



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
WESTERN DIVISION, SEATTLE OFFICE

Henry M. Jackson Federal Building  
915 Second Avenue, Room 3310  
Seattle, Washington 98174-1099

April 17, 2002

Mr. Greg Ogdahl  
President  
Western Culinary Institute  
1201 SW 12<sup>th</sup> Avenue, Suite 100  
Portland, Oregon 97205

Re: Western Culinary Institute  
OCR Reference No. 10022010

Dear Mr. Ogdahl:

The Office for Civil Rights (OCR) has completed its investigation of the above-referenced complaint against Western Culinary Institute. The allegation we accepted for investigation was that on or about June 1, 2001, administrators at Western Culinary Institute (Institute) failed to take any action to respond to a student's complaint of sex discrimination by male faculty.

OCR conducted an investigation under the authority of title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in programs and activities receiving federal financial assistance from the U.S. Department of Education. The issue investigated was whether the Institute discriminated against a student by failing to promptly address and resolve, in accordance with Title IX, the student's complaint of discrimination on the basis of sex in June 2001.

OCR has determined that the findings in the investigation support a conclusion that the Institute did not violate Title IX with respect to the issue investigated. The findings of fact and conclusions set forth below are based on a review and analysis of information submitted by the student, her attorney, and the Institute.

Findings of Fact

1. The student was enrolled in the Institute from October 2000 to approximately June 6, 2001.
2. The Institute has a grievance procedure to address concerns regarding sex harassment and discrimination. This procedure is included in a form titled

“Positive School Environment,” which all students must sign upon enrollment and which the student signed on October 3, 2000. The procedure directs students to take the following actions to address harassment: (1) communicate to the individual to stop the unwelcome behavior; (2) report the harassment to a faculty member or administrator; (3) file an incident report using the form provided by the office; and (4) contact the dean, director of operations, or the school president as soon as possible.

3. On approximately June 6, 2001, the student verbally complained to an admissions representative at the Institute that she felt the culinary field was biased toward men. During that conversation, she also stated that she wanted to talk with someone about dropping out of the program. The admissions representative asked the student to provide specific incidents of sexism that concerned the student, but the student offered no specific instances. The representative told the student that the Institute’s director of student management would contact her in an effort to address her concerns.
4. Records maintained by the Institute showed that the Institute’s director of student management and the registrar unsuccessfully attempted to contact the student at her home phone on June 6, 7, and 11, 2001.
5. On June 14, 2001, the Institute’s culinary chair spoke with the student by telephone in an attempt to address her concerns about the program. The chair requested that the student come to school the next day to discuss her concerns with him. The student replied that she would come to school to discuss the matter, but she did not keep this appointment. The Institute did not receive any further communication from the student until it received a letter dated June 18, 2001, from the student’s attorney.
6. In the June 18, 2001, letter to the Institute, the student’s attorney stated that the student had been subjected to “an atmosphere which is hostile and demeaning to women” and forced to withdraw. The letter alleged that the Institute had taken no action to correct this matter and requested a full refund of her \$20,000 tuition. The attorney’s letter did not provide any information regarding specific incidents of discrimination, and did not propose a remedy other than a full refund of tuition.
7. In a letter to the student’s attorney dated June 28, 2001, the Institute’s president described the actions it had taken in response to the student’s verbal complaint to the Institute on June 6, 2001, and to the letter from the student’s attorney dated June 18, 2001. In this letter, the president described several unsuccessful attempts to contact the student to obtain specific details regarding the allegations and the Institute’s efforts to investigate her general allegations despite the lack of specific information, including making inquiries with relevant staff about the student’s

concerns and comparing grades of male and female students. These inquiries did not reveal any evidence of different treatment based on gender. The president's letter invited the student to meet with him to discuss her specific experiences related to male favoritism or sexism. The letter also stated that the student's withdrawal was being processed and that she would receive a partial refund of \$7,811 based on her last date of attendance (June 5, 2001).

8. Neither the student nor her attorney contacted the Institute to provide additional information regarding alleged acts of discrimination following the Institute's letter of June 28, 2001.
9. By letter dated July 3, 2001, the student's attorney responded to the Institute's letter by stating that a request was being made for a full refund of the \$20,000 tuition, rather than the partial refund previously granted. The attorney's letter did not make any reference to the Institute's response to the student's complaint of discrimination other than expressing dissatisfaction about the refund amount.
10. When OCR asked the student for information to support her allegation that the Institute did not take action to respond to the concerns raised in her attorney's June 18, 2001 letter, the student could not describe any specific incidents of alleged discrimination that were provided to the Institute and which were not addressed in the June 28<sup>th</sup> letter to her attorney from the Institute.
11. The evidence did not establish that the student or her attorney provided the Institute with any specific examples of discrimination for the Institute to take action on. The evidence also did not establish that the student or her attorney attempted to provide the Institute specific information about their concerns despite several requests from the Institute for this information.

#### Analysis and Conclusion

The issue investigated was whether the Institute discriminated against the student by failing to promptly address and resolve, in accordance with Title IX, the student's complaint of discrimination on the basis of sex in June 2001. The regulation implementing Title IX at 34 CFR 106.8 (b) provides that a recipient shall adopt and publish grievance procedures providing for the prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

OCR found that following the student's oral allegations of bias against women and sexism in June 2001, the Institute promptly contacted the student and her attorney to request information about specific discriminatory actions necessary to undertake a full investigation. Although neither the student or her attorney provided information

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about specific discriminatory actions, the Institute made an effort to conduct an inquiry about the student's general concerns.

Because the evidence did not establish that the institute failed to promptly and appropriately respond to the student's discrimination complaint, OCR concludes that the Institute is in compliance with Title IX with respect to the issue investigated.

This letter is not intended, nor should it be construed to cover, any other issues regarding compliance with Title IX that may exist and that are not discussed in this letter.

This concludes our handling of this case. If you have any questions regarding this letter, please contact Constance Denson-Hamilton, equal opportunity specialist, at (206) 220-7914.

Sincerely,



Gary D. Jackson  
Director, Seattle Office  
Western Division

cc: Adam S. Rittenberg, Attorney