



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS - REGION VII

JUL 27 2005

Dr. Julio S. León
President
Missouri Southern State University
3950 East Newman Road
Joplin, Missouri 64801-1595

Re: OCR Docket # 07052038

Dear Dr. León:

On May 2, 2005, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above referenced complaint against the Missouri Southern State University (University), Joplin, Missouri, alleging discrimination on the basis of sex. OCR has completed its investigation and this letter reports our findings.

The complaint alleged that the University subjected the complainant to a sexually hostile environment when an instructor: 1) asked the complainant if she was wearing a sports bra, 2) laughed at her and made a joke about her breasts, and 3) asked another student if he was staring at her buttocks.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972, 20 United States Code § 1681, and its implementing regulation, 34 Code of Federal Regulations 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 (FFA). Since the University receives FFA from the Department, it is subject to Title IX.

OCR's investigation of this complaint carefully considered all information the complainant and University provided. Based on the reasons stated in this letter, OCR has determined there is insufficient evidence to substantiate the complainant's allegations. OCR has determined the University has not violated Title IX and its implementing regulation.

During a telephone conversation with a member of OCR staff, the complainant provided the name of a witness she believed would corroborate her allegations. OCR attempted to contact the witness but was unsuccessful. The complainant was unable to provide any

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alternate contact information for this individual. She provided contact information for a second witness she believed would corroborate her allegations. OCR contacted the witness and he stated while the instructor may have inquired about whether the complainant was wearing a sports bra, the witness did not deem the comments to be sexual in nature because it was a requirement for all females to wear a sports bra during physical training. The witness also stated he never heard the instructor say anything sexually inappropriate to any students.

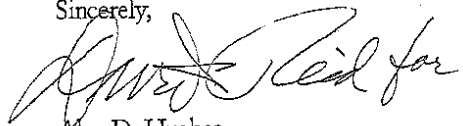
OCR contacted the University and obtained a list of students who attended the University's Police Academy with the complainant. OCR conducted interviews with six students regarding the complainant's allegations. All six students indicated the instructor informed female students of the requirement to wear a sports bra to prevent injuries during physical training. The information OCR obtained showed the instructor behaved professionally when he instructed female students about the necessity of wearing a sports bra during training. No information OCR obtained indicated anything sexually inappropriate occurred when the instructor discussed clothing requirements with the students. The students OCR interviewed also indicated they never heard the instructor say anything sexually inappropriate to students at any time.

In addition, OCR contacted the University and requested information and its position regarding the allegations. Statements concerning the allegations were obtained from the instructor and other University staff. The information OCR obtained from the University does not indicate the complainant was subjected to a sexually hostile environment during the time she was enrolled in the Police Academy. The information indicates comments made during class about female clothing were made only to ensure students were wearing appropriate apparel during training.

Upon review of all information obtained during our investigation, OCR has determined insufficient evidence exists to substantiate the complainant's allegations the University discriminated against her on the basis of sex. Accordingly, OCR is closing the complaint effective the date of this letter.

OCR is committed to prompt and effective service. If you have any questions, please contact Gaye V. Martin, Equal Opportunity Specialist, at (816) 268-0568 or 1-800-437-0833 (telecommunication device for the deaf) or by e-mail at Gaye.Martin@ed.gov.

Sincerely,



Alan D. Hughes
Supervisory Attorney