



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS - REGION VII

JUL 27 2005

(b)(7)(C)

Re: OCR Docket # 07052038

Dear (b)(7)(C)

On May 2, 2005, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint filed 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.

Your complaint alleged the District subjected you to a sexually hostile environment when an instructor in the University's Police Academy: 1) asked if you were wearing a sports bra, 2) laughed at you and made a joke about your breasts, and 3) asked another student if he was staring at your 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 your complaint carefully considered all information you and the University provided. Based on the reasons stated in this letter, OCR has determined there is insufficient evidence to substantiate your allegations. OCR has determined the University has not violated Title IX and its implementing regulation.

During a telephone conversation with a member of my staff, you provided the name of a witness that you believed would corroborate your allegations. OCR attempted to contact the witness but was unsuccessful. You were unable to provide any alternate contact information for this individual. You provided contact information for a second witness you believed would corroborate your allegations. OCR contacted the witness and he stated while the instructor may have inquired about whether you were 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.

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OCR contacted the University and obtained a list of students who attended the University's Police Academy with you. OCR conducted interviews with six of your fellow students regarding your 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 their position regarding your allegations. Statements concerning your allegations were obtained from the instructor and other University staff. The information OCR obtained from the University does not indicate you were subjected to a sexually hostile environment during the time you were 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 your allegations the University discriminated against you on the basis of sex. Accordingly, OCR is closing your complaint effective the date of this letter.

OCR is committed to a high quality resolution of every case. If you have any questions or concerns about OCR's case determination, you may contact Gaye V. Martin, Equal Opportunity Specialist, at (816) 268-0568, 1-800-437-0833 (telecommunication device for the deaf) or by email at [Gaye.Martin@ed.gov](mailto:Gaye.Martin@ed.gov). If you still have concerns, you may send a request for reconsideration to the Office Director within 60 days of the date of this letter. Contacting Ms. Martin neither stops the running of the 60-day timeline for filing a request for reconsideration, nor is it a prerequisite to filing a request for reconsideration with the Office Director. If you choose to request reconsideration, please be as specific as possible, focusing on factual or legal concerns that could change the disposition of the case.

Sincerely,



Alan D. Hughes  
Supervisory Attorney