erin Emery
Compliance Team Leader



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OFFICE FOR CIVIL RIGHTS
32 OLD SLIP, 26TH FLOOR
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

July 22, 2014

Stephen J. Friedman
Office of the President
Pace University
1 Pace Plaza, 18th floor
New York, New York 10038

Re: Case No. 02-14-2334
Pace University

Dear President Friedman:

On (b)(6),(b)(7)(C), the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint filed against Pace University (the University). The complainant alleged that the University failed to respond appropriately to an incident of forcible sexual assault that occurred against her on or about (b)(6),(b)(7)(C) (Allegation 1). OCR has determined that this allegation is appropriate for investigation. OCR has determined that it will also investigate whether the University responded promptly and equitably to reports and/or incidents of sexual violence of which it had notice; and, as a result, students were subjected to a sexually hostile environment (Allegation 2).

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 this allegations for investigation. Please note that opening these allegations for investigation in no way implies that OCR has made a determination with regard to their 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 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.

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 necessary for it to determine whether a recipient is in compliance with the regulations it enforces. This requirement is incorporated by reference in the regulation implementing Title IX, at 34 C.F.R. § 106.71. This information is also being requested pursuant to 34 C.F.R. § 99.31(a)(3)(iii). Please submit the information listed on the enclosed data request to OCR within twenty (20) days of the date of this letter or OCR may conduct an onsite file review in order to obtain this information in a timely manner.

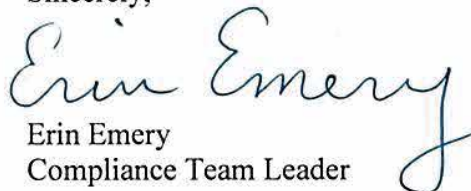
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Please be advised that the University may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another 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, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR staff will contact you within twenty (20) days of the date of this letter to discuss the complaint resolution process. In the interim, if you have any questions, please contact Crystal Johnson, Senior Compliance Team Investigator, at (646) 428-3821, or crystal.johnson@ed.gov; or John Collins, Senior Compliance Team Attorney, at (646) 428-3810, or john.collins@ed.gov.

Sincerely,


Erin Emery
Compliance Team Leader

Encl.

**Data Request
Pace University
Case No. 02-14-2334**

Complainant: [REDACTED]

DATA DUE: August 11, 2014

Please provide the following items for academic year 2013-2014, unless otherwise indicated, or state in writing whether any requested material does not exist:

1. Copies of the University's policies and procedures, and/or a description of its practices, governing the investigation of complaints of harassment/assault on the basis of sex in academic years 2011-2012, 2012-2013 and 2013-2014. Include a detailed description of the complaint process, including each level of the process, the length of the process, and the types of records maintained. Also, provide the names and titles of the University's staff responsible for handling complaints of harassment/assault on the basis of sex, at each level of the process.
2. An explanation of the means by which the University informed students, parents and employees of the policies and procedures referred to in Item 1, above. Submit copies of all materials disseminated.
3. Copies of publications that contain the University's nondiscrimination notice, the Uniform Resource Locator (URL) or website link for any electronic postings of the nondiscrimination notice, and a list of campus locations where the notice of nondiscrimination is physically posted, if any.
4. Copies of the University's policies and procedures, and/or a description of its practices in effect during academic years 2011-2012, 2012-2013 and 2013-2014, governing: (a) disciplinary or corrective actions that may be taken to address sexual harassment/assault by students; and (b) the provision of services to the victims of sexual harassment/assault, if any.
5. State whether the University conducts focus groups/meetings and/or holds informational sessions with the student community (e.g., women's groups, athletes, residential assistants, fraternity and sorority leaders, etc.) and/or University staff regarding students' rights under Title IX, how to report possible violations of Title IX, and/or the University's obligation to promptly and equitably respond to Title IX complaints. If so, provide the dates of such events, a description of the attendees, and any materials presented and/or distributed.
6. The name, office address, and telephone number of the University's Title IX Coordinator(s). Indicate the method(s) by which this information is disseminated to students and employees. Provide copies of all publications/websites that contain this information.

7. A detailed description of any training regarding sex discrimination, including sexual harassment and sexual assault, provided to the University's Title IX Coordinator(s) and other University staff. For each such training, include:
 - a. the date(s) the training was provided;
 - b. the names and qualifications of the individuals who provided the training;
 - c. a list of the names and titles of the individuals who attended the training; and
 - d. copies of any materials distributed at the training.

8. Copies of all documentation related to the reports of sexual assault made by or on behalf of the Complainant, including but not limited to a copy of any written complaint(s) or record(s) of oral complaint(s), investigative reports, witness statements, hearing transcripts, electronic mail messages (emails), text messages, telephone logs, and correspondence.

9. A detailed description of the steps and actions the University took in response to all complaints relating to the alleged sexual assault of the Complainant, including:
 - a. a description of the procedures employed by the University to investigate the complaints;
 - b. a description of interim remedial measures (academic or other) provided by the University to the Complainant during the pendency of the investigation;
 - c. the timeline for completion of each stage of the investigation process;
 - d. the types of records maintained;
 - e. the final outcome of all investigation(s);
 - f. the name(s) and title(s) of the University staff involved in the investigation process;
 - g. the evidentiary standard applied by the University to determine the outcome of the Complainant's complaints; and
 - h. copies of the University's Title IX grievance procedures and sex discrimination/harassment (including sexual assault) policies and procedures relied upon to respond to any complaints filed by the Complainant;
 - i. the sex of the complainant, accused person and witnesses.

10. Copies of all documentation, including but not limited to, letters, emails, reports, notes, logs, meeting minutes, hearing transcripts, discipline records, telephone records, campus public safety records, and other external law enforcement agency records related to:
 - a. the University's processing of the complaints filed by the Complainant, or on the Complainant's behalf;
 - b. the University's handling/investigation of the complaints filed by the Complainant, or on the Complainant's behalf, including any notices to the parties;
 - c. any disciplinary hearing, including any notices to the parties;
 - d. appeals filed;
 - e. communications between the University and the Complainant (or anyone acting on her behalf) regarding the accused student; and

- f. communications regarding the accused student's standing at the University pending completion of the investigation.
11. Copies of any media maintained by the University regarding the alleged incident of sexual assault involving the Complainant and the accused student on or about February 14, 2014, including print outs of pages from the Facebook accounts of the Complainant, the accused, and/or other members of the University community; print outs of other social media; text messages, and University newspaper articles.
12. A list of all complaints of sexual assault filed by or on behalf of students at the University during academic years 2011-2012, 2012-2013 and 2013-2104.
13. For each complaint identified in Item 12, provide the following:
 - a. a detailed description of the complaint processing procedures employed;
 - b. the length of the process;
 - c. the name(s) and title(s) of the person(s) responsible for investigating the complaint;
 - d. all actions taken by the University in response to the concerns raised;
 - e. the University's final determination regarding the complaint, and any notice of the findings provided to the complainant; and
 - f. a copy of all related documentation, including but not limited to a copy of the complaint, any documents used during the investigation, any documentation related to any interim relief provided to the parties, any witness statements, internal memoranda regarding the investigation, the determination letters issued to the parties, and all documentation related to any appeal.
14. Any other information the University believes will assist OCR in this investigation.
15. The name, title, telephone number and electronic mail address for the University's designated contact person(s) for this complaint.