

**U.S. DEPARTMENT OF EDUCATION**

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OFFICE FOR CIVIL RIGHTS
SOUTHERN DIVISION

DISTRICT OF COLUMBIA OFFICE
District of Columbia, Virginia, North Carolina

Delivered by Fax and Surface Mail

October 16, 2003

Ms. Jane E. Genster
Vice President and General Counsel
Room 202, Healy Hall
Georgetown University
Washington, D.C. 20057


Re: OCR Complaint No. 11-03-2017

Dear Ms. Genster:

In the course of OCR's review of the subject complaint, OCR discovered that Georgetown University applies a "clear and convincing" evidentiary standard to certain types of allegations of sexual harassment. You have indicated that the University intends to revise this standard, but have asked for a letter from our office regarding this matter. This is to confirm our discussions of July 25, 2003, and more recently September 24, during which we explained that federal courts, and therefore OCR, use a preponderance of the evidence standard in resolving allegations of discrimination under all of our statutes, including Title IX. Thus, in order for a recipient's sexual harassment grievance procedures to be consistent with Title IX standards, the recipient must draw conclusions about whether particular conduct rises to the level of sexual harassment using a preponderance of the evidence standard. (See attached Evergreen resolution letter and agreement.)

If you have any further questions about this letter, please feel free to contact me at 202 208 1669.

Sincerely,


Howard Kallem
Chief Attorney
D.C. Enforcement Office

Attachment