

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
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NOV 14 2001

Judith Penrod Siminoc
General Counsel
Central Missouri State University
Administrative Building 201
Warrensburg, Missouri 6409368

Ref: 07012044

Dear Ms. Siminoc:

On April 16, 2001, the Office for Civil Rights (OCR), U.S. Department of Education (Department), received a complaint against Central Missouri State University (University), Warrensburg, Missouri, alleging that the University discriminated against a former student on the basis of sex. Specifically the complainant alleged that a faculty member sexually harassed her while she was a student on graduate assistantship and that the University failed to take action to address the harassment when she reported it. The complainant also alleged that the University does not have, or failed to implement, grievance procedures that provide for the prompt, equitable resolution of complaints of sexual harassment.

OCR is responsible for enforcing, among other civil rights statutes, Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit recipients of Federal financial assistance from the Department from discriminating on the basis of sex in education programs or activities. Since the University is a recipient of Federal financial assistance from the Department, it is required to comply with the regulation implementing Title IX.

Regarding the complainant's first allegation, that the University failed to take action to address her sexual harassment complaint when she reported it, OCR has carefully considered all information provided by the complainant and the University. According to the complainant and the University, on April 6, 2000, the complainant filed a formal complaint with the University alleging sexual harassment by a faculty member. On June 11, 2001, OCR received a copy of the University's investigative report dated February 14, 2001, outlining the nature of the complainant's complaint of sexual harassment, the scope of the University's

investigation of the matter, and the findings of the University's investigation. According to this document, upon receiving the complaint, the University immediately took several actions to separate the complainant from the accused faculty member while the investigation was pending. The University also immediately warned the accused faculty member to stay away from the complainant. In a telephone conversation with a member of my staff on April 24, 2001, the complainant stated the accused faculty member did not bother her after she filed her complaint with the University. According to the University's investigative report, the University's Director for Equity conducted a full investigation of the complainant's allegation of sexual harassment, and concluded that the complainant's allegations were "more likely than not" true. In the investigative report, the Director of Equity outlined several recommended actions to resolve the complaint. On March 19, 2001, the University took disciplinary action against the accused faculty member, and subsequently, provided OCR documentation of that action on June 11, 2001. The University did not inform the complainant of the final disposition of her complaint until July 13, 2001, when the University sent her a letter outlining the outcome of the University's investigation of her complaint of sexual harassment. Based on the above information, OCR has determined that there is insufficient evidence to support a finding that the University failed to address the complainant's allegation of sexual harassment. Therefore, OCR is closing this allegation as of the date of this letter.

Regarding the complainant's second allegation, on October 26, 2001, OCR received a signed Resolution Agreement (Agreement) from the University which when fully implemented, will ensure that the University's revisions of the sexual harassment policy and grievance procedure meet OCR standards. The Agreement will also resolve the complainant's second allegation that the University does not have, or does not implement, grievance procedures that provide for the prompt, equitable resolution of complaints of sexual harassment. Based upon the signed Agreement submitted by the University, OCR considers this allegation resolved as of the date of this letter. A copy of the Agreement is enclosed as a courtesy.

OCR will monitor the University's implementation of the Agreement. OCR's continued determination that this allegation is resolved is contingent upon the University's completion of each action in the Agreement. If the University fails to implement the Agreement as scheduled, OCR may immediately resume investigation of this matter.

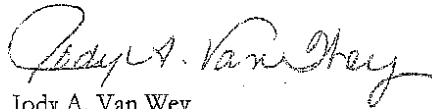
The regulations OCR enforces protect individuals who file a complaint with OCR or participate in an OCR complaint investigation or compliance review. Recipients may not retaliate or take any adverse actions against individuals based upon their having filed a complaint or provided assistance to OCR. Individuals who believe they have been subjected to retaliation or other adverse action because of their participation in any OCR compliance activity may file a complaint with OCR.

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

In any future correspondence with OCR, please refer to the number referenced above. This will enable OCR staff to immediately route your correspondence to the individual assigned to this complaint. OCR extends its thanks to you and the University administration for your support and patience in the resolution of this complaint. If you have any questions regarding this matter, you may contact Vernia Lewis, Equal Opportunity Specialist, at (816) 880-4278 (voice) or (816) 891-0582 (telecommunication device for the deaf).

Sincerely,



Jody A. Van Wey
Associate Director

Enclosure

RESOLUTION AGREEMENT
Central Missouri State University
Warrensburg, Missouri
Docket Number 07012044

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Central Missouri State University (University), Warrensburg, Missouri submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR). In the above-referenced complaint, the complainant alleged that the University does not have, or does not implement, grievance procedures that provide for the prompt, equitable resolution of complaints of sexual harassment. This complaint was filed pursuant to Title IX of the Education Amendments of 1972 (Title XI), 20 U.S.C. § 1681 et seq. and its implementing regulation at 34 C.F.R., Part 106. At the time this complaint was filed with OCR, the University had already begun, but had not yet completed, reviewing and revising the University's sexual harassment policy and grievance procedure. In an effort to ensure that the University's revisions of the sexual harassment policy and grievance procedure meet OCR standards, the University voluntarily accepts the provisions of this Agreement to resolve this complaint. The Agreement is not intended and should not be construed to be an admission by the University of wrongdoing or any violation of Title IX. Specifically, the University agrees to take the following actions:

1. By May 20, 2002, the University will revise its current grievance procedure to include provisions for prompt, thorough investigations and equitable resolutions of complaints of sexual harassment. The University may consult with OCR for technical assistance while reviewing, or revising, the University's grievance procedure. The grievance procedure will include, at a minimum, the following:
 - a. specific notice that the grievance procedure is applicable to complaints of discrimination on the basis of sex, including sexual harassment;
 - b. a designated time frame from the time a complaint is filed to the final resolution of the complaint, and prompt interim time frames for all major components of the grievance procedure;
 - c. a full investigation of the allegations contained in the complaint;
 - d. the opportunity to present evidence and witnesses;
 - e. an equitable appeal process;
 - f. an assurance of confidentiality; and
 - g. notice to the parties of the disposition of the complaint.

By June 1, 2002, the University will provide OCR a copy of the University's revised grievance procedure.

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2. By August 20, 2002, the University will disseminate the University's revised grievance procedure to all administrators, staff, and students by:

- a. publishing the grievance procedure through the University's electronic communications network;
- b. posting the grievance procedure in prominent locations at the University; and
- c. publishing the grievance procedure in the University's student and staff handbooks at the first printing after the revised policy is adopted by the University.

By April 15, 2003 the University will provide OCR one copy of each University student and staff handbook containing the revised grievance procedure and photographs and descriptions of various locations the revised grievance procedure are posted at the University.



Bobbig R. Patton
President
Administration Building 203
Central Missouri State University
Warrensburg, Missouri

10-15-01
Date