



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, California 94102

CD # Chron. File	
Originator's Copy	
Other:	

December 8, 1999

Ms. Maria Soria-Gomes
25611 Frost Lane
Stevenson Ranch, California 91381

(In reply, please refer to Docket Number 09-99-2122.)

Dear Ms. Soria-Gomes:

On April 13, 1999, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint against Los Angeles Pierce College (College). You stated that the College discriminated against you based on sex. OCR understands these statements to raise the following allegations. You stated that your Spanish teacher, Mr. Rudy Dompe (hereinafter teacher), had sexually harassed you while you attended his class during the fall 1997 semester. In addition, you claimed that the College failed to timely and appropriately respond to your complaint about the sexual harassment.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation. Title IX prohibits discrimination on the basis of sex in education programs and activities operated by recipients of Federal financial assistance. The College receives funds from the Department and is subject to Title IX and the regulation.

OCR investigated this complaint by speaking with you and representatives from the College. OCR also reviewed documents provided by both you and the College. Based on a review of this information, OCR concluded that there is insufficient evidence to establish that you were sexually harassed pursuant to Title IX. OCR did have concerns, however, about the timeliness of the College's response to your complaint.

Under Title IX, there are two forms of sexual harassment: quid pro quo and hostile environment sexual harassment. Quid pro quo sexual harassment occurs when a school employee explicitly or implicitly conditions a student's participation in an educational program or school activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or

other verbal or physical conduct of a sexual nature. Hostile environment sexual harassment consists of sexually harassing conduct by an employee, student, or other party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment. Sexually harassing conduct includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

OCR determined that you were enrolled in the teacher's Spanish class during the fall 1997 semester. After the semester ended, you initiated a consensual sexual relationship with the teacher when you were no longer his student. The relationship subsequently ended in July 1998.

In the complaint with OCR, you alleged that while in his class the teacher had 1) stroked your arm in a flirtatious manner; 2) stated to one of his colleagues that you were his favorite student; 3) touched your face and told you to go home and have a glass of wine after you told him that you did poorly on a test; 4) initiated personal relationships with other students and counseling clients; 5) applied different grading standards to students in the same class; and 6) sabotaged your therapy.

OCR has determined that the incidents alleged by you do not constitute either "quid pro quo" harassment or hostile environment sexual harassment. OCR was unable to establish that the teacher subjected you to any educational adverse actions or threats of any adverse action for not submitting to his alleged conduct in these incidents. OCR was unable to conclude that the teacher applied different grading standards to students in the same class. OCR also determined that the incidents alleged were not sufficiently severe, pervasive or persistent enough to create a hostile or offensive educational environment. Additionally, although you engaged in a sexual relationship with the teacher, that relationship was, by your own admission, consensual and occurred after you were no longer in the teacher's class.

For the reasons stated above, OCR has concluded that the teacher's conduct towards you while you were in his class did not constitute sexual harassment. However, OCR did determine that the College did not respond to your complaint in a timely manner. The College's sexual harassment grievance procedures provide that the college will respond to a complaint within ninety days. You filed a formal complaint with the College's Title IX Coordinator on December 5, 1998. On March 18, 1999, you agreed to an extension of time until March 31, 1999. However, you did not receive a formal response to your complaint until October 7, 1999.

OCR determined that the main source of the delay in the processing of your complaint was the lack of resources contributed by the College to ensure the College's compliance with Title IX. In discussions with OCR, the Title IX Coordinator indicated that he spent 70% of his time attending duties others than those necessary for Title IX compliance. To address this concern, the College provided OCR with a letter of commitment indicating that it is committed to timely investigation and resolution of complaints and demonstrating how the College will diligently ensure compliance with Title IX in all future matters. As of November 5, 1999, the College has hired additional staff to reduce the responsibilities and the duties of the Title IX Coordinator, ensuring that he will have adequate time to perform his duties and responsibilities as Title IX Coordinator.

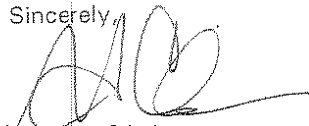
Therefore, due to the lack of evidence to support the allegations of sexual harassment in the complaint and the commitment of the College to ensure compliance with Title IX, OCR is closing this complaint as of the date of this letter.

OCR routinely advises recipients of Federal funds and public educational entities that Federal regulations prohibit intimidation, harassment or retaliation against those filing complaints with OCR and those participating in the complaint resolution process. Complainants and participants who feel that such actions have occurred may file a separate complaint with OCR.

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

If you have any questions, please contact Mrs. Danette Ng, Equal Opportunity Specialist at (415) 556-4237.

Sincerely,



Adriana Cárdenas
Team Leader