

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
Midwestern Division
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JAN 3 2002

Richard M. Ryan, Jr., D.Sc.
President
Des Moines University – Osteopathic Medical Center
3200 Grand Street
Des Moines, Iowa 50312 - 4198

Ref: 07022001

Dear President Ryan:

On October 10, 2001, the Office for Civil Rights (OCR), U.S. Department of Education (Department) received a complaint alleging the Des Moines University – Osteopathic Medical Center, Des Moines, Iowa (University) discriminated against a student on the basis of sex. Specifically, the complainant alleges the University allowed faculty, staff, and students to sexually harass her.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 1681 *et seq.*, and its implementing regulation at 34 Code of Federal Regulations (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 regulations implementing Title IX.

OCR determined the regulations implementing Title IX provide OCR with jurisdiction over the issues raised in this complaint. OCR has jurisdiction to seek resolution of this complaint.

OCR's investigation of this complaint is complete. OCR based its findings on the following.

OCR interviewed the complainant and 25 additional people. OCR interviewed the four current and former University personnel the complainant named in the complaint; one additional former University employee; eight members of the complainant's graduating class; four former students who dropped out of the podiatry program for personal reasons; five of the seven persons the complainant named as persons with whom the complainant

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation through the vigorous enforcement of civil rights.

interviewed as part of the Central Application Service for Podiatric Residencies (CASPER) process; two University academic counselors; and two individuals the complainant identified as character witnesses. OCR studied the CASPR process in detail.

OCR located the former University employee the complainant identified as a witness to an incident of sexual harassment. This person is a former University employee who worked in the podiatry clinic. The complainant stated the University employee could substantiate allegations the complainant made about the conduct of a University administrator. This person could not support the complainant's allegation of sexual harassment. This person did state she witnessed students harassing the complainant, alleging the complainant was pregnant. This person said she confronted a University administrator about the situation.

OCR found and interviewed a second former University employee who worked in the podiatry clinic. She informed OCR she witnessed no act of sexual harassment in the podiatry clinic.

OCR interviewed the three faculty members the complainant named in her complaint. Each denied the complainant's allegations. One faculty member stated the person who said she confronted him about the harassment the complainant was receiving from other students did not confront or speak to him about any harassing behavior by students or anyone else.

OCR interviewed eight members of the complainant's graduating class. They were unanimous. Each stated they did not witness any speech or behavior directed at the complainant by faculty, staff, or other students that they could interpret as sexual harassment. Further, they were of the opinion that they witnessed no sexual harassment of any type in the podiatry program.

OCR interviewed four students who dropped out of the podiatry program for "personal reasons." Each stated while they were in the podiatry program they did not witness any act of sexual harassment.

OCR questioned five of the seven persons with whom the complainant interviewed in the CASPR process (two individuals did not respond to OCR's repeated telephone calls and written requests for information). Each of the five persons interviewed stated no one from the University made any attempt of any type to influence the complainant's chance to acquire a residency program.

OCR interviewed two professional counselors who work in the academic counseling office. Both of these counselors deny the existence of a confidential file in which students can place anonymous negative information about other students.

OCR interviewed the two character witnesses the complainant identified. Both said the complainant is honest and forthright.

OCR carefully studied the CASPR process. This service is independent of the schools of podiatric medicine. This service matches graduates of schools of podiatric medicine with hospitals and medical centers that have residency programs. A computer does the matching. The match is made based on materials submitted to CASPR by the graduates seeking residencies and the hospitals and medical centers and operating residency programs. The schools of podiatric medicine do not in any way participate in the matching process.

Based on the above, OCR concludes insufficient evidence exists to support a finding of violation. OCR closed this complaint on the date of this letter.

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.

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.

If you have any questions regarding this complaint, please contact Ken Kern, Investigator, at (816) 880-4250 (voice) or (816) 891-0582 (telecommunication device for the deaf).

Sincerely,



John E. Nigro
Associate Director