



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

January 5, 2015

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

Re: Case No. 02-15-2032
Purchase College, State University of New York

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 your complaint filed against Purchase College, State University of New York (the College). You alleged that the College failed to respond promptly and equitably to a complaint of sexual assault you filed on or about (b)(6),(b)(7)(C), thereby subjecting you to a sexually hostile environment. OCR has determined that it will investigate this allegation.

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 allegation for investigation. Please note that opening this 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*.

OCR's goal is the prompt and appropriate resolution of the allegation 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 contained in the publication entitled, "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#II>.

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 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 College 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 Emma Kim, Senior Compliance Team Attorney, at (617) 289-0159 or Emma.Kim@ed.gov; or Eboné Woods, Compliance Team Attorney, at (646) 428-3898 or Ebone.Woods@ed.gov.

Sincerely,



for Emily Frangos
Compliance Team Leader



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NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD
DIRECTOR
NEW YORK OFFICE

January 5, 2015

Thomas J. Schwarz
President
Purchase College, State University of New York
735 Anderson Hill Road
Purchase, New York 10577

Re: Case No. 02-15-2032
Purchase College, State University of New York

Dear President Schwarz:

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 Purchase College, State University of New York (the College). The complainant alleged that the College failed to respond promptly and equitably to a complaint of sexual assault, filed on or about (b)(6),(b)(7)(C), thereby subjecting her to a sexually hostile environment. OCR has determined that it will investigate this allegation.

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 allegation for investigation. Please note that opening this 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.

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.

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/docs/ocrcpm.html#III>.

Please be advised that the College 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.

If you have any questions, please contact Emma Kim, Senior Compliance Team Attorney, at (617) 289-0159 or Emma.Kim@ed.gov; or Eboné Woods, Compliance Team Attorney, at (646) 428-3898 or Ebone.Woods@ed.gov.

Sincerely,



for Emily Frangos
Compliance Team Leader

Data Request

Purchase College, State University of New York (the College)

Case No. 02-15-2032

██████████ (complainant)

RESPONSE DUE: JANUARY 25, 2015

Please provide the following items for academic year 2014-2015, unless otherwise indicated, or state in writing whether any requested material does not exist:

1. Copies of the College's policies and procedures, and/or a description of its practices, governing the investigation of complaints of harassment/assault/violence on the basis of sex. 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 College'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 College 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 College's nondiscrimination notice, or website link(s) 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 College's policies and procedures, and/or a description of its practices, 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. The name, office address, and telephone number of the College'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.
6. Copies of all documentation related to the reports of sexual assault, as well as subsequent reports of harassment following the alleged sexual assault, made by or on behalf of the complainant and other student witnesses (if applicable), 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.
7. A detailed description of the steps and actions the College took in response to all complaints relating to the alleged sexual assault of the complainant, and all complaints of alleged harassment following the report of sexual assault, including:
 - a. a description of the procedures employed by the College to investigate the complaints;

- b. a description of interim remedial measures (academic or other) provided by the College to the complainant during the pendency of the investigation, and the grievance hearing(s)/appeal;
 - c. the timeline for completion of each stage of the investigation process and the grievance hearing(s)/appeal;
 - d. the types of records maintained;
 - e. the final outcome of all investigation(s) and grievance hearing(s)/appeal, including any final remedial measures;
 - f. the name(s) and title(s) of the College staff involved in the investigation and grievance hearing(s)/appeal process; and
 - g. the evidentiary standard applied by the College to determine the outcome of the complainant's complaints; and
 - h. copies of the College's Title IX grievance procedures and sex discrimination/harassment (including sexual assault and violence) policies and procedures relied upon to respond to any complaints filed by the complainant; and
 - i. the sex of the complainant, accused student, and witnesses.
8. 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 College's processing of the complaints filed by the complainant, or on the complainant's behalf;
 - b. the College's handling/investigation of the complaints filed on the complainant's behalf, including any notices to the parties;
 - c. the disciplinary hearing, including any notices to the parties;
 - d. appeals filed;
 - e. communications between the College and the complainant (or anyone acting on her behalf) regarding the accused student; and
 - f. communications regarding the accused student's standing at the College pending completion of the investigation.
9. Copies of any media maintained by the College regarding the alleged incident of sexual assault involving the complainant and the accused student in September 2014, including print outs of social media postings/ email groups of the complainant and the accused student, and/or other members of the College community; text messages, and College newspaper articles.
10. Any other information the College believes will assist OCR in this investigation.
11. The name, title, telephone number and electronic mail address for the College's designated contact person(s) for this complaint.