

DEPARTMENT OF EDUCATION

NOV 2 2000

Dr. Elizabeth Hofman
 President
 University of Colorado – Boulder
 914 Broadway, Campus Box 35
 Boulder, Colorado 80309

Re: University of Colorado at Boulder
 Case Number 080912004

Dear President Hofman:

On October 12, 2000, the U.S. Department of Education, Office for Civil Rights (OCR) received a complaint filed against the University of Colorado-Boulder (University). The complainant alleged that the University discriminated against her on the basis of sex (female). Specifically, the complainant alleged that a professor subjected her to sexual harassment. She also alleged that the University does not have adequate procedures for resolving sexual harassment grievances in a prompt and timely manner.

The complaint was filed pursuant to Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities that receive Federal financial assistance from the U.S. Department of Education.

Subsequent to the filing of this complaint, the University agreed to resolve the allegations the complainant raised by entering into an agreement with OCR. This Commitment to Resolve (CTR), which is enclosed, specifies the actions to be taken by the University. These actions, when completed, will address the regulatory scope of the allegations.

Therefore, effective the date of this letter, this case is being closed subject to the successful completion of the CTR, which will be monitored by OCR. If the University fails to implement the CTR, OCR will immediately reopen the case and resume the investigation. This letter addresses only the issues discussed and should not be interpreted as a determination of the University's compliance with

Title IX, in any other respect.

FILE
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EOS	Spaulding	11/7/01						
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Individuals filing a complaint, participating in an investigation or attempting to secure rights provided by Title IX are protected against harassment, retaliation, or intimidation under 34 C.F.R. Section 106.71, as it incorporates 34 C.F.R. Section 100.7(e). Under the Freedom of Information Act, it may become necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personal information, which, if released would constitute an unwarranted invasion of privacy.

We appreciate the courtesy and cooperation afforded to us by your staff, particularly Counsel Elvira Strehle-Henson, in resolving this matter. If you have any questions, please contact Judge Spaulding at (303) 844-4573, or me at (303) 844-4506.

Respectfully,

L. Thomas Close
Supervisory Team Leader

Enclosure

cc: Elvira Strehle-Henson
Senior Assistant University Counsel



University of Colorado at Boulder

Office of the Provost and Executive Vice Chancellor for Academic Affairs

305 Regent Administrative Center

49 UCB

Boulder, Colorado 80309-0046

303-492-6527

COMMITMENT TO RESOLVE
University of Colorado at Boulder
Case Number 08012004

The U.S. Department of Education, Office for Civil Rights (OCR) received a complaint alleging that the University of Colorado at Boulder (University) discriminated against the complainant on the basis of sex (female) in violation of Title IX of the Education Amendments of 1972 (Title IX). Specifically, the complainant alleged that 1) she was subjected to sexual harassment by a professor; and 2) the University does not have adequate procedures for resolving sexual harassment grievances in a prompt and timely manner.

The University submits this Commitment to Resolve (Commitment) to voluntarily resolve the complaint allegations and corollary compliance issues with the understanding that this Commitment is not a finding of violation or noncompliance by OCR. The University agrees to take the following steps:

1. Refund tuition paid by the complainant for her fall 1999 Composition course.
2. Expunge the complainant's final grade awarded for her fall 1999 Composition class.
3. Accommodate the complainant's course schedule to ensure she is not enrolled in classes taught by Professor Luis Gonzalez (Professor).
4. Reevaluate all information and data collected in the course of the University's investigation of the complainant's sexual harassment complaint considering OCR's sexual harassment guidance (*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, January 2001*).

Specifically, the University will consider all relevant factors surrounding the alleged harassment, including but not limited to the following:

- (a) The degree to which the conduct affected one or more student's education;

* (OCR's *Revised Sexual Harassment Guidance* is available at <http://www.ed.gov/ocr/shguide/index.html>).

- (b) The type, frequency, and duration of the conduct;
 - (c) The identity of and relationship between the alleged harasser and the subject or subjects of the harassment;
 - (d) The number of individuals involved;
 - (e) The age and sex of the alleged harasser and the subjects of the harassment;
 - (f) The size of the school/university, location of the incidents, and context in which they occurred;
 - (g) Other incidents at the school/university; and
 - (h) Incidents of gender-based, but non-sexual harassment.
5. After reevaluating the investigative information considering the above-referenced factors, determine whether the Professor's behavior, under the totality of the circumstances, resulted in a sexually hostile environment for the complainant or other students.

If a hostile environment resulted from the Professor's behavior for the complainant or other students:

- (a) Take prompt and effective corrective action that is reasonably calculated to stop the harassment and prevent its recurrence, including corrective action taken specifically directed at addressing the Professor's harassing behavior(s).
 - (b) Take appropriate remedial action for the complainant and other music students subjected to a sexually hostile environment.
6. To the extent that it does not conflict with applicable federal statutory, regulatory and case law, the University's Office of Sexual Harassment will implement OCR's policy guidance in evaluating student complaints of sexual harassment.
7. Provide mandatory sexual harassment awareness training to all Music Department faculty, staff, and administrators. This training will also include a review of the University's sexual harassment policies and procedures.

Documentation indicating when the training was provided, by whom training

was provided, the specific topics covered and persons in attendance shall be provided to OCR.

By January 30, 2002, the University will submit its initial report, documenting implementation of all the above provisions. OCR may request additional reports and documentation until the Institute demonstrates full compliance with this commitment.

Chris P. Stephens
For: The University of Colorado

11/01/01
Date:

Approved as to Legal Sufficiency
Office of University Counsel

By [Signature]

Date 11/01/01