



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
WESTERN DIVISION, SEATTLE OFFICE

November 22, 2006

Ms. Sharon Miller
Dean of Students
Las Vegas College
170 N Stephanie Street, Suite 145
Henderson, Nevada 89074

Re: Las Vegas College
OCR Reference No. 10062074

Dear Ms. Miller:

The Office for Civil Rights (OCR) has completed its investigation of the above-referenced complaint against Las Vegas College (college). The complaint alleged that the college discriminated against a student on the basis of sex in violation of title IX of the Education Amendments of 1972. Specifically, the complaint alleged that during the 2005-2006 academic year, a student in the college's Massage Therapy Program was subjected to repeated acts of harassment on the basis of sex by her instructor. The complaint also alleged that the student notified the college of the harassment and that the college failed to take appropriate action to prevent it from reoccurring. In addition, the complaint alleges that the college has not adopted and published grievance procedures for the resolution of complaints regarding possible failures to comply with Title IX.

OCR is responsible for enforcing Title IX and its implementing regulation, 34 CFR 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. As a recipient of federal financial assistance from the U.S. Department of Education, the college is subject to this law.

Based on information from the student and the college, we have determined that the college currently is in compliance with Title IX relative to the allegations in the complaint. Our findings and conclusions on both issues are discussed more fully below.

Findings of Fact

1. The college is located in Henderson, Nevada, and is operated by Corinthian Colleges, Inc. Corinthian Colleges operates 97 colleges in 25 states, as well as colleges in Canada.
2. The college's Massage Therapy Program consists of 9 modules, with each module encompassing a different course of study. The modules include courses such as Business and

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Ethics; Practice & Mechanisms of Health & Disease; Pre-Natal, Post-Natal and Infant; Elder/Geriatric Massage; Myofascial Release; and Clinical/Sports Massage.

3. The student in question enrolled in the college's Massage Therapy Program in December 2005. On December 21, 2005, the student acknowledged in writing that she received a copy of the college's catalog.
4. The college's Title IX grievance procedures appear on page 2 of the college's catalog. The procedures state, in part, that the college does not discriminate on the basis of sex in its admission to or treatment in its programs and activities and that all Title IX inquiries or complaints should be directed to the college president, who is identified as the Title IX coordinator. The grievance procedures state that the college president must act equitably and promptly to resolve complaints and should provide a response within several working days. The procedures also state that students who feel that the complaint has not been adequately addressed should contact the Student Help Line, a toll-free number that connects to student support personnel in Corinthian Colleges' corporate offices.
5. The college has posted the "Student Help Line" toll-free telephone number on posters at various locations around the Campus.
6. The student submitted a written complaint to the college's academic dean on July 11, 2006, alleging that her massage instructor made inappropriate comments of a sexual nature to her. It is the student's position that the dean was rude and reluctant to accept the complaint.
7. The same day, on July 11, 2006, the complainant, the college's academic dean, the chair of the Massage Therapy Program, and the massage therapy instructor who was the focus of the allegations met to discuss the student's concerns. The massage instructor denied making the comments. The evidence did not establish that the academic dean took any action as a result of the student's complaint.
8. Because the student felt that the college failed to take appropriate action in response to her complaint, she contacted the Student Help Line the next day, on July 12, 2006, and again reported her allegations of sexual harassment.
9. Immediately upon receiving the student's call to the Student Help Line, the dean of student services for Corinthian Colleges instructed the college president to meet with the student within 24 hours regarding her allegations of sexual harassment.
10. On July 13, 2006, the college president interviewed the massage program instructor. The instructor admitted making an inappropriate comment to the student. The college president counseled the instructor not to make any such comments to students in the future.

11. On July 13, 2006, the college president also met with the student regarding her complaint and asked the student if the instructor had made any other comments. The student stated that none had occurred.
12. Beginning on approximately July 13, 2006, the college president began making regular unannounced visits to the massage therapy classroom to observe the instructor's interaction with his students. The president spoke with students attending the instructor's class inquiring about the instructor's behavior. The college president also implemented ongoing "Customer Satisfaction Surveys" in the instructor's class for students to report concerns or comments about the instructor. The college appointed another instructor to be present in the classroom during the student's evaluations. The college president continued to be the student's contact to address concerns and receive any further allegations of inappropriate comments by the instructor.
13. On July 17, 2006, the college president appointed a female instructor to help teach the student's class.
14. On August 21, 2006, the program chair met with the student and asked if the student had any further concerns regarding the instructor. The student did not report any further incidents of harassment by the instructor.
15. The student graduated from the college on September 22, 2006.
16. There have been no further reports of inappropriate conduct of a sexual nature by the instructor.

Conclusions

OCR investigated whether the college adopted and published grievance procedures providing for the resolution of student complaints alleging sex discrimination prohibited by Title IX. The regulation adopted to implement Title IX, at 34 CFR 106.8(b), requires recipients of financial funding from the Department to adopt and publish grievance procedures that provide for prompt and equitable resolution of complaints alleging sex discrimination.

OCR also investigated whether the college discriminated against the student, on the basis of sex, when an instructor subjected the student to sexual harassment. Sexual harassment is defined as unwelcome conduct of a sexual nature. Sexual harassment is prohibited by Title IX if it is sufficiently severe, persistent or pervasive that it denies or limits a student's ability to participate in or benefit from the recipient's education program based on sex.

OCR found in this case that the college has adopted Title IX grievance procedures, that it has published information about the procedures in the college catalog, and that the student was provided a copy of that publication. OCR found that the college has placed posters around campus with the phone number of its student help line that receives Title IX complaints. The

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student used the college's Title IX procedures and, in response, the college took prompt and appropriate action with the result that there was no recurrence of the instructor's conduct about which the student complained. Because the college has adopted and published a Title IX grievance procedure that the student used and because the college took prompt and effective steps to address the concerns raised by the student, we have determined that the college acted in a manner that was in compliance with Title IX with respect to this issue.

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

I wish to thank you and the college staff for the cooperation extended to my staff during this investigation. We are closing this case as of the date of this letter. If you have any questions regarding this letter, please call Mike Shapiro, special projects coordinator, at (206) 220-7937.

Sincerely,



Gary D. Jackson
Director, Seattle Office
Western Division

cc: Andrew E. Ainsworth, General Counsel
Corinthian Colleges