



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
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AUG 9 2004

Reverend Michael J. Garanzini, S.J.
Office of the President
Loyola University
820 N. Michigan Avenue
Chicago, Illinois 60611-2196

Re: 05042051

Dear President Garanzini:

On February 26, 2004, the U.S. Department of Education, Office for Civil Rights (OCR), received the above-referenced complaint filed against Loyola University (University). In this matter, the Complainant alleged that University officials failed to respond in a prompt and equitable manner to complaints of discrimination made in fall 2003, including a complaint contained in an email the Complainant submitted to Loyola officials on or about November 29, 2003.

OCR enforces Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which prohibit discrimination based on sex and retaliation. As a recipient of Federal financial assistance from the U. S. Department of Education, the University is subject to the provisions of Title IX. Accordingly, OCR has jurisdiction over the complaint.

During the course of its investigation of the complaint, OCR carefully reviewed documents received from the University and the Complainant, and interviewed the Complainant and an administrator from the University. Based on these sources, OCR has concluded that the evidence is insufficient to support the allegation in the complaint. The basis for OCR's conclusion appears below.

Background

The University offers graduate programs in many areas. Students in these programs can receive professional degrees such as an MBA or J.D. or they can obtain a Master of Science, Master of Arts, or a Ph. D.

Our mission is to ensure equal access to education and promote educational excellence throughout the nation.

The Complainant entered the University in 1996 as a candidate for a Doctor of Philosophy degree within the English Department's Anglo-Saxon studies program. She successfully completed her comprehensive examinations in 2001. She is currently, and at times relevant to this complaint, at the "A.B.D." (all but dissertation) stage of her academic pursuits at the University as she is presently writing her dissertation.

The University's Student Handbook states that it is a violation of university policy to harass, discriminate against, or abuse any person on the basis of his or her race, color, national origin, gender, sexual orientation, disability, religion or any other characteristic protected by applicable law. The Handbook defines discrimination, abuse, and harassment.

The Handbook also contains procedures to be utilized when students, faculty, and staff make complaints dealing with discrimination, harassment, or abuse. The procedures specify that when a complaint is brought against a faculty member the charging party must "advise the academic Chairperson, Dean, or the Dean's designate where the faculty member's appointment resides or is teaching." The procedures provide that when a complaint is initiated, it is important that the matters be handled quickly and sensitively.

On November 29, 2003, the Complainant sent an email to the Associate Dean, with copies sent to the Chair of the English Department and another administrator, asking the Associate Dean to intervene "in a question of academic fairness." The Complainant raised the following concerns in her email:

- Her dissertation advisor's alleged steadfast refusal to meet with her to discuss her dissertation.
- That a derisive, written comment by a member of her dissertation committee was a "further violation of the university's policy on 'harassment, discrimination, and abuse,' as defined in the Loyola Student Handbook."
- The need for the Associate Dean to issue a clear statement on academic fairness that safeguards student rights, and "to make every conceivable effort to guarantee fair treatment to each and every student at this school, including women of every race, national origin, sexual orientation, disability, religion, color, ability, and age."

On December 2, 2003, three days after receiving the Complainant's November 29 email, the Associate Dean responded by email to the Complainant along with two individuals to whom she sent copies of her email. The Associate Dean, in the response, stated that his review of the Complainant's email, including its attachments, did not reveal a violation of Graduate School policies or procedures or that any "unreasonable" actions had been taken. He also advised the Complainant that the

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University already had “a clear statement on fair and appropriate treatment of students,” which he said appears in the Handbook.

OCR's review revealed that the Complainant did not appeal the Associate Dean's December 2nd response.

Analysis and Conclusion

The Title IX regulation, at 34 C.F.R. 106.8(b), states that recipients must adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by Title IX.

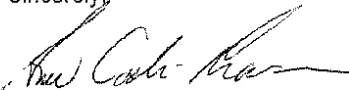
OCR determined that the Complainant's November 29, 2003, email raised general concerns about difficulties she had with her dissertation advisor and a specific concern about an alleged discriminatory comment by a member of her dissertation committee.

The University promptly responded to the Complainant when the Associate Dean informed her that there were no violations of University policy and that no unreasonable actions had been taken against the Complainant. The Complainant did not reply or challenge the Associate Dean's response, did not seek further internal redress, and did not appeal the Associate Dean's determination.

Based upon the foregoing, OCR has determined that there is insufficient evidence to conclude that Loyola failed to promptly and equitably address the Complainant's grievance as required by the Title IX implementing regulation. Accordingly, OCR is closing this case effective the date of this letter.

OCR would like to thank you and your staff, especially Ms. Paula DeAngelo, Counsel, for the cooperation extended to OCR. If you have questions about this letter, do not hesitate to call me at 312-886-1800 or Mark Erickson of my staff at 312-886-8415.

Sincerely,



Ann Cook-Graver
Acting Compliance Director

cc: Ms. Paula DeAngelo